POST COMMISSION SERIOUS MISCONDUCT HEARING

June 4, 2026
AGENDA
9:00 AM

Meeting Location: Commission on POST - 860 Stillwater Road, West Sacramento, CA 95605

The Commission on Peace Officer Standards and Training (Commission) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Commission publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Commission Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Commission's jurisdiction. The Commission cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Members of the public who wish to participate during public comment may do so in person by attending the meeting or by submitting written public comment.

Written public comments are intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comments will not be accepted or distributed to the Commission. To be considered for inclusion in the meeting record, written comments must be received by POST no later than 10 a.m. on the fourth business day (5/29/26) before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to commissionpc@post.ca.gov.

Persons requesting disability-related accommodations or modifications may do so by contacting the Commission assistant at (916) 227-3909 (voice), commissionpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations.

Please note: this meeting and all public meetings will be recorded. No weapons are allowed on the premises during public meetings.

CALL TO ORDER AND WELCOME

COMMISSION MEMBERS

Alan Barcelona
Ingrid Braun
Rick Braziel - Vice Chair
Jim Cooper
Justin Doering
Charles Duggan
P. Lamont Ewell
Kelly Gordon
Jacob Johnson
Geoff Long - Chair
Michael Moodian
Shannan Moon
Tina Nieto
Freddie Rodriguez
Benjamin Therriault
Stephen Woolery - Ex-Officio
Vacant (Elected City Official)
Vacant (Sergeant or Below)

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTION OF POSAAB COUSEL AND POST EXECUTIVE DIRECTOR

The Commission Chair will introduce the POST Advisory Committee Chair, POST Legal Counsel, and the Executive Director.

PUBLIC COMMENT

The Commission Chair will advise the audience of the following:

This is the time on the agenda for public comment. This time is set aside for members of the public to comment on either items on the Commission agenda or issues not on the agenda but pertaining to POST Commission business. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak are asked to limit their remarks to no more than three minutes each. Please be advised the Commission cannot take action on items not on the agenda.

1. **CASE REVIEW OF RECOMMENDATIONS MADE BY THE PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD**

   The Commission will review the recommendations made by the Peace Officer Standards Accountability Advisory Board from the last Board Hearing held on April 15, 2026 in West Sacramento, CA.

   a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any

case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

2. **CLOSED SESSION**

The Commission will adjourn into closed session to deliberate on the cases presented today.

ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2311370 - JOSE ZAVALA (POST ID: C28-A48)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 06/04/2026	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY David Sieber	**REVIEWED BY** Christine Ford	
REPORT DATE 04/15/2026	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department on May 26, 2009. At the time of the captioned incident, the Respondent was a police officer with the Los Angeles Police Department, which is a peace officer position as defined under California Penal Code 830.1(a) and is required to be certified pursuant to California Penal Code 13510.1(a). As of the date of this hearing, Respondent remains employed by the Los Angeles Police Department as a police officer.

On December 18, 2021, the Victim walked out of his residence holding a kitchen knife, reportedly threatened members of the community, and then sat idle on the steps of a neighboring residence while holding the knife to his neck. Officers assigned to LAPD’s Newton Patrol Division (NPD) and Newton Gang

Enforcement Detail (GED) responded to the “attempt suicide” call for service within minutes and contained the Victim. The Respondent and his partner responded to the incident, established a perimeter position, and were designated by the on-scene incident commander as lethal cover officers.

After approximately 13 minutes of de-escalation efforts, the Victim stood up and took four slow steps forward and then stopped. This movement triggered LAPD’s deployment of a less-lethal projectile, which struck Victim in the hip. Nearly contemporaneously (.382 seconds after the less-lethal deployment), from a distance of approximately 25 feet and behind the cover of a police vehicle, Respondent fired three rounds from his service pistol, striking the Victim. Approximately .322 seconds after Respondent discharged his third round, Respondent's partner fired a single round from his service pistol. The Victim was detained but ultimately succumbed to the injuries sustained from the use of force.

LAPD’s Force Investigation Division (FID) investigated the Officer Involved Shooting and found that his actions were not objectively reasonable, proportional, or necessary. Ultimately, Respondent received a 10-day suspension with loss of pay and benefits. In July of 2025, the City of Los Angeles settled the resulting wrongful death suit filed by the Victim’s family in the U.S. District Court for the Central District of California and paid the family $8,000,000.

As of April 2026, the Los Angeles County District Attorney’s Office’s Justice System Integrity Division has not reached a charging decision and continues to review the incident with the assistance of an independent police oversight firm. Based on an analysis of the results of the LAPD FID and Complaint Investigations, recommendations of the Use of Force Review Board (UOFRB) and the Chief of Police, and a detailed review of multiple Body Worn Video (BWV) perspectives of the Officer Involved Shooting (OIS), the Division determined that the Respondent engaged in serious misconduct as defined in California Penal Code § 13510.8(b)(3) and Commission Regulation 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force.

Video Evidence Links:

- **BR14 POST2311370 Zavala Jose Attachment M Quintanella BWC**
- **BR15 POST2311370 Zavala Jose Attachment N Zavala BWC**
- **BR16 POST2311370 Zavala Jose Attachment O Officer 1 BWC**

ANALYSIS:

The Division determined there was clear and convincing evidence that Respondent engaged in serious misconduct as defined in California Penal Code § 13510.8(b)(3) and Commission Regulation 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force. This misconduct is evidenced by Respondent's discharge of three rounds at the Victim, who posed a danger only to himself and did not present an imminent threat to the Respondent or others. Respondent's actions demonstrated a disregard for public safety and were inconsistent with the duties and responsibilities of a peace officer. Accordingly, the Division finds that Respondent's conduct constitutes serious misconduct, warranting revocation or suspension of his POST peace officer certification. On April 15, 2026, POSAAB voted to decertify Respondent.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01_POST2311370_Zavala_Jose_ISF_Redacted.pdf
BR02_POST2311370_Zavala_Jose_Executive_Review_and_Division_Recommendation.pdf
BR03_POST2311370_Zavala_Jose_POSTProfile_Redacted.pdf
BR04_POST2311370_Zavala_Jose_Attachment_C_-_LAPD_Report_Redacted.pdf
BR05_POST2311370_Zavala_Jose_Attachment_D_-_COP_IntradeptMemo_Redacted.pdf

BR06_POST2311370_Zavala_Jose_Attachment_E_-_22-003418_LOT_Redacted.pdf
BR07_POST2311370_Zavala_Jose_Attachment_F_-_22-003757_LOT_Redacted.pdf
BR08_POST2311370_Zavala Jose_Attachment G - LA City Council_Motion to Settle_Redacted.pdf
BR09_POST2311370_Zavala_Jose_Attachment_H_-_Federal_Civil_Complaint_Redacted.pdf
BR10_POST2311370_Zavala_Jose_Attachment_I_-_Respondent_Interview_Transcript_Redacted.pdf
BR11_POST2311370_Zavala_Jose_Attachment_J_-_SME_Report_Redacted.pdf
BR11_POST2311370_Zavala_Jose_Attachment_K_-_LAPD_Edged_Weapons_Policy.pdf
BR13_POST2311370_Zavala_Jose_Attachment_L_-_LAPD_Use_of_Force_Policy_10.2020_to_08.2022.pdf
POST2311370_Zavala_Jose_April_2026_POSAAB_Agenda_Record.pdf
POST2311370_Zavala_Jose_Board_Recommendation_Signed.pdf
POST2311370_Zavala_Jose_Transcript_Board_04.15.2026.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Jose ZAVALA

POST ID NUMBER: C28-A48

EMPLOYING AGENCY: Los Angeles Police Department (LAPD)

POST CASE NUMBER: POST2311370

WRITTEN BY: LEC Dave Sieber

DATE: 2/12/2026

Contents

I. Executive Summary and Findings 3

II. Investigative Methodology 4

III. Respondent's Background 5

A. Respondent's Peace Officer Certificates and Employment 5

B. Respondent's Service Record 5

IV. Factual Background 10

V. Analysis and Findings 15

A. Does the alleged conduct violate Commission Regulation 1205(a)(3)? 15

B. Summary of Findings 19

VI. Supporting Evidence 20

I. Executive Summary and Findings[1]

On December 18, 2021, Victim, hereinafter Victim, walked out of his residence holding a kitchen knife,[2] threatened members of the community, and then sat idle on the steps of a neighboring residence while holding the knife to his neck. Officers assigned to LAPD's Newton Patrol Division (NPD) and Newton Gang Enforcement Detail (GED) responded to the "attempt suicide" call for service within minutes and contained Victim. Officer Jose ZAVALA, hereinafter Respondent,[3] and his partner, Officer Julio QUINTANILLA, responded to the incident, established a perimeter position to the west of Victim, and were designated by the on-scene incident commander, Sergeant, as lethal cover officers.

After approximately 13 minutes of de-escalation efforts, Victim stood up and took four slow steps forward and then stopped. This movement triggered LAPD's deployment of a less-lethal projectile, which struck Victim in the hip. Nearly contemporaneously (.382 seconds after the less-lethal deployment), from a distance of approximately 25 feet and behind the cover of a police vehicle, Respondent fired three rounds from his service pistol, striking Victim. Approximately .322 seconds after Respondent discharged his third round, QUINTANILLA, from a distance of approximately 28 feet and behind the cover of a police vehicle, fired a single round from his service pistol. Victim was detained but ultimately succumbed to the injuries sustained from the use of force.

LAPD's Force Investigation Division (FID) investigated the Officer Involved Shooting (OIS) and the results were conveyed to the LAPD Use of Force Review Board (UOFRB). The UOFRB was critical of Respondent's and QUINTANILLA's perception of an "immediate threat" and found that their actions were not objectively reasonable, proportional, or necessary. A subsequent Department-initiated Complaint Investigation reached a SUSTAINED finding of "Out of Policy – Administrative Disapproval" regarding Respondent's use of force. The incident was not referred to LAPD's Board of Rights (BOR), as the Chief of Police (COP) did not seek Respondent's and QUINTANILLA's termination. Ultimately, Respondent received a 10-day suspension and QUINTANILLA received a 5-day suspension with loss of pay and benefits.

Later, on February 3, 2023, the Victim's family filed a complaint, which initiated a second Complaint Investigation, alleging Respondent's and QUINTANILLA's excessive use of force. The investigation ultimately reached the finding of UNFOUNDED. In July of

[1] Attachment A (Executive Review and Division Recommendation).

[2] The first officer to arrive on scene described the knife as a *"big butcher knife type meat clever."* LAPD's FID Investigative report described the knife as a "meat clever" with a 6.5-inch blade and a 5.25-inch black plastic handle.

[3] Attachment B (Respondent's EDI Profile).

2025, Victim's family was awarded an $8,000,000 settlement, in connection with a wrongful death lawsuit in the U.S. District Court for the Central District of California.

As of November 2025, the Los Angeles County District Attorney's Office's (LADA's) Justice System Integrity Division (JSID) has not reached a charging decision and continues to review the incident with the assistance of independent police oversight firm, OIR Group.

Based on an analysis of the results of the LAPD FID and Complaint Investigations, recommendations of the UOFRB and COP, and a detailed review of multiple Body Worn Video (BWV) perspectives of the OIS, the Division assesses that Respondent engaged in serious misconduct as defined in California Penal Code section 13510.8(b)(3) and Commission Regulation 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force. The Division arrived at this assessment because Victim:

- was contained;
- posed a danger only to himself;
- did not pose an imminent threat to officers or others;
- did not possess a demeanor that was particularly threatening;
- was unresponsive to verbal and less-lethal force, signaling a potential mental or physical health condition, cognitive deficiency, or influence of a controlled substance.

Distance and cover were effectively utilized to create time, in conjunction with de-escalation measures; however, Respondent initiated deadly force before exhausting other less-lethal options.

II. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. The investigation was conducted in accordance with the regulations and policies of the Commission on Peace Officer Standards and Training (POST). The investigation included a detailed review of LAPD's FID, Complaint Investigations, BWV data and supporting documents, which included interviews of subject and witness officers.

The Division analyzed the information in this investigation using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. However, it does

contain reference to that evidence that the Division believes establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

III. Respondent's Background

A. Respondent's Peace Officer Certificates and Employment

The following table sets forth Respondent's employment history:

Dates	*Rank*	*Agency*
May 26, 2009	Trainee	Los Angeles Police Department
October 9, 2009	Police Officer	Los Angeles Police Department

Respondent is assigned POST ID C28-A48. He received the following peace officer certificate from POST:

Certificate Type	*Certificate Number*	*Date Issued*
Basic Certificate	143366	January 10, 2011

B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and Commission Regulation 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

California Penal Code section 13510.8(c)(5) provides that the Commission "shall consider the peace officer's prior conduct and service record, and any instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation."

Service Record
Respondent's employment with LAPD began on May 26, 2009, as a full-time Trainee. On October 9, 2009, Respondent was sworn in as a Peace Officer; however, his Peace Officer powers were not conveyed until November 6, 2009, when Respondent completed the Basic Course and was promoted to Police Officer. On January 10, 2011, Respondent received his Basic Course certification. Respondent continues to serve as an LAPD Police Officer today. Respondent does not have any prior law enforcement appointments in the State of California.

Relevant Training

Respondent's POST Electronic Data Interchange (EDI) profile indicates Respondent completed 58 courses prior to the captioned incident, including the following relevant topics:

Date	***Course Title***
October 26, 2021	Firearms/Tactical-Advanced
February 26, 2021	Mental Health Intervention
February 16, 2021	Less Lethal Munitions
December 2, 2020	Crowd Control
June 5, 2019	De-escalation & Tactical Communication
November 5, 2018	Firearms/Tactical-Advanced
May 20, 2018	Ballistic Shield Operator
August 22, 2016	Firearms/Tactical-Advanced
March 25, 2015	Tactical Communications
February 26, 2015	Firearms/Tactical Handgun

Prior Complaints/Discipline

Respondent is the subject of the following eight allegations of serious misconduct with POST:

POST Case ID	***Allegation***	***POST Status***	***Disposition***
POST2306779	Bias	POST (Priority 4) – No Further Action (NFA)	Complaint of racial profiling based on a vehicle stop from March 23, 2020. LAPD determined allegations were unfounded. POST determined the allegations were not actionable because the allegations did not rise to the level of serious misconduct and the reported incident occurred before January 1, 2022, and closed the matter

			with No Further Action. (See Pen. Code § 13510.8(g)(1)(A).)
POST2302633	Bias	POST (Priority 3) - NFA	Complaint of abuse of power and bias based on a traffic stop from January 6, 2021. LAPD investigated and determined that the complaint was unfounded. POST reviewed the LAPD Complaint Investigation and determined the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action. Additionally, the reported incident occurred before January 1, 2022, and therefore was not actionable by POST. (See Pen. Code § 13510.8(g)(1)(A).)
POST2502029	Abuse of Power/Use of Force	POST (Priority 3) – **CLOSED IN ERROR**	DUPLICATE of POST2502030
POST2502030	Abuse of Power/Use of Force	POST (Priority 3) – NFA	Complaint of abuse of power and excessive force from an incident on April 2, 2021, involving Respondent and several other officers. LAPD investigated and determined the complaint was unfounded with the exception of a single use of force by the Respondent. The LAPD determined the Respondent's use of a front kick during the arrest was excessive or unreasonable and rendered SUSTAINED. LAPD imposed a 5-day suspension on Respondent for this violation. POST reviewed the LAPD Complaint Investigation and assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.

POST2311370	Physical Abuse	POST (Priority 1) - **CAPTIONED MATTER**	On December 18, 2021, Respondent and his partner used lethal force, resulting in the death of Victim. LAPD's Complaint Investigation SUSTAINED allegations regarding the Use of Force. A second Complaint Investigation found the Officer's Use of Excessive Force UNFOUNDED. The LADA's JSID has not reached a charging decision in this matter. POST seeks to advance this matter to the POST Board and Commission.
POST2308738	Use of Force	POST (Priority 3) – NFA **CAPTIONED MATTER**	On December 13, 2022, a claim for civil damages, associated with POST2311370, was filed by Victim's ([redacted]) family. On June 26, 2025, POST closed the matter with No Further Action.
POST2504854	Abuse of Power	POST (Priority 4) - Unassigned	On March 27, 2024, the case of [redacted] *vs. City of Los Angeles, et al,* for an incident that occurred on December 18, 2019, was settled for $75,000. Clark alleged Officers abused their power. All allegations were determined to be UNFOUNDED. Five Officers, including Respondent, were dismissed from the lawsuit separately, prior to the settlement of the case between defendant City and plaintiff only. Additionally, the reported incident occurred before January 1, 2022, and therefore was not actionable by POST. (See Pen. Code § 13510.8(g)(1)(A).)
POST2407439	Bias	POST - Unassigned	On August 16, 2024, Complainant came to an LAPD station front lobby and interacted

			with Respondent. Complainant alleged Bias and believed Respondent favored "Mexicans" and "Latinos." As of November 12, 2025, LAPD has not completed the associated Complaint Investigation, and the allegation remains unassigned at POST.

POST closed both Bias allegations and the 2021 sustained Use of Force allegation with recommendations of “No Further Action.” The remaining four allegations represent duplicate or unassigned cases or are awaiting POST adjudication.

According to LAPD personnel records, Respondent was the subject of three prior LAPD Complaint Investigations involving:

- Use of profanity
- On-duty traffic collision
- 2015 On-duty Non-Categorical Use of Force (NCUOF). The NCUOF was found to be Out of Policy, resulting in a 15-day suspension. The following summary, based on a review of the LAPD Complaint Investigation and supporting documents, details the Respondent’s 2015 NCUOF incident:

On February 15, 2015, Respondent and his partner were assigned to LAPD’s Foothill Area Patrol when they responded to a radio call of “*Hot prowl suspect there now.”* Upon arrival, officers encountered Complainant, hereinafter CP, who was subsequently arrested for a misdemeanor warrant. CP was transported to the Van Nuys Jail. While at the jail, Respondent strip searched CP. During the search, Respondent asked to see a tattoo on CP's left calf. CP became irritated and refused. Respondent inquired again and CP suddenly and without warning punched Respondent on the right side of his jaw. In response, Respondent engaged in a NCUOF, striking CP eight times with his fists. Other officers in the booking area also responded.

CP received facial bruising and a laceration above his eye and was transported to the hospital for medical treatment. After treatment, officers exited the Emergency Room with CP and walked him to their patrol vehicle, at which point CP attempted to flee, resulting in a second NCUOF. As a result of the collective circumstances and complaint by witness Witness 1, LAPD initiated a Complaint Investigation on Respondent. The investigation resulted in the following allegations of misconduct:

- **ALLEGATION 1 -** The Department alleged on February 15, 2015, Respondent, while on-duty, used unauthorized force against CP during a NCUOF inside Van Nuys Jail - **SUSTAINED**

- **ALLEGATION 2 -** The Department alleged on February 15, 2015, Respondent, while on-duty, utilized tactics that substantially deviated from Department tactical training - **SUSTAINED**

- **ALLEGATION 3 –** Witness Complainant alleged on February 16, 2015, Respondent, while on-duty, inappropriately placed his foot on CP's head - **UNFOUNDED**

- **ALLEGATION 4 –** Witness Complainant alleged Respondent, while on-duty, inappropriately grabbed her identification card from her shirt - **NON-DISCIPLINARY**

- **ALLEGATION 5 –** Witness Complainant alleged Respondent, while on-duty, inappropriately sent a text message to a nurse to inquire about her next working day - **INSUFFICIENT EVIDENCE TO ADJUDICATE**

The Complaint Investigation found that Respondent's UOF was necessary and that his first two punches were within policy; however, the investigation found that Respondent let his emotions lead to excessive force when he followed up with punches three through eight. Ultimately, Respondent received a 15-day suspension with loss of pay and benefits.

In addition, to the 2015 out-of-policy NCUOF incident described above, Respondent was the subject of 24 other in-policy NCUOF incidents; one Categorical Use of Force, deemed in-policy; and 21 vehicle pursuits, two of which were deemed out-of-policy. Respondent was involved in two preventable traffic collisions.

IV. Factual Background

On December 18, 2021, at 1654 hours, Reporting Party 1 called Communications Division (CD) and reported that her brother, Victim (Victim),[4] walked out of their residence, located at Home Address, armed with a 6.5-inch kitchen knife. At approximately 1656 hours, an "Ambulance Attempt Suicide" radio call was generated for the Newton Patrol Division (NPD). According to Reporting Party 2, his son (Victim) had been drinking alcohol and using narcotics since he was 18

[4] Victim was a 22-year-old Hispanic male, 4'9" tall, weighing approximately 98 pounds. Victim's family claimed that Victim was going through a mental health crisis at the time of the incident.

years-old, causing what he described as *"an altered state of mind."* NPD Officers 1 and 2, along with Sergeant[5] responded "Code 3"[6] to the radio call. Newton Gang Detail (GED) Officers Jose ZAVALA (Respondent) and Julio QUINTANILLA responded "Code 2"[7] to the radio call.

At approximately 1654 hours, another bystander called CD reporting Victim was walking near Street 1 gazing at him angrily while swinging a knife in the air. At 1656 hours, RP 1 informed CD that Victim tried to hit someone and was going to attack a person with the knife. At 1657 hours, CD broadcast, "*additional on your attempt suicide,* Home Address*, the subject is now chasing people with the knife in front of* Home Address[8]

As Sergeant arrived on Street 2, a male and female directed Sergeant's attention to Victim. As Sergeant exited his patrol vehicle, Victim sat idle on the steps in front of the apartment building located at Incident Location, holding a knife in his right hand with the blade pressed against his neck. Sergeant attempted to communicate with Victim but failed to obtain compliance. At 1702:05 hours, Respondent and QUINTANILLA arrived and took positions to the west of Victim, behind their patrol vehicle doors, and unholstered their service pistols. QUINTANILLA gave commands to Victim to drop the knife and Respondent requested backup for a "*415 man with a knife*." Respondent also requested a rescue ambulance to stage near Street 2 and Street 1.

At 1702:22 hours, Officers 1 and 2 arrived on scene. In his role as OSC, Sergeant directed O-1 to retrieve his 40mm Less-Lethal Launcher (LLL). O-1 complied and took a position of cover behind the driver's side door, east of Sergeant's patrol vehicle. As depicted on Sergeant's BWV, at 1702:24 hours, Victim held the knife in front of his body at shoulder level, repeatedly moving the blade from side to side. Sergeant directed O-2 to take a position of cover behind the passenger side door, west of his patrol vehicle while unholstering his service pistol and designating Respondent and QUINTANILLA as "lethal cover officers." Sergeant also informed Respondent and QUINTANILLA of O-1's role as the "less-lethal officer" with the LLL.

At 1702:59 hours, as depicted on Respondent's BWV, Respondent told QUINTANILLA that he was going to attempt to communicate with Victim in Spanish. At 1703:02 hours, Victim placed the knife's blade against the side of his throat, prompting multiple officers to yell "*Don't do it!*" Sergeant directed O-1 to deploy the LLL; however, before O-1 could comply, Sergeant withdrew his command. Officer 3, from LAPD's Rampart Patrol

---

[5] Sergeant Sergeant assumed On Scene Command (OSC) upon arrival at the incident.

[6] "Code 3" indicates an emergency response requiring the activation of vehicle lights and siren.

[7] "Code 2" indicates urgency but not to the level requiring the activation of vehicle lights and sirens.

[8] LAPD's Force Investigation Division (FID) investigation determined that the CD Radio Transmission Officer (RTO) embellished RP 1's statement that Victim was going to attack someone and broadcast *"the subject is now chasing people with a knife,"* when Victim was not in fact chasing anyone.

Division, arrived on scene in his patrol vehicle. Sergeant directed O-3 to join O-2 as part of the arrest team.

At 1703:35 hours, Sergeant retrieved a ballistic shield from his patrol vehicle and gave it to O-3. Sergeant yelled to Respondent and QUINTANILLA, *"You still got lethal coverage right here."* For the next several minutes, Respondent, QUINTANILLA and Sergeant alternated communicating with Victim. Moments later, Victim stood, held the knife to his throat and gestured the sign of the crucifix across his chest with his left hand. Sergeant directed O-1 to deploy the LLL by announcing, "*Forty stand by!*" At 1704:06 hours, O-1 discharged one 40mm round from his LLL at Victim from a distance of approximately 30 feet. The round struck Victim in the abdomen but did not appear to have any effect. Victim walked down a small flight of steps towards officers and then sat idle on the bottom step while holding the knife to his throat.

At 1705:36 hours, BWV recordings captured officers alerting one another that a bystander was attempting to exit the apartment building behind Victim. Sergeant yelled, *"Hey stay right there, do not come out."* Additional officers warned the bystander to stay inside and to move away from the windows. The bystander complied with the officers' orders and remained inside the building with the door closed. Victim appeared oblivious to the presence of the bystander in the building behind him (south of his position).

Newton GED Officers Meraz and Officer 4 arrived on scene. Meraz deployed a shotgun, positioning himself as a lethal cover officer alongside O-1. O-4 deployed a less-lethal "Beanbag" shotgun and was directed by Sergeant to move to the west side of the containment perimeter, to provide less-lethal cover for Respondent. Sergeant and Respondent continued alternating commands to Victim. Sergeant utilized the patrol vehicle's public address (PA) system to communicate his commands. Sergeant directed O-3 to re-position his vehicle to the southeast corner of Street 2 and Street 1 to block pedestrian traffic. At 1709:44 hours, Sergeant continued to use the PA system to communicate with Victim.

At 1710:17 hours, Victim stood up, removed his hat while holding the knife above his shoulders and looked east toward his family members who were standing behind the containment perimeter. Sergeant announced, *"Get ready,"* while transitioning from the passenger side of his patrol vehicle to the driver's side where O-1 had taken cover. Sergeant announced, *"Forty forty up."* Victim took four slow steps forward, turned to his left (west) and stopped. Contemporaneously, O-1 announced, *"Forty standby,"* as Sergeant instructed O-1 to fire the LLL. O-1 fired one 40mm round from a distance of approximately 22 feet, impacting the lower right side of Victim's torso. Approximately .382 seconds later, Respondent discharged the first of three rounds from his service pistol, from a distance of approximately 25 feet and behind the cover of his police vehicle, striking the Victim. Approximately .322 seconds after Respondent discharged his third round, QUINTANILLA fired a single round from his service pistol, from a distance of approximately 28 feet and behind the cover of his police vehicle. Victim fell

to the ground and was subsequently detained. Victim was provided with medical aid and transported to the hospital where he succumbed to his injuries.

On December 21, 2021, the Los Angeles County Coroner's Office performed a post-mortem examination of Victim.[9] The report indicated that Victim sustained three gunshot wounds, two to the torso and one to the neck. The coroner concluded that Victim's death was a result of a gunshot wound to the torso.

On December 18, 2021, in response to the Officer Involved Shooting (OIS) involving Respondent and QUINTANILLA, LAPD's Force Investigation Division (FID) initiated case FID NO.064-21.[10]

On September 12, 2022, the results of FID NO.064-21 were presented to LAPD's Use of Force Review Board (UOFRB). The UOFRB was critical of Respondent's and QUINTANILLA's perception of an "immediate threat" and found that their actions were not objectively reasonable, proportional, or necessary. Ultimately, the UOFRB arrived at the following findings:

- **Tactics:** Respondent, QUINTANILLA and O-1 - Tactical Debrief
  Sergeant - Administrative Disapproval
- **Drawing/Exhibiting:** Respondent, QUINTANILLA and O-2 – In Policy (No Further Action)
- **Less-Lethal Use of Force:** O-1 - In Policy (No Further Action)
- **Lethal Use of Force:** Respondent and QUINTANILLA - Out of Policy - Administrative Disapproval

On October 5, 2022, LAPD's COP informed the Honorable Board of Police Commissioners that he adopted the above-referenced recommendations of the UOFRB.[11]

On November 8, 2022, an LAPD-initiated Complaint Investigation (CF No. 22-003418)[12] reached a SUSTAINED finding of Out of Policy – Administrative Disapproval regarding Respondent's and QUINTANILLA's use of force; however, the incident was not referred to LAPD's Board of Rights, as the COP did not seek to terminate Respondent or QUINTANILLA. As a result, Respondent received a 10-day suspension with loss of pay

[9] On March 25, 2022, a Forensic Science Laboratories Report was approved by Department of Medical Examiner-Coroner, Los Angeles County. The blood analysis results identified the presence of Benzodiazepines, Cannabinoids and Ethanol in Victim's blood.

[10] Attachment C (LAPD Report FID NO.064-21-Redacted).

[11] Attachment D (COP Intradepartmental Communication).

[12] Attachment E (CF No. 22-003418 Letter of Transmittal).

and benefits and QUINTANILLA received a 5-day suspension with loss of pay and benefits.

Later, in February of 2023, Victim's family filed a complaint with LAPD which initiated a second Complaint Investigation (CF No. 22-003757)[13] alleging Respondent's and QUINTANILLA's Excessive Use of Force; however, the investigation ultimately reached the finding of UNFOUNDED.

In July of 2025, the Victim's family was awarded an $8,000,000 settlement,[14] in connection with a federal wrongful death suit in the U.S. District Court for the Central District of California.[15]

As of February 2026, the LADA Office's Justice System Integrity Division (JSID) has not reached a charging decision, despite the fact that they have a completed independent review of the incident from police oversight firm, OIR Group.

Post OIS Statements

Respondent 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."*

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."* 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*

[13] Attachment F (CF No. 22-003757 Letter of Transmittal).

[14] Attachment G (Los Angeles City Council (Item No. 34) Motion to Settle).

[15] Attachment H (Federal Civil Complaint, Case No. 2:22-cv-07534-FLA-MAA).

to the right of me, just a few feet away from me.[16] *So he could have caused serious bodily injury or death to them if I didn't do that. I had to do it."*

V. Analysis and Findings

Timeline:

On December 18, 2021, the captioned OIS occurred.

On December 18, 2021, LAPD's Force Investigation Division (FID) initiated an OIS investigation.

On November 8, 2022, an LAPD-initiated Complaint Investigation resulted in a SUSTAINED finding regarding Respondent's and QUINTANILLA's Use of Lethal Force.

On February 3, 2023, a Victim-family-driven Complaint Investigation resulted in an UNFOUNDED finding regarding Respondent's and QUINTANILLA's Use of Excessive Force.

On June 17, 2023, LAPD reported the incident to POST's Professional Conduct Bureau (PCB), alleging a violation of Commission Regulation 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force.

In July of 2025, Victim's family was awarded an $8,000,000 wrongful death settlement.

On February 6, 2026, Trichief Consulting Services completed an independent review of the incident.

As of February 10, 2026, the LADA's JSID has not reached a charging decision.

A. Does the alleged conduct violate Commission Regulation 1205(a)(3)?

Did Respondent use excessive force when he fired three rounds at Victim? According to Commission Regulation 1205(a)(3), excessive force is defined as:

> Physical abuse, including, but not limited to, the excessive or unreasonable use of force.

The United States Supreme Court recently addressed the issue of a police officer's use of deadly force in *Barnes v. Felix* (2025) 605 U.S. 73, and unanimously reaffirmed that a "police officer's use of deadly force violates the Fourth Amendment when it is not

[16] Based on a review of crime scene diagrams from the LAPD FID report and multiple BWV perspectives, it does not appear that any civilians were positioned inside the LAPD perimeter, nor were any civilians positioned between officers and Victim.

'objectively reasonable.'"[17] The Court also reaffirmed that an "inquiry into reasonableness…requires assessing the 'totality of the circumstances.'"[18]

In issuing its ruling, the Court rejected the "so-called moment-of-threat rule" adopted by lower courts, which "looks only to the circumstances existing at the precise time an officer perceived the threat inducing him to shoot."[19] Rather, the Court reiterated that "all the relevant circumstances, including facts and events leading up to the climactic moment…" must be considered when determining "whether a peace officer acted reasonably in using force."[20]

The *Felix* opinion is consistent with California law. Under Penal Code section 835a, peace officers may use deadly force "only when necessary in defense of human life."[21] Further, although peace officers may use "objectively reasonable force to effect arrest…," prevent escape, or overcome resistance, deadly force is only justified "when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary…" to: 1) "defend against an imminent threat of death or serious bodily injury to the officer or another person…;" or 2) "apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended."[22] However, a "peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person."[23]

In reviewing Respondent's statements regarding his decision to use deadly force, his decision was based primarily on the moments immediately preceding the application of deadly force without appearing to consider all relevant circumstances leading up to that moment. When applying the "totality of the circumstances" as required under *Felix, Graham v. Connor,* and Penal Code section 835a, however,[24] the Division concluded

---

[17] *Barnes v. Felix* (2025) 605 U.S. 73, 76 (*"Felix"*), citing *Graham v. Connor* (1989) 490 U.S. 386, 397 ("*Graham v. Connor*") [internal citations omitted].

[18] *Id.*, citing *Graham* at 396.

[19] *Id.*

[20] *Id.*

[21] Pen. Code § 835a, subd. (a)(1).

[22] Pen. Code § 835a, subd. (c)(1)(A)-(B).

[23] Pen. Code § 835a, subd. (c)(2).

[24] Under Penal Code section 835a(a)(2), "in determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer."

that Respondent failed to leverage reasonable and available less-lethal alternatives at the time deadly force was utilized. Accordingly, Respondent's use of deadly force was both unreasonable and excessive.

Under California Penal Code section 835a(a)(2), "peace officers use deadly force only when necessary, in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Here, Respondent requested an ambulance upon arrival at the incident but did not request support from LAPD's Mental Evaluation Unit (MEU), despite having completed "Mental Health Intervention" training 10 months prior. Prior to Respondent's use of deadly force, officers fired two rounds from a LLL device, hardly exhausting its potential benefit, and the on scene commander (OSC) had not readied or directed the deployment of other available less-lethal options such as the "Bean Bag" shotgun, Conducted Energy Devices (CED) "taser," or a ballistic shield team equipped with CEDs and/or Oleoresin Capsicum (OC) "pepper" spray. Respondent's use of force did not result from an order from the OSC to employ lethal force. More importantly, the absence of the OSC's order to deploy other less-lethal options does not necessarily mean that the OSC wasn't considering them, nor did it render the threat posed by the Victim more imminent.

During his LAPD Complaint interview,[25] Respondent stated he was afraid Victim was going to come at him with the butcher knife and harm him or his partner. To protect himself, his partner and nearby citizens from imminent serious bodily injury, Respondent said he fired "two to three rounds" to stop the threat. LAPD's Personnel Complaint Investigation SUSTAINED that Respondent's use of lethal force was unreasonable. The subsequent Complaint Investigation initiated by the Victim's family, alleging Respondent's use of excessive force, reached a contradictory finding of UNFOUNDED; however, this investigation also appeared to focus on the moment Respondent used deadly force and did not consider the following relevant circumstances:

- Victim was contained - never closer than approximately 22 feet to any officer;
- Officers were positioned behind the cover of police vehicles;
- Victim only appeared to pose a danger to himself;[26]
- Once contained, Victim did not exhibit a demeanor that was particularly threatening, nor did he exhibit an intent to injure officers/others;
- State of Victim's mental/physical health, cognitive function and/or influence from alcohol or controlled substances;

[25] Attachment I (Respondent's Interview Transcript).

[26] California Penal Code section 835a(c)(2) states that "a peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person."

- OSC's rationale for delaying the deployment of other readily available less-lethal options.

During his LAPD Complaint interview, QUINTANILLA stated that he was scared when Victim walked towards officers, and that's when he decided the threat was imminent and he had to use deadly force. He further stated that Victim was going to cause death and that civilians were in harm's way. The Division opines that QUINTANILLA's statements were not supported by the collective facts at the time he utilized deadly force, nor were they supported in any showing in the FID investigation or subsequent Complaint Investigations. Again, LAPD's investigations collectively failed to consider all the relevant circumstances, starting with the Victim leaving his residence approximately 18 minutes before Respondent and QUINTANILA used deadly force.

At the moment QUINTANILLA chose to use deadly force, Victim was contained and had not exhibited an intent to harm bystanders or officers, attempted to avoid officers by entering the apartment building, nor had he used the knife to meaningfully injure himself. Approximately 13 minutes after responding to the incident, Victim stood up, took a few steps and then stopped. Victim was stationary, yet QUINTANILLA felt the threat was most imminent and required the use of deadly force. QUINTANILLA's use of deadly force appeared to be a sympathetic reaction to Respondent's initial use of deadly force.

Independent Subject Matter Expert Opinion

At the request of POST Executive Management, Rob Handy of Trichief Consulting Services was retained to provide an independent Subject Matter Expert (SME) opinion regarding the UOF incident involving LAPD Officers ZAVALA and QUINTANILLA. Handy is a policing executive with more than 35 years of comprehensive law enforcement experience, currently serving as the Director of Public Security for Grand Canyon University (GCU) in Phoenix, Arizona. Prior to that role, he served as the Chief of Police for the city of San Bernardino, California from December 28, 2011, to December 6, 2013, and the Chief of Police for the city of Huntington Beach, California from December 7, 2013, to October 16, 2020. In addition to reviewing thousands of UOF cases and hundreds of police shooting cases during his policing career, Handy has been retained as a SME to review police UOF incidents and policing practices and procedures nationwide.

On February 12, 2026,[27] based on a review of the reports, documents, audio recordings, photos and other evidence listed in the supporting-evidence section of this report, Handy concluded that given the totality of circumstances, the lethal force used by Officers Zavala and Quintanilla in this incident was not consistent with the requirements for use of deadly force in the California Penal Code, nor police officer training and standards in California. He further opined that the Victim's change in

[27] Attachment J (Trichief Consulting Service's Independent SME Report).

direction toward the two officers did not significantly change the circumstances to warrant a lethal response, and that the use of deadly force did not appear to be in response to an imminent threat as defined by the California Penal Code.

B. Summary of Findings

Based on a careful review of Respondent's, QUINTANILLA's, and other officer's BWV data, LAPD's Tactical Concept No. 11[28] (Edged Weapons), LAPD's Use of Force Policy[29], an evaluation of crime scene documentation, and a review of various sections of California Penal Code section 835a, Commission Regulation 1205(a)(3), in conjunction with recent case law, the Division assesses that both Respondent's and QUINTANILLA's belief that the Victim posed an imminent threat was not reasonable and that their application of deadly force was based solely on a perceived or future threat. BWV recordings depict the Victim standing up, taking four slow steps forward, turning, and then stopping. At no point did the Victim vocalize any intent to harm officer or others, attempt to leave the scene, conceal himself from officers, lunge, rapidly advance, or make any sudden or furtive movements towards officers or others that necessitated the use of deadly force.

While Victim certainly posed a threat to the community when he initially left his residence armed with a kitchen knife, the Division carefully considered all of the relevant circumstances during the approximately 18-minute incident and concluded that the threat was not imminent at the moment deadly force was utilized because the Victim was quickly contained, did not possess a particularly threatening demeanor and/or intent to cause injury to officers or others, and only posed a danger to himself. Officers were positioned between 22 and 30 feet from Victim and behind the cover of police vehicles during the incident. There were no bystanders positioned closer to the Victim than any officer and the occupants located inside the apartment building at [redacted] (behind Victim) had complied with officer's orders to remain inside the building with the door closed. Therefore, Respondent and QUINTANILLA failed to meet the standard set forth under California Penal Code section 835a(c)(2). Specifically, Respondent and QUINTANILLA's use of deadly force against the Victim was based on the danger the Victim posed to himself, not on an objectively reasonable belief that the Victim posed an imminent threat of death or serious bodily injury to themselves or another person.

Based on the totality of the evidence, the Division finds that reasonable grounds exist to refer this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of certificate revocation or suspension pursuant to California Penal Code section 13510.8.

[28] Attachment K (LAPD's Tactical Concept No. 11 - Edged Weapons)
[29] Attachment L (LAPD's Use of Force Policy - 10/2020 – 8/2022)

VI. Supporting Evidence

Evidence	Attachment
Executive Review and Division Recommendation	A
Respondent's EDI Profile	B
LAPD Report FID NO.064-21-Redacted	C
COP Intradepartmental Communication	D
CF No. 22-003418 Letter of Transmittal	E
CF No. 22-003757 Letter of Transmittal	F
Los Angeles City Council (Item No. 34) Motion to Settle	G
Federal Civil Complaint (Case No. 2:22-cv-07534-FLA-MAA)	H
Respondent's Interview Transcript	I
Trichief Consulting Service's Independent SME Report	J
LAPD's Tactical Concept No. 11 - Edged Weapons	K
LAPD's Use of Force Policy (10/2020 to 8/2022)	L

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: 11/25/2025

CASE #: POST2311370

PEACE OFFICER: Jose ZAVALA

POST ID#: C28-A48

AGENCY: Los Angeles Police Department

POST CONSULTANT / BC: LEC Dave Sieber / BC Christine Ford

ALLEGATION(S):

California Code of Regulations Title 11 § 1205(a)(3) – Abuse of power/Excessive or Unreasonable Use of Force

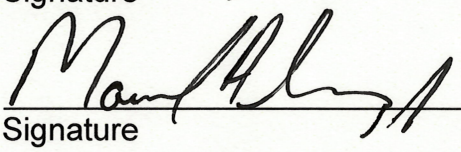
On December 18, 2021, LAPD Officers Jose ZAVALA and Julio QUINTANILLA, responded to an "attempt suicide" call for service. The victim was armed with a 6.5-inch kitchen knife. After approximately 13 minutes of de-escalation efforts, the victim stood up and took four slow steps forward and then stopped. This movement triggered the deployment of a less-lethal projectile, which struck victim. Nearly contemporaneously, from behind the cover of a police vehicle, ZAVALA fired three rounds from his service pistol, striking the victim. Approximately .322 seconds after ZAVALA discharged his third round, QUINTANILLA, from behind the cover of a police vehicle, fired a single round from his service pistol. The victim was detained but ultimately succumbed to the injuries sustained from the use of force. LAPD's Force Investigation Division investigated the Officer Involved Shooting and the results were conveyed to the LAPD Use of Force Review Board (UOFRB). The UOFRB was critical of ZAVALA's and QUINTANILLA's perception of an "immediate threat" and found that their actions were not objectively reasonable, proportional, or necessary. A subsequent Department-initiated Complaint Investigation reached a SUSTAINED finding of "Out of Policy – Administrative Disapproval" regarding both officer's use of force. The incident was not referred to LAPD's Board of Rights. Ultimately, ZAVALA received a 10-day suspension and QUINTANILLA received a 5-day suspension with loss of pay and benefits.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent committed serious misconduct as defined in Penal Code §13510.8(b)(3) and Title 11, California Code of Regulations 1205(a)(3) - Physical abuse when he used excessive or unreasonable force resulting in the death of the Victim.

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	 Signature	2/11/26 Date
Annemarie Del Mugnaio Assistant Executive Director	 Signature	2-11-2026 Date
Manny Alvarez Executive Director	 Signature	02/17/2026 Date

cc: Bureau Chief Christine Ford

cc: Jason Morlock

cc: Chandler Knapp

cc: _____

POST PROFILE NAME:

ZAVALA, JOSE

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 08/20/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C28-A48	LOS ANGELES PD	[redacted]	[redacted]	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
143366	B	01/10/2011		46.00		

Total Number of Certificates: 1

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
05/26/2009	10/09/2009	6	TRN	05/26/2009	19420	LOS ANGELES PD	F	P	
10/09/2009			PO	10/09/2009	19420	LOS ANGELES PD	F	P	

***Reason for Separation: 6 = Other**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
06/23/2009	K	4890-23272-08-144	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE (MOT ONLY)
10/27/2009	K	1850-31771-09-008	8	X	Y	19420	LAPD		WMD L.E. RESPONSE ACTIONS (LERA)
11/06/2009	A	1850-00100-08-013	912	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
12/09/2009	K	1850-21647-09-032	8		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
06/08/2010	K	1850-20147-09-210	10		Y	19420	LAPD		MACTAC BASIC
06/19/2010	K	1850-29503-09-120	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
06/19/2010	K	1850-29502-09-152	4	X	Y	19420	LAPD	*	DRIVING(PSP)
06/19/2010	K	1850-21065-09-204	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
06/19/2010	K	1850-29000-09-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
04/12/2011	K	1850-23161-10-028	8		Y	19420	LAPD		GANGS-CAL GANG COMPUTER SYSTEM
05/02/2011	K	1850-20662-10-031	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
05/09/2011	K	1850-22435-10-018	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
05/13/2011	K	1850-32651-10-004	40		Y	19420	LAPD		NARC INVESTIGATION - 40 HOUR
09/13/2011	K	1850-31789-11-035	8	X	Y	19420	LAPD		WMD UPDATE
07/10/2012	K	1850-21752-12-001	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
07/18/2012	K	1850-21065-12-003	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
07/30/2012	K	1850-21647-12-002	10		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
09/27/2012	K	1850-23161-12-006	16	R	Y	19420	LAPD		GANGS-CAL GANG COMPUTER SYSTEM
02/21/2013	K	1850-29502-12-048	4	X	Y	19420	LAPD	*	DRIVING(PSP)
04/03/2013	K	9180-25554-12-277	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
05/13/2013	K	1850-22435-12-016	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
05/17/2013	K	1850-32651-12-004	40		Y	19420	LAPD		NARC INVESTIGATION - 40 HOUR
06/18/2013	K	1850-21065-12-121	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
07/21/2013	K	1850-31789-13-001	8	X	Y	19420	LAPD		WMD UPDATE
01/16/2014	K	1850-22405-13-017	32		Y	19420	LAPD	*	OFFICER SAFETY/FIELD TACTICS UPDATE
02/24/2014	K	1850-29000-13-233	2	X	Y	19420	LAPD		HUMAN TRAFFICKING UPDATE
04/03/2014	K	1850-20167-13-017	6	X	Y	19420	LAPD		MAC TAC UPDATE
10/21/2014	K	1850-29000-14-255	2	X	Y	19420	LAPD		MENTAL HEALTH UPDATE

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
02/26/2015	K	1850-32095-14-086	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
03/25/2015	K	1850-29000-14-161	2	X	Y	19420	LAPD	*	TACTICAL COMMUNICATIONS
03/26/2015	K	1850-29503-14-099	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
03/26/2015	K	1850-29502-14-111	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/30/2015	K	1850-31789-14-068	8	X	Y	19420	LAPD		WMD UPDATE
07/23/2015	K	1850-22680-15-001	8		Y	19420	LAPD		P.R.O.A.C.T.
08/03/2015	K	9180-25559-15-034	12	X	Y	19420	POST		FIRST AID/CPR (WEB)
08/22/2016	K	1850-21647-16-017	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/22/2018	K	1850-22435-17-004	2	X	Y	19420	LAPD		OFFICER SAFETY/FIELD TACTICS UPDATE-PLAINCLOTHES
05/10/2018	K	4890-23287-17-034	4	X	Y	19420	M TOLERNCE		RACIAL PROFILING UPDATE
05/10/2018	K	4890-23289-17-023	6		Y	19420	M TOLERNCE		CUL. DIVERSITY/INTEGRITY TOOL (MOT ONLY)
05/16/2018	K	1850-23216-17-004	8	X	Y	19420	LAPD		GANG INTERVENTION, INTRO
05/20/2018	K	1850-10207-17-078	3	X	Y	19420	LAPD		BALLISTIC SHIELD OPERATOR
05/20/2018	K	1850-29502-17-201	4	X	Y	19420	LAPD	*	DRIVING(PSP)
10/11/2018	K	1850-32592-18-001	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
11/05/2018	K	1850-21647-18-033	10	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/18/2018	K	1850-21954-18-071	9	X	Y	19420	LAPD	*	CROWD CONTROL
01/03/2019	K	9180-25586-18-187	8	X	Y	19420	POST		FIRST AID/CPR/AED (WEB)
01/09/2019	K	9180-25587-18-193	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
05/17/2019	K	1850-21515-18-001	40		Y	19420	LAPD		HUMAN TRAFFICKING INVESTIGATIONS (ICI)
06/05/2019	K	1850-20799-18-027	8	X	Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION
09/18/2019	K	1850-23214-19-001	24		Y	19420	LAPD		GANG AWARENESS, BASIC
12/31/2019	K	9180-25587-19-184	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
12/02/2020	K	1850-21954-20-011	9	X	Y	19420	LAPD	*	CROWD CONTROL
02/16/2021	K	1850-30986-20-046	4		Y	19420	LAPD		LESS LETHAL/MUNITIONS
02/21/2021	K	1850-29000-20-248	2	X	Y	19420	LAPD		POST TRAUMATIC STRESS DISORDER & TRAUMATIC BI
02/21/2021	K	1850-29000-20-264	2	X	Y	19420	LAPD		HOMELESSNESS AND POLICING: A COLLABORATIVE APPROAC
02/26/2021	K	1850-20911-20-026	36		Y	19420	LAPD	*	MENTAL HEALTH INTERVENTION TRAINING
10/01/2021	K	1850-23090-21-240	4	X	Y	19420	LAPD		ELECTRONIC WEAPONS
10/26/2021	K	1850-21647-21-043	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
04/21/2022	K	1850-32078-21-026	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
04/21/2022	K	1850-32075-21-005	36	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
08/31/2022	K	1850-33886-22-006	6	X	Y	19420	LAPD	*	USE OF FORCE AND DE-ESCALATION
09/25/2022	K	1850-29502-22-070	4		Y	19420	LAPD	*	DRIVING(PSP)
09/25/2022	K	1850-29503-22-073	4		Y	19420	LAPD	*	ARSTCTL(PSP)
10/05/2022	K	9180-25586-22-097	8	X	Y	19420	POST		FIRST AID/CPR/AED (WEB)
12/08/2022	K	9180-25595-22-161	4	X	Y	19420	POST		BEYOND BIAS:RACIAL & ID PROFILING UPD- SELF PACED
12/08/2022	K	1850-22405-22-003	32		Y	19420	LAPD	*	OFFICER SAFETY/FIELD TACTICS UPDATE
12/13/2022	K	1850-32078-22-084	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
01/10/2023	K	1850-22680-22-002	8	X	Y	19420	LAPD		P.R.O.A.C.T.
02/15/2023	K	1850-28008-22-025	8	X	Y	19420	LAPD	*	MASS-VIOLENCE TACTICAL RESPONSE
04/04/2023	K	1850-32078-22-121	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE

POST PROFILE NAME:

ZAVALA, JOSE

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 08/20/2025

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
05/01/2023	K	9180-25575-22-305	3	X	Y	19420	POST		SEARCH WARRANT FUNDAMENTALS (WEB)
05/26/2023	K	1850-26011-22-003	40		Y	19420	LAPD		GANG INVESTIGATIONS (ICI)
08/11/2023	K	1850-10738-23-023	8	X	Y	19420	LAPD		ACTIVE BYSTANDER FOR LAW ENFORCEMENT
09/05/2023	K	1850-32078-23-010	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
05/20/2024	K	1850-32078-23-130	4	X	Y	19420	LAPD		FIREARMS/TACTICAL RIFLE UPDATE
05/31/2024	K	1850-34490-23-025	8	X	Y	19420	LAPD		LEADERSHIP DEVELOPMENT PROGRAM
05/31/2024	K	1850-33886-23-040	6	X	Y	19420	LAPD	*	USE OF FORCE AND DE-ESCALATION
06/04/2024	K	1850-29503-23-297	4		Y	19420	LAPD	*	ARSTCTL(PSP)
06/12/2024	K	9181-25586-23-348	8	X	Y	19420	CAPLP		FIRST AID/CPR/AED (WEB)
08/27/2024	K	1850-29502-24-080	4		Y	19420	LAPD	*	DRIVING(PSP)
08/28/2024	K	1850-21954-24-011	8	X	Y	19420	LAPD	*	CROWD CONTROL
10/07/2024	K	1850-32078-24-025	4	X	Y	19420	LAPD		FIREARMS/TACTICAL RIFLE UPDATE
11/08/2024	K	1850-21772-24-005	8	X	Y	19420	LAPD		TACTICAL EMERG. FIRST AID/TRAUMA CARE
02/21/2025	K	1487-29580-24-236	4		Y	19420	PLI	*	USE OF FORCE (PSP)
03/01/2025	K	1487-29540-24-244	2		Y	19420	PLI	*	STRATEGIC COMMUNICATIONS (PSP)

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

CONFIDENTIAL REPORT

THE CHIEF OF POLICE CONSIDERS THIS REPORT CONFIDENTIAL. ADMINISTRATIVE USE IS LIMITED TO CONCERNED STAFF AND COMMAND PERSONNEL OF THE LOS ANGELES POLICE DEPARTMENT. THIS REPORT CONTAINS INFORMATION OBTAINED FROM COMPELLED STATEMENTS. ANY OTHER USE OF THIS REPORT IS FORBIDDEN BY THE LOS ANGELES CITY ATTORNEY.

THIS REPORT IS NOT TO BE REPRODUCED OR COPIED

FORCE INVESTIGATION DIVISION REPORT NUMBER

F064-21

DO NOT RETURN THIS REPORT TO FORCE INVESTIGATION DIVISION. WHEN FINISHED, PLEASE ENSURE THIS REPORT IS SHREDDED.

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**

CONFIDENTIAL

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]

---

[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.

---

[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,

---

[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.

---

[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]

---

[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]

---

[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.

---

[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*

---

[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*

---

[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]

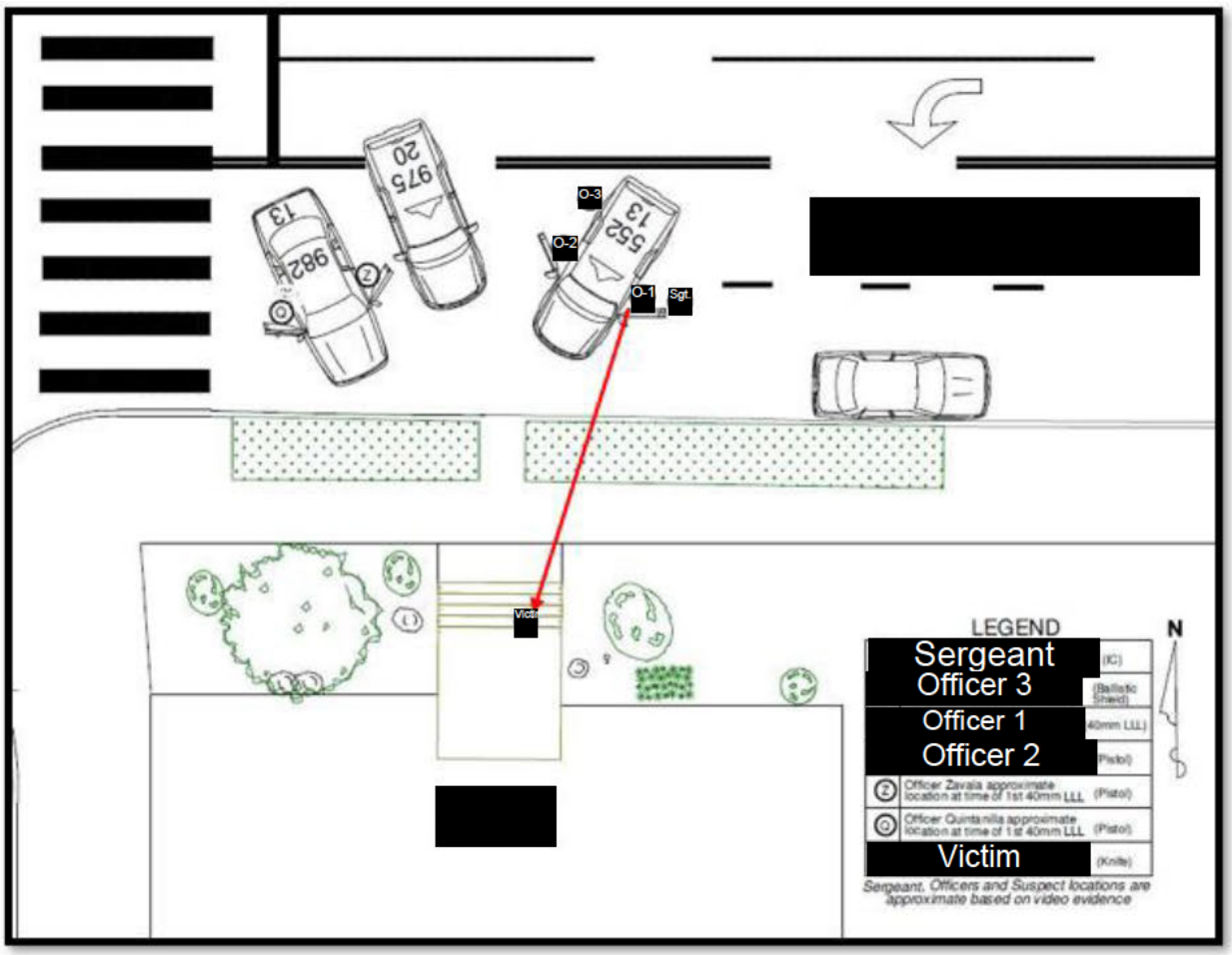
According to Officer 1 [redacted] he did not give a warning that he was going to fire the 40mm LLL because Sergeant [redacted] had already *"gave it for me."*[61]

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]

This space intentionally left blank

---

[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]

---

[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]

---

[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.

---

[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.

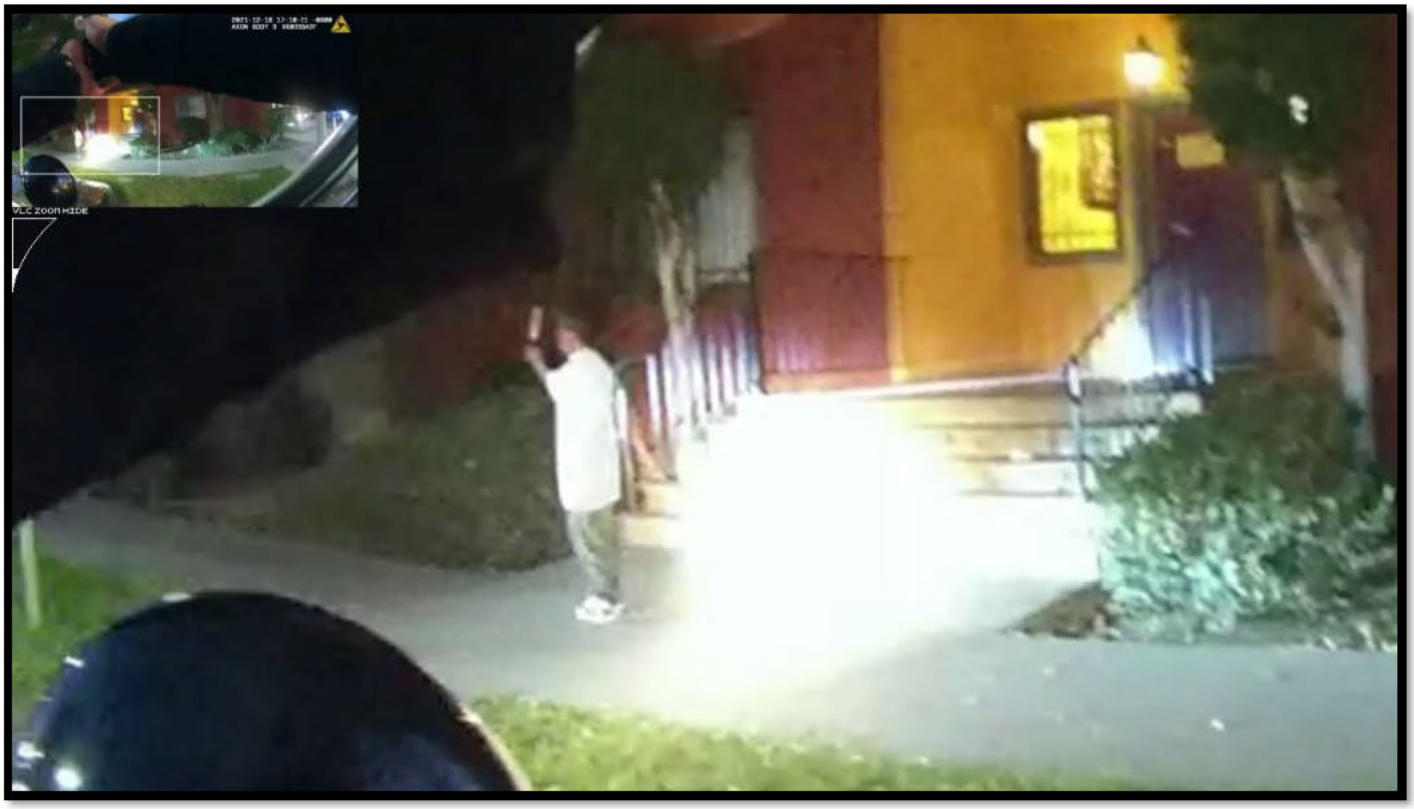
According to Sergeant 's BWV, at 1709:41 hours, he announced to the officers *"I got it, I got it!"* as he again utilized the PA speaker in his vehicle and resumed his attempts to talk to Victim . Sergeant directed Officer 2 to move his vehicle between the two police vehicles in front of Victim and then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

This space intentionally left blank

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



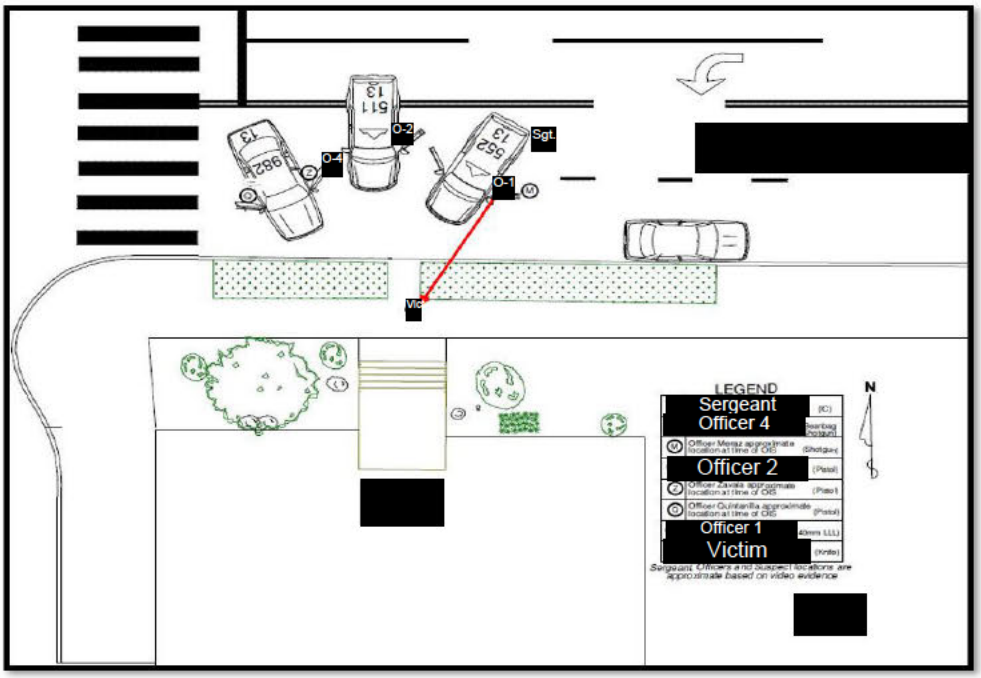
(Enlarged still frame photograph from Officer Quintanilla's BWV)

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]

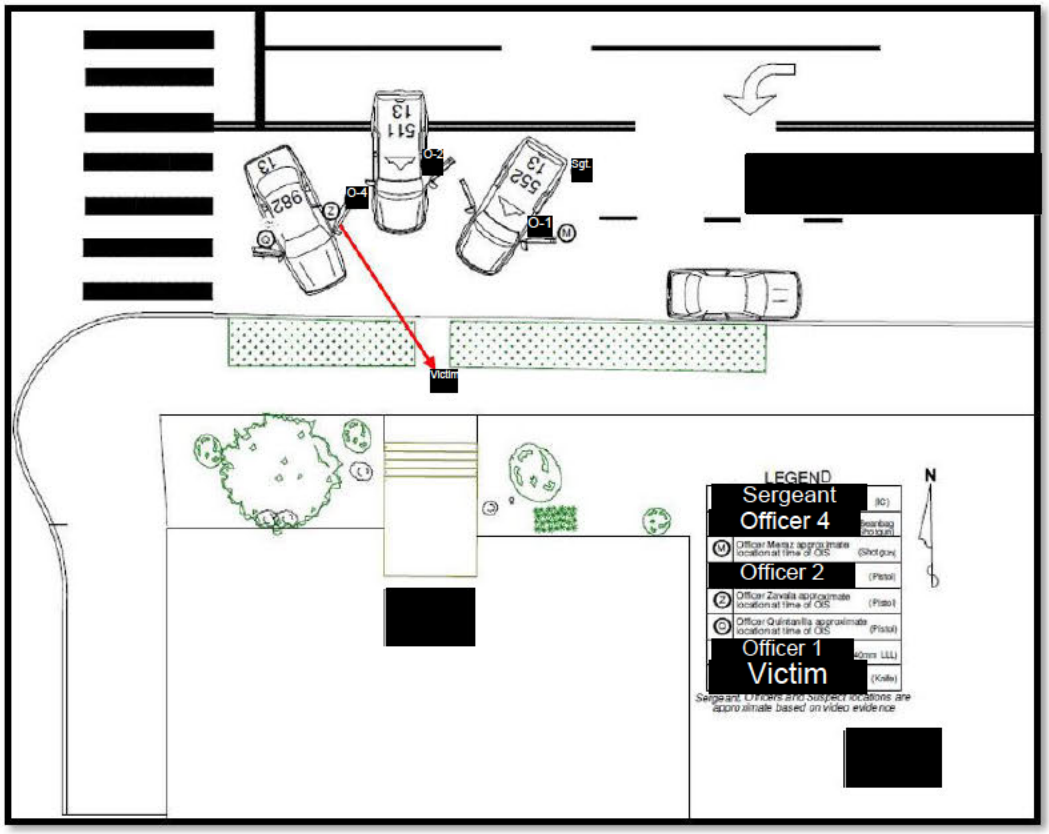
According to Officer Zavala's BWV, Victim turned to his left and Officer Zavala yelled the command to *"Stop, stop, stop!"* followed by the sound of Officer 1 firing the 40mm LLL in the back ground.

---

[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).

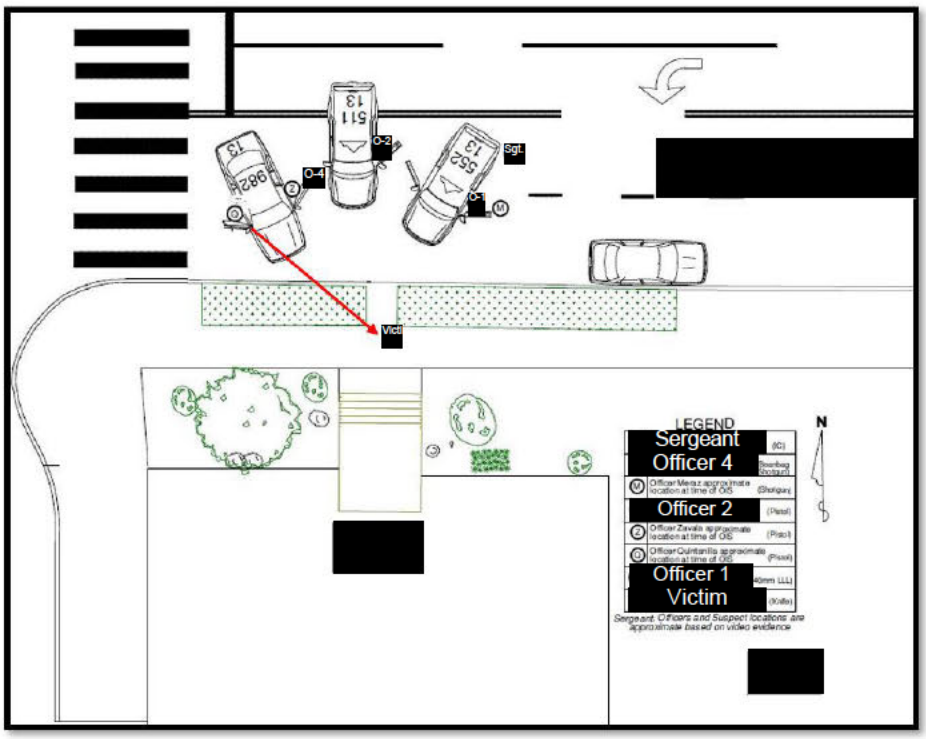
According to Officer Quintanilla, he aligned his sights on Victim' chest, when he fired. Officer Quintanilla told investigators the reason he fired was because, *"When he came down, we kept giving him commands and once he hit the sidewalk, I mean, I was scared and he ended up walking towards us -- towards 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.

---

[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]

---

[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.

---

[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.

---

[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).

---

[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

INTRADEPARTMENTAL CORRESPONDENCE

RECEIVED
POLICE COMMISSION
2022 OCT 10 AM 11:00

October 5, 2022
3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER-INVOLVED SHOOTING, FID NO. 064-21

Honorable Members:

The following is my review, analysis, and findings for an Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 064-21. On September 12, 2022, this case was presented to the Use of Force Review Board (UOFRB). In this case, the recommended findings were not unanimous, with a minority opinion rendered regarding the Tactics findings for Sergeant [redacted], Serial No. [redacted] Newton Area, Gang Enforcement Detail.

I have carefully weighed each opinion, considered the case in its entirety, and adopted the recommendations of the UOFRB Minority for the Tactics findings for this incident. I hereby submit my findings per Police Commission policy.

SUMMARY[1]

On December 18, 2021, at 1654 hours, Reporting Party 1 called Communications Division (CD) and reported that her brother, Victim [redacted], was suicidal and had walked out of their house, located at Home Address [redacted], armed with a knife.[2] At approximately 1656 hours, an "Ambulance Attempt Suicide" radio call was generated for Newton Patrol Division. According to RP 1, when Victim [redacted] walked away from their residence, he removed the knife from his pocket and held it in his hand. According to witness Reporting Party 2, his son had begun to drink beer and smoke drugs when he turned 18 years old.[3] Reporting Party 2 further stated that his son was a "very hyper boy" and that when drank, he was in an "altered state of mind" because of the beer and the drugs.[4]

Officers Officer 1 Serial No. [redacted], and Officer 2 Serial No. [redacted] Newton Patrol Division, and Sergeant [redacted] Serial No. [redacted] Newton Area Gang Enforcement Detail (GED), responded Code Three to the aforementioned radio call. Officers J. Zavala, Serial No. 40197, and J. Quintanilla, Serial No. 42454, Newton Area GED, responded Code Two to the radio call.

---

[1] The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.
[2] For clarity, RP 1 and Victim [redacted] will be referred to by their first names.
[3] For clarity, Reporting Party 2 will be referred to as Reporting Party 2
[4] A blood analysis identified the presence of Benzodiazepines, Cannabinoids, and Ethanol in Victim [redacted] blood.

At approximately 1654 hours, Witness 1 called CD and reported that Victim had a large knife. According to Witness 1, he was walking near Street 2 and Street 1 when he saw Victim looking at him and walking toward him while holding a knife. Witness 1 stated that Victim looked angry and he was swinging the knife in the air, which caused him to be scared. At approximately 1656 hours, on the CD 911 call recording, RP 1 was heard telling the RTO that Victim tried to hit someone and was going to attack a person with the knife. At 1657 hours, CD broadcast, "additional on your attempt suicide, Home Address the subject is now chasing people with the knife in front of Home Address."

As Sergeant drove on Street 2 a male and a female flagged him down and pointed to Victim. As Sergeant exited his police vehicle, Victim was sitting on the exterior stairs of the apartment building located at Incident Location holding a knife in his right hand with the blade pressed against his neck.[5] Sergeant attempted to communicate with Victim and gain his compliance with negative results. Sergeant subsequently unholstered his service pistol. At 1702:05 hours, Officers Zavala and Quintanilla arrived at the scene taking cover behind their police vehicle's doors and unholstered their service pistols.

While Officer Quintanilla was giving Victim commands to drop the knife, Officer Zavala requested a backup on a "415 man with a knife." Officer Zavala also requested that a Rescue Ambulance (RA) respond to and stage at Street 2 and Street 1.

At 1702:22 hours, Officers 1 and 2 arrived on the scene. Sergeant directed them to retrieve their 40mm Less Lethal-Launcher (LLL). Officer 1 retrieved the 40mm LLL and took a position of cover behind the driver's side door of Sergeant 's police vehicle. According to Sergeant s Body Worn Video (BWV), at 1702:24 hours, Victim held the knife in front of himself at shoulder level, repeatedly rotating the blade back and forth, from left to right. Sergeant directed Officer 2 to take cover behind the passenger side door of his Sergeant s) police vehicle. Sergeant holstered his service pistol and assigned the role of lethal cover to Officers Quintanilla and Zavala, advising them of Officer 1 's role as the less-lethal officer.

After a Code Four was broadcast for an unrelated backup in Newton Division, Sergeant advised CD that he was Code Six on the 415 man with a knife call and requested additional units to respond for traffic control. According to Officer Zavala's BWV, at 1702:59 hours, Officer Zavala told Officer Quintanilla that he was going to talk to Victim in Spanish. Officer Zavala then took over communications from Officer Quintanilla. At 1703:02 hours, Victim placed the knife's blade against his left palm and again began making a cutting motion. Victim then placed the blade against the side of his throat; multiple officers yelled, "Don't do it!"[6] Sergeant directed Officer 1 to deploy the 40mm LLL. Sergeant abruptly told Officer 1 to "wait, hold on, hold on," as Officer 3 Serial No. , Rampart Patrol Division,

[5] Victim was armed with a meat cleaver type knife with a 6 ½-inch blade and a 5 ¼-inch black plastic handle.
[6] The Coroner's report did not identify any injuries to Victim hands or throat consistent with an edged weapon.

arrived in his police vehicle. Sergeant directed Officer 3 to join Officer 2 and assigned them to be an arrest team.

Victim stood up holding the knife to his throat and gestured the sign of the crucifix across his chest with his left hand. Sergeant directed Officer 1 to fire the 40mm LLL and announced, "Forty stand by!" At 1704:06 hours, Officer 1 discharged one 40mm round at Victim from approximately 30 feet. The 40mm round struck Victim in the abdomen area but did not appear to affect him. Victim walked down the steps while holding the knife to his throat and took a seat at the bottom step.

At 1704:35 hours, Sergeant retrieved a ballistic shield from his police vehicle and assigned it to Officer 3 if they needed to approach Victim. Sergeant yelled to Officers Quintanilla and Zavala, "You still got lethal coverage right here." Sergeant walked back to the driver's door of his vehicle and stood next to Officer 1. For the next several minutes, Officers Zavala, Quintanilla, and Sergeant alternated communicating with Victim. 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.

During the incident, Officers E. Meraz, Serial No. 41215, and Officer 4, Serial No. [redacted], Newton Area GED, arrived on the scene. Officer Meraz deployed the shotgun and positioned himself as a lethal cover officer alongside Officer 1. Officer 4 deployed the Beanbag Shotgun and was ultimately directed by Sergeant to move to the west side of the containment with Officer Zavala to provide less-lethal cover at that position. Sergeant and Officer Zavala continued to alternate giving commands to Victim. Sergeant used the police vehicle's Public Address (PA) system to communicate. Sergeant directed Officer 3 to reposition his (Officer 3) police vehicle to the southeast corner of Street 2 [redacted] and Street 1 to block pedestrian traffic.

Sergeant directed Officer 2 to reposition his (Officer 2's) police vehicle between his (Sergeant's) and Officer Zavala's police vehicles. At 1709:44 hours, Officer 2 returned to his police vehicle and Sergeant continued to use the PA system to communicate with Victim. As Officer 2 parked his police vehicle between Sergeant [redacted] and Officer Zavala's police vehicles, Victim stood up holding the knife in front of himself at head level. Victim looked toward his family members gathered in their front yard approximately 35 feet east of his location in front of the apartment building. Sergeant announced, "Get ready!" as he simultaneously ran around the back of his police vehicle toward Officer 1's position and announced, "Forty, forty up."

At 1710:17 hours, Victim was sitting on the bottom step with the knife positioned between his legs and his head down. Suddenly, Victim used his left hand to knock his hat off his head and stood up holding the knife in front of himself at head level. At 1710:19 hours, Victim took four steps forward in a northerly direction toward Officer 1, then turned to his left in a westerly direction. At that moment, Officer 1 announced, "Forty, standby" as Sergeant

directed him to fire the 40mm LLL. Officer 1 fired one 40mm round from approximately 22 feet impacting the lower right side of Victim s torso. Approximately .382 seconds later, Officer Zavala discharged his first of three rounds from his service pistol from approximately 25 feet, striking Victim [7] Approximately .322 seconds after Officer Zavala discharged his third round, Officer Quintanilla discharged one round from his service pistol at Victim from approximately 28 feet. Victim fell to the ground, onto his back, and the knife fell from his hand coming to rest on the sidewalk.

Sergeant broadcast a "shots fired, officer needs help" call and began organizing an arrest team assigning Officers O-2 and Quintanilla as the "hands-on" officers. Officers approached Victim handcuffed him, and placed him in a recovery position. Officer Quintanilla then directed Officer 2 to retrieve a medical kit from his police vehicle. While Officer 2 was searching for the medical kit, Los Angeles Fire Department (LAFD) RA No. 1, staffed by Firefighter/Paramedics (FF/PM) C. Shubsda and M. Farris, arrived on the scene. They began treatment and ultimately transported Victim to Los Angeles County University of Southern California Medical Center (LAC+USCMC).

Sergeant separated Officers Quintanilla and Zavala and directed them to sit in separate police vehicles until the arrival of additional supervisors. Due to an ongoing tactical situation involving a hostile crowd, Sergeant directed Officers Quintanilla and Zavala to keep their BWV cameras activated. According to Officer 1 a male Hispanic spat on his face and uniform, as he attempted to block the family's approach. After the tactical incident became manageable, Sergeant G. Gaxiola, Serial No. 35056, Newton Area Gang Enforcement Detail, initiated the monitoring of Sergeant Burke. Sergeant V. Cruz, Serial No. 38632, Newton Patrol Division assisted in monitoring Officers Quintanilla and Zavala. Sergeant P. Scallon, Serial No. 35240, 77th Street Patrol Division, monitored Officers 1 and 2 and O-3

FINDINGS

Tactics – Tactical Debrief, Officers Zavala, Quintanilla, and O-1. Administrative Disapproval, Sergeant .

Drawing/Exhibiting – In Policy, No Further Action, Sergeant Officers Zavala, Quintanilla, and O-2.

Less-Lethal Use of Force – In Policy, No Further Action, Officer 1

Lethal Use of Force – Out of Policy, Administrative Disapproval, Officers Zavala and Quintanilla.

[7] Per FID, Officer Zavala discharged his second round .381 seconds after his first round and his third round .514 seconds after his second round.

ANALYSIS[8]

Detention

Officers responded to a radio call of "attempt suicide" involving Victim The comments of the call indicated that Victim was armed with a knife. While responding to the scene, officers were advised that Victim was chasing people with the knife. Arriving at the scene, Sergeant located Victim sitting on the front steps of Incident Location a multi-unit apartment building. Victim was armed with a meat cleaver type knife. Sergeant and responding officers attempted to communicate with Victim to gain his compliance; however, he refused to drop the knife. At various points during the encounter, Victim placed the knife against his neck and palm, ostensibly self-mutilating. Based on the totality of the circumstances, officers had reasonable suspicion to detain Victim

Tactics

Department policy relative to a Tactical Debrief is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."

Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation[9]

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

---

[8] The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

[9] Los Angeles Police Department, Use of Force Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016.

*Tactical De-Escalation Techniques: **P**lanning, **A**ssessment: **T**ime; **R**edeployment and/or Containment; **O**ther Resources; and, **L**ines of Communication.*

Planning – Officers Zavala, Quintanilla, and Sergeant were assigned to the Newton Gang Enforcement Detail. 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 that he and the officers assigned to GED regularly discuss tactics and how to handle different scenarios. Officers Zavala and Quintanilla have worked on and off as partners in GED for approximately one and half years and advised they have had tactical discussions before and during their shifts. Before the OIS, Sergeant developed and communicated a plan to contain and communicate with Victim in an attempt to de-escalate the situation and take him into custody. Sergeant designated two containment teams on each side of Victim consisting of lethal and less-lethal roles, in addition to an arrest team, in case the situation required them to approach Victim At one point, Sergeant retrieved and assigned a ballistic shield to an arrest team member.

Assessment – Sergeant was aware that the edged-weapon protocol required a sergeant to respond to the ambulance attempt suicide radio. As he was the only supervisor available in the field, Sergeant assessed the need to respond. Hearing the updated information that Victim was chasing people with a knife, Sergeant knew the situation was "serious." Arriving at the scene, Sergeant and Officers Zavala and Quintanilla continually assessed the situation as Victim failed to comply with their orders to drop the knife. Sergeant and Officers Zavala and Quintanilla coordinated efforts to speak to Victim In case there was a language barrier, officers also spoke to him in Spanish. Sergeant obtained Victim s name from his family and used it to build rapport. Sergeant also used the PA system of his police vehicle to enhance communication. Sergeant assessed his resources and requested additional units to respond to control vehicle and pedestrian traffic. Sergeant assessed Victim s actions of gesturing the sign of the crucifix and opined he could attempt "suicide by cop." During the incident, Officer 1 assessed Victim s actions and determined he was using the knife to harm himself. Wanting to stop the threat to himself, Officer 1 fired a round from the 40mm LLL.

After the OIS, Sergeant assessed that Victim was on the ground in a semi-conscious state and that the knife was no longer in his possession. Observing that a group of people was gathering who may try to approach Victim Sergeant formed a contact/arrest team and apprehended him.

Time – Sergeant and his officers maintained their distance as they attempted to communicate with Victim Using the police vehicles as cover while maintaining distance allowed Sergeant and the officers time to communicate with Victim to de-escalate the incident and gain his compliance.

Redeployment and/or Containment – Sergeant positioned the police vehicles to contain Victim in front of the apartment building and requested additional units for traffic control. As additional officers arrived, he ensured a containment team was positioned on each side of

Victim and that each team had a lethal and less-lethal officer assigned. Sergeant later directed Officer 3 to reposition his police vehicle to the southeast corner to block pedestrian and vehicle traffic. Furthermore, Sergeant directed Officer 2 to reposition his police vehicle between his and Officer Zavala's police vehicle to provide better containment of the scene.

Other Resources – Sergeant assessed the need for less-lethal options and directed the deployment of a 40mm LLL and a Beanbag Shotgun officer. Sergeant assessed his resources and requested additional units to respond to control vehicle and pedestrian traffic. He retrieved a ballistic shield from his police vehicle and assigned it to an arrest team member. Officer Zavala requested an RA unit to respond and to stage near the radio call location before the OIS.

Lines of Communication – Sergeant was the first unit to arrive and repeatedly asked Victim to drop the knife. Shortly after arriving at the scene, Officer Zavala requested backup units for a man with a knife, providing his location and Victim's description. Sergeant assessed his resources and requested additional units to respond to control vehicle and pedestrian traffic. After Victim failed to comply, Officers Zavala, Quintanilla, and Sergeant alternated communicating with him in English and Spanish, using a PA system to enhance communication and Victim's first name to build rapport. Before and after the OIS, Sergeant communicated his plan and their assignments to the officers at the scene.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Code Six

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call (Los Angeles Police Department Manual, Volume 4, Section 120.40).

Due to an unrelated backup request in the division, Sergeant did not advise CD that he was Code Six when he arrived at the scene. Sergeant broadcast his Code Six status immediately after the unrelated backup request was declared a Code Four, indicating that no further assistance was needed.

The UOFRB evaluated Sergeant's decision to delay broadcasting his Code Six status. The Board noted that as Sergeant was responding to the ambulance attempt suicide radio call, the unrelated backup request was broadcast by officers who were Code Six on armed robbery suspects. Sergeant was aware that multiple units were responding to the backup request and did not want to "tie up the air." To keep the frequency clear for those officers, Sergeant did not advise CD that he had arrived at the scene until the officers broadcast a Code Four.

The UOFRB Majority noted that Sergeant advised CD that he was responding to the ambulance attempt suicide radio call. The Majority also noted that Sergeant was aware

that two other units were responding with him to the call and that Officers Zavala and Quintanilla arrived at the scene within 30 seconds of his arrival. The Board further noted that within seven seconds of their arrival, Officers Zavala and Quintanilla broadcast a request for backup units which included their location.[10] Immediately after the unrelated backup request was declared a Code Four (approximately one minute and forty seconds after Officers Zavala and Quintanilla's broadcast) Sergeant advised CD that he was at the scene.

The Majority noted that the Code Six policy's intent is to advise CD of an officer's location so that other units will be able to locate them if assistance is needed. Based on the totality of the circumstances, the Majority opined that had Sergeant needed assistance, other units would have located him. Also, due to the nature of the unrelated backup request, the Majority opined that it was reasonable for Sergeant to delay his Code Six broadcast to keep the frequency clear for officers dealing with armed robbery suspects. Therefore, the Majority determined that the tactics employed by Sergeant were a substantial deviation, with justification, from Department-approved tactical training.

The UOFRB Minority was critical of Sergeant 's decision to delay going Code Six. The minority noted that because Sergeant advised CD he was responding to the call, it would have appeared on his Mobile Data Computer (MDC). As such, the Minority opined that he could have shown himself at the scene and kept the frequency clear for officers on the unrelated backup by using his MDC. The Minority also noted that upon arrival, Sergeant was confronted by a suspect armed with a knife; however, he did not request backup units despite the situation meeting the criteria. The Minority opined that by delaying the backup request, Sergeant further exposed himself to unnecessary risk.

The Minority opined that placing himself Code Six upon arrival, and before engaging an armed suspect was crucial to Sergeant 's safety, and in not doing so, he exposed himself to unnecessary risk. Had Sergeant required assistance or help it could have been substantially delayed due to CD being unaware of his current location. Therefore, the Minority determined that the tactics employed by Sergeant were a substantial deviation, without justification, from Department-approved tactical training.

Based on the totality of the circumstances, the UOFRB Majority determined, and I concur, that the tactics employed by Sergeant were a substantial deviation, with justification, from Department-approved tactical training. To enhance future performance, I will direct this to be a topic of discussion during the tactical debrief.

During the review of this incident, the following Additional Debriefing Topics were noted:

[10] As it pertains to Officers Zavala and Quintanilla, the UOFRB determined that this broadcast satisfied the Code Six policy's intent.

Additional Tactical Debrief Topics

Crime Scene Preservation – Approaching Victim to apprehend him, Officer Zavala slid the knife away from him. Alternatively, Officers could have moved Victim away from the knife.[11] To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Less-Lethal Use of Force Warning – Officer 1 did not provide a verbal use of force warning and may have mistaken a preemptive command to standby as a warning. Sergeant articulated that it was a tactical decision not to provide a verbal use of force warning; he believed that Victim would flee and escalate the situation if one were given. Alternatively, Sergeant or Officer 1 could have provided a use of force warning before deploying the first 40mm round. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Profanity – Officer Quintanilla yelled at an officer to get out of the "fucking car" to address a citizen that refused to leave the area near the suspect. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Personal Protective Equipment (Gloves) – Officers Quintanilla and O-2 were not wearing protective gloves while apprehending and searching Victim.[12] Alternatively, they could have donned protective gloves before approaching him. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Beanbag Shotgun Manipulations – Officer 4 advised that he disengaged the safety of his Beanbag Shotgun at different times during the tactical portion of the incident; however, it was unclear if this occurred save the one instance where his sights were aligned on his target and he intended to shoot. Officer 4 assessed that the suspect was no longer a threat and decided not to discharge an impact round. As firearms safety is always a worthy discussion, I will direct that this be a topic during the Tactical Debrief.

Non-Medical Face Coverings – Officers Zavala, Quintanilla, O-1 and Sergeant were not wearing non-medical face coverings at the scene, as directed by me in May 2020. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief. Additional personnel at the scene were not wearing non-medical face coverings and will be addressed at the divisional level.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create

[11] At the time of this incident, Victim was 4 feet 9 inches tall and weighed approximately 98 pounds.
[12] As Officer 2 was not identified as substantially involved, any issue will be addressed at the divisional level.

conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (LAPD, Training Bulletin, Volume XLVII Issue 4, July 2018).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Based on the Department's edged-weapons protocol and the fact that he was the only Newton Division supervisor in the field, Sergeant responded to the ambulance attempt suicide radio call. For the same reason, he continued his response when the unrelated backup was broadcast. According to Sergeant he believed that Victim may be a danger to the community and the public based on the updated information which indicated that he was chasing people with the knife. Sergeant was the first unit and the first supervisor to arrive at the scene. He established contact with Victim and attempted to persuade him to drop the knife. Once additional resources arrived, Sergeant established command and control by assigning lethal and less-lethal roles, an officer with a ballistic shield, and an arrest team. He made updated broadcasts and requested units to assist with vehicular and pedestrian traffic. Throughout the incident, Sergeant ensured that commands were given to Victim to get him to drop the knife. To enhance communication with Victim Sergeant used a police vehicle's PA system. After the OIS, he formed a contact/arrest team and apprehended Victim He implemented crime scene management, established skirmish lines, coordinated traffic control, declared himself as the Incident Commander (IC), and requested additional supervisors to the scene. Sergeant initiated the separation and monitoring protocols of all involved personnel and ensured their continued monitoring by additional responding supervisors.

Sergeants Gaxiola and Cruz responded to the incident after the OIS and were briefed by Sergeant Sergeant Gaxiola took over the management of the tactical incident by monitoring the skirmish line. After the tactical incident became stable, Sergeant Gaxiola initiated the monitoring of Sergeant Sergeant Cruz assumed monitoring of Officers Quintanilla and Zavala and obtained Officer Quintanilla's Public Safety Statement (PSS). Sergeant A. Castellanos, Serial No. 40202, Central Patrol Division, responded to the incident, assumed

monitoring of Officer Zavala, and obtained his PSS. Sergeant Scallon monitored Officers O-1 O-2 and O-3 Sergeant J. Lee, Serial No. 38328, 77th Street Patrol Division, monitored Officers O-4 and Meraz. The overall actions of Sergeants Gaxiola, Cruz, Castellanos, Scallon, and Lee were consistent with Department training and my expectations of supervisors during a critical incident.

As it pertains to Sergeant the UOFRB Minority was critical of his overall command and control. The Minority noted that while he gave orders in a manner that may have indirectly implied he was the IC, he did not declare himself as such. The Minority also noted that Sergeant involved himself in the efforts to communicate with Victim. As Sergeant was the only supervisor at the scene, the minority opined that he should have delegated this role to a subordinate, allowing Sergeant to maintain oversight of the incident and ensure everyone was aware of the potential plan of action. The Minority also opined that Sergeant should have directed an officer to retrieve the ballistic shield instead of doing it himself.

The Minority noted that Sergeant did not request assistance from other supervisors and did not use available resources, such as the Mental Evaluation Unit or the Crisis Negotiation Team. Additionally, the Minority opined that he confused officers by taking on the role of negotiator and formulating a deficient plan to take the suspect into custody. Although Sergeant s direction to use the 40 mm LLL may have been reasonable, the minority opined his plan was deficient because he did not communicate it or his intent to the officers, nor did he direct them to place themselves in a position that would have created a sufficient amount of distance and cover.

The Minority was also critical of Sergeant s decision not to provide a less-lethal warning. The Minority noted that Sergeant stated he did not recall if he issued a use of force warning; however, he also articulated a plan to deploy less-lethal munitions and use the element of surprise to take the suspect into custody. The Minority also noted that Sergeant stated he had time on his side, but opined that his actions of using the element of surprise contradicted this statement. The Minority also opined that yelling "40-millimeter standby" confused Officer 1 as to whether a use of force warning had been given. The UOFRB minority determined that the tactics employed by Sergeant were a substantial deviation, without justification, from Department-approved tactical training.

The UOFRB Majority noted that Sergeant took the initiative to respond to the ambulance attempt suicide call when he recognized the need for a supervisor. Arriving at the scene, Sergeant attempted to de-escalate the situation and convince Victim to drop the knife. As additional units arrived, Sergeant implemented command and control by designating roles and developing a tactical plan using the available resources. While he did not declare himself as the IC before the OIS, he was the only supervisor at the scene and there was no confusion as to his being in command of the incident. Recognizing the need for additional resources, Sergeant obtained a ballistic shield from the trunk of his police vehicle and requested units for traffic control. The Majority opined that Sergeant continuously assessed the situation and made necessary adjustments. Sergeant also ensured that his officers maintained their distance and used cover while attempting to obtain Victim s surrender.

As the only supervisor at the scene, Sergeant was forced to simultaneously perform multiple tasks. While he could have delegated some of his tasks, such as acquiring the ballistic shield, and he could have refrained from communicating with Victim once additional units arrived, the Majority opined that Sergeant was able to oversee and direct the officers at the scene without compromising his supervisory oversight.

As it pertains to Sergeant 's direction to Officer 1 to discharge his first impact round, the Majority noted that Victim had stood up while holding the knife to his throat and made the sign of the crucifix leading Sergeant to believe he may attempt suicide by cop or run toward his family. The Majority also noted that Sergeant was concerned Victim may harm civilians. Per Sergeant , there were crowds of people on Street 2 , west and east of the apartment building, as well as an individual who almost exited the building behind Victim . According to Sergeant , the comments of the radio call had indicated that Victim was chasing people down the street and Sergeant believed "one-hundred percent" that Victim was a threat to the community. Sergeant hoped that officers could use the 40mm LLL to bring the situation to an end. The Board also noted that before directing Officer 1 to discharge the 40mm LLL, he announced "Forty stand by!" to alert officers that less lethal was being used and to prevent the contagious use of lethal force. Sergeant then directed Officer 1 to discharge the 40mm LLL, stating, "Hit 'em!" Based on his articulation, the Majority opined that Sergeant reasonably believed that Victim posed an immediate threat to the safety of others.

Sergeant recalled,

> *"That's the point where I directed Officer 1 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.*[13]
>
> *Again, based off the comments of the call, he's already chased people down the street with a knife. I believed that he was going to attempt to do something like that again. I wanted to stop it before it happened. My concern was for the community out there. I didn't want this guy to start hacking at -- hacking away at people.*[14]
>
> *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.*[15]

---

[13] Sergeant 's transcript, Page 12, Lines 2-8.
[14] Sergeant 's transcript, Page 29, Lines 11-17.
[15] Sergeant 's transcript, Pages 29-30, Lines 21-6.

Regarding Sergeant s decision to forgo the use of force warning, the Majority noted that per Tactics Directive No. 17.1, a use of force warning is not required if a tactical plan requires the element of surprise to stabilize a situation. While the Majority would have preferred that Sergeant had ensured a warning was provided before directing Officer 1 to discharge the 40mm LLL, they understood he intended to use the element of surprise to prevent Victim from running toward and potentially harming others. Additionally, based on his transcribed statement, the Majority opined there was no conflict in Sergeant 's explanation for forgoing the use of force warning and that his statement regarding time being on his side pertained to not prematurely approaching Victim.

Sergeant recalled,

> *DETECTIVE GOLAN: And I think we can hear it in your body-worn video, but did you provide or did anybody else provide a warning prior to use of force?*
> Sergeant *I believe I said, "40 stand by. 40 stand by," to our officers. I don't know. I don't know if I gave him a warning. I don't believe I did. 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. But I did notify our guys that we were going to fire the 40.*[16]

In reviewing this case, I noted that Sergeant elected to perform several tasks he should have assigned to the officers at the scene, specifically communicating with Victim and retrieving the ballistic shield. As stated above, command and control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. During an incident of this nature, a critical component of command and control is the delegation of duties. If a supervisor feels an officer is having difficulty performing a specific task, he or she should rotate another officer in, not assume the task themselves. While I commend Sergeant for his initiative, I would have preferred he had delegated more of the tasks that he chose to perform. Had he done so, he would have been afforded the ability to focus solely on maintaining supervisory oversight.

For these reasons, I find that the tactics employed by Sergeant were a substantial deviation, without justification, from Department-approved tactical training. To enhance future performance, I will direct this to be a topic of discussion during the tactical debrief.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB Minority determined, and I concur, that Sergeant 's actions were a substantial deviation, without justification, from Department-approved tactical training. The UOFRB also determined, and I concur, that the actions of Officers Zavala, Quintanilla, and O-1 were not a deviation from Department-approved tactical training.

---

[16] Sergeant s transcript, Page 30, Lines 7-19.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Officer 4 would not receive formal findings, the UOFRB determined, and I concur, that he would benefit from attending the Tactical Debrief.

Therefore, to enhance future performance, I will direct Officers Zavala, Quintanilla, O-1 O-4 and Sergeant to attend a Tactical Debrief and that the identified topics be discussed.

General Training Update (GTU)

Officers Zavala, Quintanilla, O-1 and Sergeant attended a GTU on December 28, 2021. All required topics were covered.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: "Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms."

During a special meeting on September 29, 1977, the Board of Police Commissioners adopted the following as a valid interpretation of this Section: "Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Sergeant

As Sergeant exited his police vehicle, Victim was sitting on the exterior stairs of the apartment building holding a knife in his right hand with the blade pressed against his neck. Sergeant told Victim, "Just drop that, you're going to be good! Drop the knife all right, hey bro, just drop the knife!" Victim did not appear to respond to or acknowledge Sergeant Believing that the situation could escalate to the use of deadly force, Sergeant unholstered his service pistol. Sergeant holstered his service pistol when he was comfortable with the number of officers that had arrived at the scene.

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.[17]

DETECTIVE GOLAN: And why did you decide to holster when you did?
Sergeant *I was comfortable with the resources that arrived with the officers and at that point it's my duty -- you know, now I got to start -- you know, I got to command and control it, you know?*[18]

Officer Quintanilla

According to Officer Quintanilla, he received information that Victim was armed with a knife and chasing people. Believing the situation could escalate to the use of deadly force, Officer Quintanilla unholstered his service pistol upon his arrival.

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.[19]

Officer Zavala

According to Officer Zavala, arriving at the scene, he observed Victim armed with a knife and pedestrians nearby. Sergeant assigned Officer Zavala as the lethal officer role. Believing the situation could escalate to the use of deadly force, Officer Zavala unholstered his service pistol.

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.[20]

Based on the tactical situation, I had reason to believe that it may escalate to the point where deadly force may be justified.[21]

The UOFRB assessed Officers Zavala, Quintanilla, and Sergeant 's drawing and exhibiting of their service pistols. The Board noted that they responded to an ambulance attempt suicide radio call. While they were responding, CD broadcast that the suspect was chasing people with a knife. Arriving at the scene, Officers Zavala, Quintanilla, and Sergeant observed Victim sitting on the front steps of an apartment building armed with a meat cleaver style knife, which he refused to drop. Additionally, Officers Zavala and Quintanilla were designated

[17] Sergeant 's transcript, Page 9, Lines 7-12.
[18] Sergeant 's transcript, Page 26, Lines 12-19.
[19] Officer Quintanilla's transcript, Pages 9-10, Lines 21 2.
[20] Officer Zavala's transcript, Page 12, Lines 11-14.
[21] Officer Zavala's transcript, Page 20, Lines 5-7.

as lethal cover officers. As such, the Board opined that it was reasonable for Officers Zavala and Quintanilla, and Sergeant to believe that they may have to use lethal force.

Based on the totality of the circumstances the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Zavala and Quintanilla, and Sergeant while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Zavala and Quintanilla, and Sergeant s Drawing/Exhibiting to be In-Policy, No Further Action.

Policy on the Use of Force[22]

Use of De-Escalation Techniques

It is the policy of this Department that, whenever feasible, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings

Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.

Proportionality

Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Use of Force–Non-Deadly

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*

[22] Office of the Chief of Police (OCOP), Special Order No. 23, "Policy on the Use of Force – Revised," and LAPD Manual, Volume 1, Section 556.10.

- *Overcome resistance.*

Factors Used to Determine Objective Reasonableness

Pursuant to the opinion issued by the United States Supreme Court in Graham v. Connor, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;*
- *The environmental factors and/or other exigent circumstances; and,*
- *Whether a person is a member of a vulnerable population.*

Rendering Aid

After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force and fellow officers:

- *To the extent of the officer's training and experience in first aid/CPR/AED; and,*
- *To the level of equipment available to an officer at the time assistance is needed.*

Requirement to Intercede

An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer

under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Less-Lethal Use of Force

An officer may use the 40mm LLL as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.[23]

Officer 1 - 40mm LLL, two rounds

First Round – One eXact iMpact Sponge Round from approximately 30 feet.

Victim stood up, holding the knife to his throat. Victim then gestured the sign of the crucifix across his chest with his left hand.[24] Sergeant directed Officer 1 to fire the 40mm LLL. Officer 1 believed Victim was attempting or was going to attempt to cut himself. In response, Officer 1 discharged one 40mm LLL round at Victim

Officer 1 recalled,

So I go up and -- to Sergeant *s vehicle. He tells me to stay at the driver side door. 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. He stands up at one point and I'm aiming at his navel area with the 40-millimeter, and* Sergeant *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.*[25]

So I was behind the driver side door of Sergeant *s shop, approximately 20 to 25 feet away from the subject, and he stood up and he still had the knife in his hands. That's when I fired at his navel area in hopes to get him to drop the knife, so he stops cutting himself or potentially cutting himself.*[26]

He didn't make any, like pain gestures, like grabbing his navel area. He just sat back down. He continued to put the knife back up to his neck.[27]

Second Round – One eXact iMpact Sponge Round from approximately 22 feet.

---

[23] LAPD Tactics Directive No. 17.1, October 2021, 40mm Less-Lethal Launcher.
[24] See Page 9 of the FID report.
[25] Officer 1 's transcript, Page 8, Lines 18-22.
[26] Officer 1 's transcript, Page 21, Lines 7-13.
[27] Officer 1 's transcript, Page 22, Lines 19-20.

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.[28] 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.[29] According to Officer 1 he believed Victim was walking toward his partners and feared that he was going to attack "us." In response, Officer 1 discharged one 40mm sponge round at Victim.

Officer 1 recalled,

DETECTIVE GOLAN: Okay. So when did you decide to use the 40 a second time?
Officer 1 *When he started -- began approaching officers.*
DETECTIVE GOLAN: As he's walking down the stairs?
Officer 1 *Yes, sir.*
DETECTIVE GOLAN: Okay. So, again, approximately how far away from him were you?
Officer 1 *Still 20 to 25 feet, sir.*
DETECTIVE GOLAN: Okay. And what were you aiming at?
Officer 1 *His navel area.*[30]

DETECTIVE GOLAN: ...So when the subject is walking down the stairs holding that knife and you decide to deploy the 40-millimeter for the second time, tell us what was going on in your head. What were you thinking?
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.*[31]

DETECTIVE GOLAN: Just based on where you were and where he was, you said 20 to 25 feet, he has a knife, he's walking toward you, how did you feel about it at that time?
DETECTIVE YOON: Can I clarify something?
DETECTIVE GOLAN: Yeah, go for it.
DETECTIVE YOON: Was he walking towards you or was he walking towards another set of officers?
Officer 1 *I think it was the other officers. It was the other officers, the ones that were to my right.*
DETECTIVE YOON: And were they closer to him?
Officer 1 *Yes. They were closer to him.*

DETECTIVE YOON: Okay. And I'm not putting words in your mouth. What were you thinking? What were you in fear of?

---

[28] See Page 15 of the FID report.
[29] See Page 16 of the FID report.
[30] Officer 1's transcript, Page 26, Lines 1-13.
[31] Officer 1's transcript, Pages 27-28, Lines 17-1.

Officer 1 *Him attacking my partners.*[32]

The UOFRB assessed Officer 1's use of less-lethal force. As it pertains to his first round, the Board noted that per Tactics Directive 17.1, officers who encounter an armed self-mutilating or suicidal individual shall not use a 40mm LLL against that person, unless the officers reasonably believe the use of the 40mm LLL would not place the officers in a position which could escalate the situation to the use of lethal force. Per the directive, if officers choose to use a 40mm LLL in these situations, they should utilize distance and cover to avoid placing themselves in a vulnerable position. The Board noted that Officer 1 observed Victim holding the knife against his neck and his palm. Based on Victim's actions, Officer 1 opined that he was attempting or was going to attempt to cut himself with the knife. To prevent Victim from self-mutilating, Officer 1 discharged one round from his 40mm LLL, striking Victim While the impact round did not seem to cause Victim any pain, the Board noted that he sat on the steps allowing officers several more minutes to attempt to de-escalate the situation. As indicated above, the UOFRB Majority opined that all of the officers had sufficient cover and distance when Officer 1 discharged his first impact round. Based on the totality, the Board opined that Officer 1's first use of the 40mm LLL conformed to Department policy.

Regarding Officer 1's second round, the Board noted that Victim had knocked the hat off his head, quickly stood holding the knife in the air, and looked toward his family members gathered in their front yard. According to the BWV footage, Victim took four steps toward Officer 1 and then turned to his left. At that moment, Officer 1 announced, "Forty, standby" as Sergeant announced "Forty, forty up!"[33] In response, Officer 1 fired a second round from the 40mm LLL at Victim to prevent him from attacking officers. According to Officer 1, he believed that Victim was going to attempt suicide by cop and he was going to try to attack officers with the knife. Based on Victim's actions, the UOFRB opined that it was reasonable for Officer 1 to believe he posed an immediate threat to officers' safety when he discharged his second impact round.

In terms of the less-lethal warning, the Board noted that Officer 1 was not sure if one was given; however, he was aware that Sergeant had given the "40 stand by" command. Based on the totality of the circumstances, the Board opined that Officer 1 was confused as to whether a use of force warning had been given and may have mistaken the "40 stand by" command as a warning. The Board also opined that this issue could be addressed during the tactical debrief and that his use of less-lethal force was within policy.

Officer 1 recalled,

DETECTIVE GOLAN: Do you know if any use of force warning was given?
Officer 1 *I'm not sure.*[34]

---

[32] Officer 1's transcript, Page 28, Lines 21-24.
[33] Per the FID report, Sergeant directed Officer 1 to fire the 40mm LLL (second round). Based on Sergeant's BWV footage and statement to FID, the Board determined that he did not direct Officer 1's second discharge.
[34] Officer 1's transcript, Pages 20-21, Lines 25-2.

I did not give the 40 stand by, because Sergeant *gave it for me.*[35]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer 1 would reasonably believe that the use of less-lethal force was proportional and objectively reasonable.

Therefore, I find Officer 1's Use of Less-Lethal Force, all rounds, to be In Policy, No Further Action.

Lethal Use of Force

It is the policy of this Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or,*
- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.*

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.

Note: *Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.*[36]

The Department's Evaluation of Deadly Force

The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.

Officer Zavala –Glock Model 17, 9mm, three rounds in a southeasterly direction from approximately 25 feet.

---

[35] Officer 1's transcript, Page 8, Lines 24-25.
[36] Office of the Chief of Police (OCOP), Special Order No. 23, "Policy on the Use of Force – Revised," and LAPD Manual, Volume 1, Section 556.10.

Background – According to Officer Zavala, at the time of the OIS, his background consisted of the front steps of Incident Location. According to Officer Zavala, while there were pedestrians in the area, there was "nobody" in the background when he discharged his service pistol.

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.[37] 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.[38] In fear for his partner's life, his life, and nearby pedestrians, Officer Zavala discharged three rounds at Victim to stop the threat of serious bodily injury or death.

Officer Zavala recalled,

> *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.*[39]
>
> *So the second time he rapidly got up, sir, holding the knife in front of him. He took approximately five, six steps towards the office -- towards the officers and myself, sir, turning his torso towards me in a threatening manner and that's when we fired to stop the threat, sir.*[40]
>
> *Oh, sir, I was afraid that the suspect was going to stab me, sir. I was afraid of my life. I was afraid of my partner's life and the other officers that were to the left of me. Not only that, sir, I was afraid of the pedestrians that were nearby.*[41]

---

[37] See Page 15 of the FID report.
[38] See Page 16 of the FID report.
[39] Officer Zavala's transcript, Pages 12-13, Lines 8-1.
[40] Officer Zavala's transcript, Page 26, Lines 19-24.
[41] Officer Zavala's transcript, Page 27, Lines 2-7.

His demeanor, his cutting his hand, attempting to cut his throat, standing up, took a deep breath, tensed up, and boom, took these five, six steps towards us. I was afraid of my life, sir.[42]

So when I fired two, three shots, that's when I assess. He was already on the ground.[43]

Sir, I believe it was necessary to stop this deadly threat, so that's why I fired approximately two to three rounds, sir.[44]

Officer Quintanilla – Smith & Wesson Model M&P, 9mm, one round in a southeasterly direction from approximately 28 feet.

Background – According to Officer Quintanilla, at the time of the OIS, his background consisted of the front steps of Incident Location According to Officer Quintanilla, the apartment was elevated from street level, and Margarito was standing on the sidewalk. Officer Quintanilla indicated there was no one directly in his background when he discharged his service pistol.

According to Officer Quintanilla's BWV, Victim stood up and walked in a northerly direction. Members of Victim s family 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.[45] Officer Quintanilla stated that once Victim reached the sidewalk and turned toward him and his partner, it was necessary to use deadly force. Officer Quintanilla was scared Victim would use the knife against himself, his partners, or a civilian in the area. Officer Quintanilla stated that once Victim turned toward him and made an "advance motion," he discharged his firearm at Victim[46]

Officer Quintanilla recalled,

So 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. It was necessary for me to use it, because I felt that he was going to -- at the time I felt that he was going to either cut me with the knife, cut my partner, or there was -- there was a civilian right there just right next to him, maybe like a few feet away from him on the sidewalk. And I felt that if he would have got to the citizen, he

---

[42] Officer Zavala's transcript, Page 27, Lines 10-13.
[43] Officer Zavala's transcript, Pages 28-29, Lines 24-1.
[44] Officer Zavala's transcript, Page 27, Lines 16-18.
[45] See Page 19 of the FID report.
[46] During his FID interview, 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.

probably -- probably would have hurt him too. So I felt that at the time that I had to do it. You know, it was necessary for me to use deadly force on him. [47]

At the time, you know, again, I was just scared the whole time. You know, I really felt that he was going to -- he was going to hurt me.[48]

Once he comes down the sidewalk, he faces towards my partner and I direction and he advances at us. He makes an advance motion at us and I deploy my firearm.[49]

I deployed it because I had -- you know, it was -- I had to use -- I had to stop him. 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.[50]

We used a 40, which is very effective in most cases, and that didn't work. And it was just necessary for me to do it. I had to do it. If not, one of us probably would have been killed today.[51]

Real time the suspect was facing us and advancing forward with the butcher knife on his hand, and that's when I engaged him to just stop him from -- from killing myself or my partners or people around there.[52]

DETECTIVE BROWN: Okay. And when you fired, can you give us a little more detail on sequence of your fire? Did you -- how many times did you fire? Was there a pause or an assessment?
POLICE OFFICER QUINTANILLA: At the time I thought I fired two rounds.
DETECTIVE BROWN: Okay.
POLICE OFFICER QUINTANILLA: And when he went down, I stopped shooting. I stopped. You know, the threat was down, so I stopped and I assessed and that's when -- that's when Sergeant *came and we went and did the arrest circle -- the arrest approach. when he went down, I stopped shooting. I stopped.*[53]

The UOFRB assessed Officers Zavala's and Quintanilla's use of lethal force. As it pertains to Officer Zavala, the Board was critical of the perceived threat posed by Victim According to Officer Zavala, Victim had advanced toward the officers and then turned toward him and his partner. Based on Victim s actions, Officer Zavalla believed he was going to approach him (Officer Zavala) with the knife. Officer Zavalla feared for his life, his partner's life, and the lives

[47] Officer Quintanilla's transcript, Page 13, Lines 11-25.
[48] Officer Quintanilla's transcript, Page 15, Lines 5-8.
[49] Officer Quintanilla's transcript, Page 29, Lines 22-25.
[50] Officer Quintanilla's transcript, Page 30, Lines 2-10.
[51] Officer Quintanilla's transcript, Page 32, Lines 19-23.
[52] Officer Quintanilla's transcript, Page 47, Lines 13-17.
[53] Officer Quintanilla's transcript, Page 31, Lines 6-17.

of the citizens nearby. While the Board considered Officer Zavala's perception, they noted that the investigation did not support his belief of the imminent deadly threat posed by Victim. Although Officer Zavala may have feared for his life, his partner's life, and the lives of the citizens, the Board opined that his fear was predicated on the likelihood of future harm, not an imminent deadly threat. Based on the BWV footage, the Board opined that Victim did not have the apparent intent to harm Officer Zavala when the OIS occurred. The Board also opined that he did not have the apparent intent or the opportunity to harm the citizens as officers were controlling pedestrian traffic. Based on the totality of the circumstances, the Board opined that Officer Zavala's use of lethal force, all three rounds, was not objectively reasonable, proportional, or necessary.

Regarding Officer Quintanilla, the Board was again critical of the perceived threat posed by Victim and opined that the investigation did not support his assertion of an imminent deadly threat. Although Officer Quintanilla may have feared for his life, his partner's life, and the lives of the citizens, they believed his fear was also predicated on the likelihood of future harm, not an imminent deadly threat. Based on the BWV footage, the Board opined that Victim did not have the apparent intent to harm Officer Quintanilla when the OIS occurred. While the Board considered Officer Quintanilla's statements regarding the imminent threat Victim posed to his family and pedestrians, the Board opined that he did not have the apparent intent or the opportunity to harm them as officers were controlling pedestrian traffic and Victim 's family was east of his location. Based on the totality of the circumstances, the Board opined that Officer Quintanilla's use of lethal force was not objectively reasonable, proportional, or necessary.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Zavala and Quintanilla would not reasonably believe that the use of lethal force was proportional, objectively reasonable, or necessary.

Therefore, I find Officer Zavala and Quintanilla's Use of Lethal Force, all rounds, to be Out of Policy, Administrative Disapproval.

Medical Treatment/Rendering Aid – At approximately 1711:15 hours, the arrest team approached Victim and took him into custody. At approximately 1711:33 hours, officers handcuffed Victim , placed him on his right side, and checked him for injuries; Sergeant broadcast a Code Four and requested the response of the RA unit. At approximately 1712:15 hours, Officer Quintanilla directed Officer 2 to retrieve his medical kit from the trunk of his vehicle. As Officer 2 attempted to locate the medical kit in the trunk, FF/PM C. Shubsda and M. Farris, arrived at the scene. Officer Quintanilla advised paramedics that Victim had gunshot wounds, directing their attention to his chest. Victim was treated at the scene and transported to LAC+USCMC where he was treated by Doctor B. Knipp for gunshot wounds to the neck, chest, and torso. At 1809 hours, Victim succumbed to his injuries and was pronounced deceased.

Requirement to Intercede

Based on my review of this incident, I determined that the incident unfolded quickly and in a manner that did not afford an officer time to intercede.

Additional/Equipment[54]

Communications Division Protocols – According to the FID investigation, RP 1 advised Radio Telephone Operator (RTO) L. Gates, Serial No. N2995, CD, that Victim "tried to hit someone and was going to attack a person with the knife." Witness 1 had also called CD and reported that Victim was looking and walking toward him while holding a knife. Witness 1 stated that Victim looked angry and he was swinging the knife in the air, which caused him to be scared. In response, CD broadcast an update that Victim was "chasing people" with the knife. The Office of Support Services and CD determined there was no deviation from policy or procedure and I concur.

Body Worn Video				
Sworn Employee	Issue	Inspection Date Range	Inspection Results	Disposition
Officer Zavala	Late Activation	11/19/22 – 12/18/22	8 of 8, 100%	Notice to Correct
Officer Quintanilla	Late Activation	11/19/22 – 12/18/22	7 of 8, 88%	Notice to Correct
Officer 3	Late Activation	8/14/22 - 9/13/22	7 of 8, 88%	Notice to Correct

Digital In-Car Video System		
Sworn Employee	Issue	Disposition
Officer Zavala	Late Activation	Notice to Correct
Officer Quintanilla	Late Activation	Notice to Correct

Required Equipment

Officers O-3 Quintanilla, Zavala, O-1 O-2 and Sergeant did not have a baton on their persons during the incident. Officers O-3 Zavala, and Quintanilla did not have their Hobble Restraint Devices on their persons. Officer 3 was not equipped with a TASER. As these issues were addressed through Formal Training with Office of Operations (OO) and Operations Central Bureau (OCB) concurrence, I deem no further action necessary.

Loading Standards – Officer Zavala was carrying a Glock manufactured 17-round magazine with an attached base plate that increased the magazine capacity to 19 rounds. As this issue was

[54] In determining the disposition for the deviation from Department policy, a review of the severity of the discrepancy in concert with prior discrepancies was taken into consideration.

addressed through a Notice to Correct Deficiencies with OO and OCB concurrence, I deem no further action necessary.

Crime Scene Preservation – After the OIS, Officer Quintanilla picked up Victim's hat from the stairs and the expended sponge from the sidewalk. Sergeant directed Officer Quintanilla to leave the items where they were. As this issue was addressed through Formal Training with OO and OCB concurrence, I deem no further action necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – There were three DICVS videos related to this incident. 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.

- Sergeant's BWV captures his Code Three response, arrival at the scene, drawing and exhibiting, tactical planning, tactics, the OIS, and post OIS activity.
- Officer Zavala's BWV captured the officers' arrival, contact with Victim, drawing and exhibiting, tactics, the OIS, and post OIS activity.
- Officer Quintanilla's BWV captured the officers' arrival, contact with Victim drawing and exhibiting, the OIS and post OIS activity, and handcuffing.
- Officer 1's BWV captured the officers' Code Three response, his arrival at the scene, the contact with Victim, drawing and exhibiting, the OIS, and post OIS activity.
- Officer 2's BWV captured the officers' Code Three response, his arrival at the scene, the contact with Victim drawing and exhibiting, the OIS, and post OIS activity.
- Officer 4's BWV captured the officers' Code Three response, the arrival at the scene, the contact with Victim drawing and exhibiting, the OIS, and post OIS activity.
- Officer Meraz' BWV captured the officers' Code Three response, the arrival at the scene, the contact with Victim drawing and exhibiting, the OIS, and post OIS activity.
- Officer 3's BWV captured his response, his arrival, tactics, the OIS, and post OIS activity.

Social Media – Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information, or witnesses were identified via social media.

Other Department Video – None.

Outside Video – Force Investigation Division investigators canvassed Incident Location for security cameras. Cameras were located that provided a view of the exterior of the entry door of the apartment building. The video captured Victim seated on the stairs, the officers' arrival, tactics, and the OIS. Force Investigation Division investigators also recovered

security camera video from Location 1. There were two exterior cameras, which provide a view of the intersection of Street 2 and Street 1, and an east-facing view toward Incident Location. The video captures images of Victim walking north on Street 1 and east on Street 2, the officers' arrival, and post OIS tactics.

Respectfully,

MICHEL R. MOORE
Chief of Police

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

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

ADJUDICATION

Complainant: Department Los Angeles, Ca.

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

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

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

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

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

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

CLASSIFICATION

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

RATIONALE

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

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

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

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

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

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

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

ADMINISTRATIVE INSIGHT FOR OFFICER ZAVALA

Employee Development Plan

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

Penalty

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

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

Work History Analysis

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

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

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

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

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

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

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

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

Officer Zavala has been involved in one preventable traffic collision

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

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

ADMINISTRATIVE INSIGHT FOR OFFICER QUINTANILLA

Employee Development Plan

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

Penalty

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

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

Work History Analysis

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

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

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

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

He has been involved in two preventable traffic collisions.

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

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

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

This letter of transmittal was written by:

JOSEPH SCIDA, Sergeant I
Newton Complaint Unit
Newton Area

Date: 11·15·22.

APPROVED BY:

ALEX BAEZ, Captain
Commanding Officer
Newton Area

Date: 11/15/22

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

PETTY F. SANTOS
INTERIM CITY CLERK

VACANT
EXECUTIVE OFFICER

City of Los Angeles

CALIFORNIA

KAREN BASS
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213) 978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER
CLERK.LACITY.GOV

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 24-1508

Council Meeting Date: March 18, 2025

Agenda Item No.: 34

Agenda Description: The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Victim [redacted], et al. v. City of Los Angeles, et al., United States District Court Case No. 2:22-cv-07534-FLA-MAAx.

Council Action: MOTION (YAROSLAVSKY – BLUMENFIELD) - ADOPTED IN OPEN SESSION

Council Vote:

ABSENT	Blumenfield	YES	Harris-Dawson	YES	Hernandez
YES	Hutt	YES	Jurado	ABSENT	Lee
YES	McOsker	YES	Nazarian	YES	Padilla
YES	Park	YES	Price Jr.	YES	Raman
ABSENT	Rodriguez	YES	Soto-Martínez	YES	Yaroslavsky

PETTY F. SANTOS
INTERIM CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 341

FILE SENT TO MAYOR	03-19-2025
LAST DAY FOR MAYOR TO ACT	04-01-2025

3/29/2025

DATE SIGNED

Adopted Report(s)Title
Motion (Yaroslavsky - Blumenfield) dated 3-4-25

AGENDA

LOS ANGELES CITY COUNCIL

Tuesday, March 18, 2025

10:00 AM
JOHN FERRARO COUNCIL CHAMBER
ROOM 340, CITY HALL
200 NORTH SPRING STREET, LOS ANGELES, CA 90012

Submit written comment at
LACouncilComment.com

President
MARQUEECE HARRIS-DAWSON, Eighth District

President Pro Tempore
BOB BLUMENFIELD, Third District

Assistant President Pro Tempore
NITHYA RAMAN, Fourth District

EUNISSES HERNANDEZ, First District
ADRIN NAZARIAN, Second District
KATY YAROSLAVSKY, Fifth District
IMELDA PADILLA, Sixth District
MONICA RODRIGUEZ, Seventh District
CURREN D. PRICE, JR., Ninth District
HEATHER HUTT, Tenth District
TRACI PARK, Eleventh District
JOHN S. LEE, Twelfth District
HUGO SOTO-MARTÍNEZ, Thirteenth District
YSABEL JURADO, Fourteenth District
TIM McOSKER, Fifteenth District

PUBLIC COMMENT AND LIVE BROADCAST

The Council meetings will be broadcast live on Cable Television Channel 35, on the internet at https://clerk.lacity.gov/calendar, and on YouTube. The live audio of the hearing will be available via telephone at: (213) 621-CITY (Metro), (818) 904-9450 (Valley), (310) 471-CITY (Westside), and (310) 547-CITY (San Pedro Area). If the live video or audio is unavailable via one of these channels, members of the public should try another channel.

Written public comment may be submitted at LACouncilComment.com.

Requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act can be made by contacting the City Clerk's Office at (213) 978-1133. For Telecommunication Relay Services for the hearing impaired, please see the information below.

Telecommunication Relay Services

Telephone communication is one of the most important forms of communication in society today. Due to advancements in technology, telephone devices have evolved with new services and capabilities. Individuals who are deaf and hard of hearing, and individuals with a speech disability are following these trends and are rapidly migrating to more advanced telecommunications methods, both for peer-to-peer and third-party telecommunications relay service (TRS) communications. Telecommunications Relay Service is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long distance calls. TRS providers - generally telephone companies - are compensated for the costs of providing TRS from either a state or a federal fund. There is no cost to the TRS user.

What forms of TRS are available? There are several forms of TRS, depending on the particular needs of the user and the equipment available: TRS includes: Text to Voice TIY-Based TRS; Speech-to-Speech Relay Service; Shared Non-English Language Relay Service; Captioned Telephone Relay Service; Internet Protocol Relay Service; and Video Relay Service. Please visit this site for detail descriptions, https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.

Don't hang up! Some people hang up on TRS calls because they think the CA is a telemarketer. If you hear, "Hello. This is the relay service .. . " when you pick up the phone, please don't hang up! You are about to talk, through a TRS provider, to a person who is deaf, hard-of-hearing, or has a speech disability.

For more information about FCC programs to promote access to telecommunications services for people with disabilities, visit the FCC's Disability Rights Office website.

SE OFRECE UN SERVICIO DE TRADUCCION AL ESPANOL EN TODAS LAS REUNIONES DEL CONSEJO MUNICIPAL

Spanish language interpretation is available at all Council and Committee meetings. Interpretation services in additional languages are available upon request, at no cost. Please submit your request to clerk.interpretation@lacity.org as soon as possible to allow time for scheduling. You will receive a confirmation reply if an interpreter is available.

BASIC CITY COUNCIL MEETING RULES

AGENDAS - The City Council meets Tuesday, Wednesday and Friday at 10:00 A.M. The agendas for City Council meetings contain a brief general description of those items to be considered at the meetings. Council Agendas are available in the Office of the City Clerk, Council and Public Services Division, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012, and on the City's website at lacity.gov or lacouncilcalendar.com.

Ten (10) members of the Council constitute a quorum for the transaction of business. The Council may consider an item not listed on the agenda only if it is determined by a two-thirds (10) vote that the need for action arose after the posting of an Agenda. Some items on the agenda may be approved without any discussion, however, any item may be called "special" by a Councilmember. If an item is called "special" it will be "held" until the remainder of the items on the Council agenda have been acted on by the Council. An item may also be called "special" if a member of the public has requested to speak on the item and a public hearing was not previously held.

The City Clerk will announce the items to be considered by the Council, however items will be grouped. For example, all items for which required public hearings have not previously been held are listed in one section on the printed agenda. The Council President will ask if any Councilmember or member or the public wishes to speak on one or more of these items. If anyone wishes to speak on an item, it will be called "special". The remaining items in this section will be voted on by Council with one roll call vote.

PUBLIC INPUT AT CITY COUNCIL MEETINGS - An opportunity for the public to address the Council on agenda items for which public hearings have not been held will be provided at the time the item is considered or during the Multiple Agenda Item Comment period. Members of the public who wish to speak on items shall be allowed to speak for up to one minute per item up to a total of three minutes per meeting. The Council has determined that a cumulative total of 20 minutes is a reasonable minimum amount of time for the Multiple Agenda Item segment of each regular meeting.

The Council will also provide an opportunity for the public to speak on public interest items. Each speaker shall be limited to one minute of general public comment each regular meeting for a cumulative total of ten (10) minutes. The Council shall not discuss or take action relative to any general public comment.

If you wish to provide documents to the full Council for consideration on an item, please present the Sergeant-At-Arms with 35 copies. Otherwise, your materials will simply be added to the official record.

NOTICE TO PAID REPRESENTATIVES - If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.

COUNCIL DISCUSSION AND TIME LIMITS - Councilmembers requesting to address the Council will be recognized by the Council President in the order requested. For any item, the Chairperson of the Committee, or the maker of the original motion, or the member calling a matter "special" shall have up to six (6) minutes to discuss the item. All other Councilmembers may speak up to three (3) minutes each on the matter. After all members desiring to speak on a question have had an opportunity to be heard once, the time for each Member desiring to speak again shall be limited to a maximum of three (3) minutes.

A motion calling the "previous question" may be introduced by any member during a Council debate. If adopted, this motion will terminate debate on a matter and the Chair will instruct the Clerk to call the roll on the matter.

VOTING AND DISPOSITION OF ITEMS - Most items require a majority vote of the entire membership of the Council (8 members). Items which have not been discussed in a Council Committee and have been placed directly on the agenda will require 10 votes to consider. Once considered, these items will normally require eight (8) affirmative votes to be adopted. Ordinances require a unanimous vote (at least 12 members must be present) in order to be adopted on first consideration. If an ordinance does not receive the necessary unanimous vote, it is laid over one calendar week. The votes required for approval on second consideration vary and depend upon the type of ordinance, but a typical ordinance requires eight (8) affirmative votes upon second consideration.

When debate on an item is completed, the Chair will instruct the Clerk to "call the roll". Every member present must vote for or against each item; abstentions are not permitted. The Clerk will announce the votes on each item. Any member of Council may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Council of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the agenda number, Council file number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of eight (8) members of the Council.

When the Council has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the item is continued to the next regular meeting for the purpose of allowing the Council to again vote on the matter.

The City Council rules provide that all items adopted by the Council will not be presented to the Mayor, or other designated officer by the City Clerk until the adjournment of the regular Council meeting following the date of the Council action. A motion to send an item "forthwith" if adopted by ten (10) votes, suspends these rules and requires the City Clerk to forward the matter to the Mayor, or other officer, without delay.

RULE 16 MOTIONS - Council Rule No. 16, in part, allows a member to send an item directly to the Council without it having to go to a Council Committee first, by giving the City Clerk a motion (seconded by an additional member) during a Council session to be placed on the next regular available Council agenda.

(BOARD) relative to a non-monetary donation valued at $45,000 to help fund the Los Angeles Women Police Officers and Associates (LAWPOA) 29th Annual Symposium 2025.

Recommendation for Council action:

ACCEPT a non-monetary donation valued at $45,000, from the Los Angeles Police Foundation, to help fund the LAWPOA 29th Annual Symposium 2025; and THANK the donor for this generous donation.

Fiscal Impact Statement: None submitted by the Board. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted

(Public Safety Committee waived consideration of the above matter)

Items Called Special

Motions for Posting and Referral

Council Members' Requests for Excuse from Attendance at Council Meetings

Closed Session

(32) **24-1393**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Adam Hollands v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC684154. (This matter arises from alleged disability discrimination and failure to accommodate and engage in the interactive process that occurred between 2007 to 2017 within the Los Angeles Police Department, and retaliation for reporting the allegations to management.)

(Budget and Finance Committee considered this matter on March 4, 2025.)

(33) **24-0903**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Stephanie Hernandez v. City of Los Angeles, et al., Los Angeles Superior Court Case No. 23STCV02640. (This matter arises from an incident involving a member of the Los Angeles Fire Department that occurred on May 22, 2021.)

(Budget and Finance Committee considered this matter in Closed Session on March 4, 2025.)

(34) **24-1508**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Victim [redacted], et al. v. City of Los Angeles, et al., United States District Court Case No. 2:22-cv-07534-FLA-MAAx. (This matter arises from an officer-involved shooting which occurred on December 18, 2021, in the Los Angeles Police Department Newton Division of the City of Los Angeles.)

(Budget and Finance Committee considered this matter on March 4, 2025.)

(35) **25-0133**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Andrea R. Naaktgeboren v. City of Los Angeles, et al., Los Angeles Superior Court Case No. 23STCV20386. (This matter arises from a vehicle versus vehicle collision that occurred on January 24, 2023, at the intersection of 1st Street and South Beaudry Avenue, in Los Angeles, California.)

(Budget and Finance Committee considered this matter on March 4, 2025.)

(36) **25-0131**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Dartanyan Wallace v. City of Los Angeles, et al., Los Angeles Superior Court Case No. 23STCV10324. (This matter arises from a June 2, 2022, automobile accident near the intersection of Cassil Place

and Sunset Boulevard, in the City of Los Angeles.

(Budget and Finance Committee considered this matter on March 4, 2025.)

Adjourning Motions

Council Adjournment

EXHAUSTION OF ADMINISTRATIVE REMEDIES - If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

CODE OF CIVIL PROCEDURE SECTION 1094.5 - If a Council action is subject to judicial challenge pursuant to Code of Civil Procedure Section 1094.5, be advised that the time to file a lawsuit challenging a final action by the City Council is limited by Code of Civil Procedure Section 1094.6 which provides that the lawsuit must be filed no later than the 90th day following the date on which the Council's action becomes final.

Materials relative to items on this agenda can be obtained from the Office of the City Clerk's Council File Management System, at lacouncilfile.com by entering the Council File number listed immediately following the item number (e.g., 00-0000).

ITEM NO. 34

3/18/25 Council – Regular Meeting Agenda
Closed Session

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations in order to effect settlement in the case entitled Victim [redacted], et al. v. City of Los Angeles, et al., United States District Court Case No. 2:22-cv-07534-FLA-MAAx. (This matter arises from an officer-involved shooting which occurred on December 18, 2021, in the Los Angeles Police Department Newton Division of the City of Los Angeles.), **SUBJECT TO THE APPROVAL OF THE MAYOR**:

1. AUTHORIZE the City Attorney's Office to expend up to **$8,000,000** in settlement of the above-entitled matter.

2. AUTHORIZE the Controller to transfer **$8,000,000** from the Liability Claims Fund No. 100/59, Account No. 009798, Miscellaneous Liability Payouts, to Fund No. 100/59, Account No. 009792, Police Liability Payouts.

3. AUTHORIZE the City Attorney to draw a demand from Fund No. 100/59, Account No. 009792, Police Liability Payouts, as follows: Law Offices of Dale K. Galipo, Client Trust Account in the amount of **$8,000,000.**

4. AUTHORIZE the City Attorney, or designee, to make necessary technical adjustments, subject to the approval of the City Administrative Officer; and, AUTHORIZE the Controller to implement the instructions.

This matter was recommended for approval by the Budget and Finance Committee (Yaroslavsky – Blumenfield – Hutt – Hernandez: "Yes; McOsker "Absent") at its meeting held on March 4, 2025, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY_____
KATY YAROSLAVSKY
Councilmember, 5th District

SECONDED BY _____
BOB BLUMENFIELD
Councilmember, 3rd District

MM 3-4-25
CF 24-1508

LUIS A. CARRILLO (SBN 70398)
MICHAEL S. CARRILLO (SBN 258878)
CARRILLO LAW FIRM, LLP
1499 Huntington Drive, Suite 402
South Pasadena, CA 91030
Tel: (626) 799-9375
Fax: (626) 799-9380

Dale K. Galipo, Esq. Bar No. 144074
LAW OFFICES OF DALE K. GALIPO
21800 Burbank Blvd., Suite 310
Woodland Hills, CA 91367
Tel: (818)347-3333
Email: dalekgalipo@yahoo.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

[redacted], Plaintiff 1, Plaintiff 2, Plaintiff 3, Plaintiff 4, [redacted],

PLAINTIFFS,

v.

CITY OF LOS ANGELES, JOSE ZAVALA, JULIO QUINTANILLA, AND DOES 1 THROUGH 10, INCLUSIVE

DEFENDANTS.

CASE NO: 2:22-cv-7534

COMPLAINT FOR DAMAGES:

1. Fourth Amendment – Excessive Force (42 U.S.C. § 1983)
2. Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)
3. Fourteenth Amendment--Substantive Due Process-Interference with Familial Relationships (42 U.S.C. § 1983)
4. Substantive Due Process Deliberate Indifference to Serious Medical Needs (42 U.S.C. § 1983)
5. Municipal Liability – Ratification (42 U.S.C. § 1983)
6. Municipal Liability – Failure to Train (42 U.S.C. § 1983)

7. Municipal Liability – Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
8. Negligence (Wrongful Death)
9. Battery (Wrongful Death/Survival)
10. Negligent Infliction of Emotional Distress, Bystander
11. Violation of Bane Act (Cal. Civil Code § 52.1)

[DEMAND FOR JURY TRIAL]

COMPLAINT FOR DAMAGES

PLAINTIFFS [redacted], [redacted] **and** [redacted], [redacted], in each case individually and as to [redacted], as a successor-in-interest to the DECEDENT, [redacted] (collectively, "PLAINTIFFS"), for their Complaint against the **CITY OF LOS ANGELES, JOSE ZAVALA, JULIO QUINTANILLA,** and **DOES 1 THROUGH 10**, inclusive, (collectively, "DEFENDANTS") hereby allege as follows:

JURISDICTION AND VENUE

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4) because PLAINTIFFS assert claims arising under the laws of the United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States Constitution.

2. This Court has supplemental jurisdiction over PLAINTIFFS' claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

3. Venue is proper in this Court under 28 U.S.C. § 1391(b) because DEFENDANTS reside in the Central District of California, and all incidents, events, and occurrences giving rise to this action occurred in the Central District.

INTRODUCTION

4. This civil rights and state tort action seeks compensatory damages from DEFENDANTS for violating various rights under the United States Constitution, the Federal Tort Claims Act, and state law in connection with the fatal deputy-involved shooting of PLAINTIFFS', son, and brother, [redacted], on December 18, 2021. PLAINTIFFS allege that [redacted]'s death was a result of the excessive use of deadly force of DEFENDANTS DOES 1-10; and was also a result of DEFENDANTS' failure to provide reasonable medical care to DECEDENT despite DECEDENT's serious mental health condition; and was a result of DEFENDANTS' deliberate indifference to DECEDENT'S serious mental health needs and medical emergency.

5. The policies and customs behind shootings of civilians such as [redacted], and failure to provide reasonable medical care, are fundamentally unconstitutional and have violated the civil rights of residents of the CITY, such as Plaintiffs and DECEDENT. Accordingly, PLAINTIFFS herein seek by means of this civil rights action to hold accountable those responsible for the death of [redacted], and to challenge the unconstitutional policies and practices of the CITY and all DEFEDANTS.

PARTIES

6. At all relevant times, [redacted] ("DECEDENT") was an individual residing in the CITY of LOS ANGELES, California.

7. At all relevant times, [redacted]. ("[redacted]"), was and is an individual residing in the CITY of LOS ANGELES, State of California. [redacted] is the father of DECEDENT. [redacted] sues both in his individual capacity for wrongful death damages as the father of DECEDENT and in a representative capacity as DECEDENT's successor-in-interest pursuant to California Code

of Civil Procedure § 377.60. Plaintiff 1 seeks wrongful death damages under federal and state law.

8. At all relevant times, Plaintiff 2 was and is an individual residing in the CITY of LOS ANGELES, State of California. Plaintiff 2 is the biological sister of DECEDENT.

9. At all relevant times, Plaintiff 3 was and is an individual residing in the CITY of LOS ANGELES, State of California. Plaintiff 3 is the biological brother of DECEDENT.

10. At all relevant times, Plaintiff 4, was and is an individual residing in the CITY of LOS ANGELES, State of California. Plaintiff 4 is the biological sister of DECEDENT.

11. The **CITY OF LOS ANGELES** ("CITY") is, a municipal corporation existing under the laws of the State of California. CITY is a chartered subdivision of the State of California with the capacity to be sued. CITY is responsible for the actions, omissions, policies, procedures, practices, and customs of its various agents and agencies, including the Los Angeles Police Department and its agents and employees.

12. Defendant City of Los Angeles Police **OFFICER JOSE ZAVALA,** is a residents of Los Angeles County, and at all times mentioned herein was acting under color of law, to wit, under the color of the statutes, ordinances, regulations, policies, and customs, of the Los Angeles Police Department, and under the color of the statutes, regulations, and laws of the state of California. Defendant Officer Jose Zavala was acting within his capacity as employee, agent, representative, and servant of the Defendant CITY.

13. Defendant City of Los Angeles Police **OFFICER JULIO QUINTANILLA,** is a residents of Los Angeles County, and at all times mentioned herein was acting under color of law, to wit, under the color of the statutes, ordinances, regulations, policies, and customs, of the Los Angeles Police Department, and under the color of the statutes,

regulations, and laws of the state of California. Defendant Officer Jose Zavala was acting within his capacity as employee, agent, representative, and servant of the Defendant CITY.

14. DEFENDANTS, **DOES 1-5 ("DOE OFFICERS")** are police officers employed by the LAPD. DOE OFFICERS were acting under color of law and within the course and scope of their employment as officers for the LAPD. DOE OFFICERS were acting with the complete authority and ratification of their principal, Defendant CITY.

15. Defendants DOES 6-8 are supervisory officers for the LAPD who were acting under color of law and within the course and scope of their employment as police officers for the LAPD. DOES 6-8 were acting with the complete authority and ratification of their principal, Defendant CITY.

16. Defendants DOES 9-10 are managerial, supervisorial, and policymaking employees of CITY, who were acting under color of law and within the course and scope of their duties as managerial, supervisorial, and policymaking employees of CITY. DOES 9-10 were acting with the complete authority and ratification of their principal, Defendant CITY.

17. On information and belief, Defendants DOES 1-10 were residents of the City of Los Angeles.

18. In doing the acts and failing and omitting to act as hereinafter described, Defendants DOE OFFICERS were acting on the implied and actual permission and consent of Defendants CITY and DOES 6-10.

19. In doing the acts and failing and omitting to act as hereinafter described, Defendants DOES 1-10 were acting on the implied and actual permission and consent of the CITY.

20. The true names and capacities, whether individual, corporate, association or otherwise of Defendants DOES 1-10, inclusive, are unknown to Plaintiffs, who as a result sues these Defendants by such fictitious names. Plaintiffs will seek leave to amend this complaint to allege the true names and capacities of these Defendants when they have been

ascertained. Each of the fictitiously-named Defendants is responsible in some manner for the conduct or liabilities alleged herein

21. The true names and capacities, whether individual, corporate, association or otherwise of DEFENDANTS DOES 1-10, inclusive, are unknown to PLAINTIFFS, who otherwise sues these DEFENDANTS by such fictitious names. PLAINTIFFS will seek leave to amend their complaint to show the true names and capacity of these DEFENDANTS when they have been ascertained. Each of the fictitiously named DEFENDANTS is responsible in some manner for the conduct or liabilities alleged herein.

22. At all times mentioned herein, each and every DEFENDANT was the agent of each and every other DEFENDANT. All of the acts complained of herein by PLAINTIFF against DEFENDANTS were done and performed by said DEFENDANTS by and through their authorized agents, servants, and/or employees, all of whom at all relevant times herein were acting within the course, purpose, and scope of said agency, service, and/or employment CITY. Moreover, DEFENDANTS and their agents ratified all of the acts complained of herein.

23. Defendants DOES 1-10 are sued in their individual capacities.

24. On or about April 7, 2022, PLAINTIFFS filed comprehensive and timely claims for damages with the CITY pursuant to applicable sections of the California Government Code.

25. On or about April 26, 2022, the CITY rejected PLAINTIFFS' claim for damages pursuant to Government Code § 913 and § 915.4. PLAINTIFFS have therefore exhausted all administrative remedies.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

26. PLAINTIFFS repeat and re-allege each and every allegation in paragraphs 1 through 25 of this Complaint with the same force and effect as if fully set forth herein.

27. This incident occurred on Tuesday, December 18, 2021, around 7:00 p.m. at the family home where DECEDENT resided, located at Home Address in Los Angeles, California.

28. In response to the 911 call, from PLAINTIFF Plaintiff 2 stating her brother was "going to commit suicide", DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 arrived at Home Address in Los Angeles, California at approximately 7:00 p.m. officers pointed a spotlight at DECEDENT from their patrol vehicle and yelled at him to drop the knife. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 parked their patrol vehicles facing the Home Address location and were a safe distance away from DECEDENT at the time they made contact with him and started shouting at him.

29. After about two minutes of officers shouting at DECEDENT and escalating the situation, DECEDENT stood up and then officers fired a less-than-lethal round at DECEDENT. DEFENDANTS JOSE ZAVALA and JULIO QUINTANILLA, as well as DOE OFFICERS continued shouting at DECEDENT with their weapons drawn at him while DECEDENT sat silently at the bottom step of the staircase on the porch. DECEDENT stood up again and started to turn around when he was simultaneously struck by less-lethal and then multiple rounds from Defendants ZAVALA and QUINTANILLA's firearms, as well as from DOE OFFICERS.

30. In spite of the fact that DECEDENT's sister had called 911 because DECEDENT was having a mental health crisis, DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5 did not investigate whether DECEDENT was in fact having suicidal ideations, or whether DECEDENT was having a mental crisis. Worse, DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5 did not notify the Crisis Response Support Section ("CRSS"), Mental Evaluation Unit ("MEU") or Systemwide Mental Assessment Response Team ("SMART"). DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5 did not properly assess the situation regarding

DECEDENT's mental state; did not notify supervisors of the situation; did not employ tactics to de-escalate the situation; did not give DECEDENT sufficient time to comprehend the presence of Los Angeles Police Officers at the family home; did not develop a tactical plan regarding DECEDENT's suicidal ideation; did not speak to DECEDENT in a sensitive and non-threatening manner; and did not give DECEDENT the opportunity to cooperate with the instructions of Los Angeles Police Department Officers.

31. DECEDENT never threatened any of the DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5; DECEDENT made no aggressive movements toward any of the DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5; DECEDENT did not lunge toward any of the DEFENDANTS; DECEDENT did not move toward any of the DEFENDANTS; DECEDENT did not step forward toward any of the DEFENDANTS; DECEDENT did not attempt to harm any member of the community and was not at risk of harming anyone. DECEDENT did not make any furtive gestures that would suggest to the DEFENDANTS that DECEDENT was attempting, or intending to inflict harm on any of the DEFENDANTS, DOES 1-5 or any member of the community.

32. Despite the foregoing facts, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOE OFFICERS fired their guns at DECEDENT multiple times, and DECEDENT was struck with multiple bullets and was killed by DEFENDANTS. All DEFENDANTS participated in the use of deadly force against DECEDENT by either directly using force against DECEDENT, ordering another DEFENDANT to use force against DECEDENT, or by failing to intervene in the unjustified use of deadly force. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 failed to order any other DEFENDANT not to use deadly force against the DECEDENT, and failed to intervene to stop the use of force against DECEDENT.

33. MICHEL R. MOORE ("CHIEF MOORE") was and is a duly elected Chief of the LOS ANGELES POLICE DEPARTMENT and authorized to speak on behalf of Defendant CITY. CHIEF MOORE admitted that the mental health team should have been

sent to the scene where DECEDENT was shot and killed by Defendants. Specifically he stated, "[Those resources] should have been dispatched because [DECEDENT] had an edged weapon and those protocols should have dispatched such a resource."

34. As a result of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 negligence and excessive use of deadly force, DECEDENT died. The use of force against DECEDENT was excessive and objectively unreasonable under the circumstances, particularly because DEFENDANTS were aware that DECEDENT was suffering from a mental illness, was going through a potential mental health crisis, and because DECEDENT had not harmed anyone and did not pose a threat to any person. DEFENDANTS were aware that he had not committed a crime, and that he was in need of medical assistance, and did not pose an immediate threat of death or serious bodily injury to anyone at any time immediately prior to or during the use of force. Further, DEFENDANTS determined that DECEDENT did not pose an immediate threat of death or serious bodily injury to anyone at any time immediately prior to the use of deadly force.

35. PLAINTIFF Plaintiff 1 is DECEDENT's successor-in-interest as defined in Section 377.11 of the California Code of Civil Procedure and succeeds to DECEDENT's interest in this action.

FIRST CLAIM FOR RELIEF

Fourth Amendment – Excessive Force (42 U.S.C. § 1983)

By PLAINTIFF Plaintiff 1 Against Defendants JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5

36. PLAINTIFF repeats and re-alleges each and every allegation contained in paragraphs 1 through 35 of this complaint with the same force and effect as if fully set forth herein.

37. The Fourth Amendment to the United States Constitution, and applied to state actors by the Fourteenth Amendment, provides citizens the right to be secure in their person against unreasonable searches and seizures, including the use of excessive deadly force.

38. The excessive and unreasonable use of deadly force against DECEDENT deprived him of his right to be secure against unreasonable searches and seizures as guaranteed by the Fourth Amendment to the United States Constitution and made applicable to state actors by the Fourteenth Amendment. Because of the unlawful excessive and unreasonable force purposefully utilized against DECEDENT, he suffered serious injuries resulting in death.

39. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 did not investigate whether DECEDENT was in fact having suicidal ideations, or whether DECEDENT was having a mental crises. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 did not notify the Crisis Response Support Section ("CRSS"), Mental Evaluation Unit ("MEU") or the Systemwide Mental Assessment Response Team ("SMART"). DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 did not properly assess the situation regarding DECEDENT's mental state; did not notify supervisors of the situation; did not employ tactics to de-escalate the situation; did not give DECEDENT sufficient time to comprehend the presence of Los Angeles Police Officers at the family home; did not develop a tactical plan regarding DECEDENT's suicidal ideation; did not speak to DECEDENT in a sensitive and non-threatening manner; and did not give DECEDENT the opportunity to cooperate with the instructions of Los Angeles Police Officers.

40. DECEDENT never threatened any of the DEFENDANTS; DECEDENT made no aggressive movements toward any of the DEFENDANTS nor did he threaten the safety and well-being of any member of the community; DECEDENT never lunged toward any of the DEFENDANTS nor did he move toward any of the DEFENDANTS. DECEDENT did not make any furtive gestures that would suggest to the DEFENDANTS that DECEDENT was attempting, or intending to inflict harm on any of the DEFENDANTS or any other person.

41. DEFENDANTS ZAVALA, QUINTANILLA AND DOE DEFENDANTS 1-5 did not employ tactics to de-escalate the scenario, failed to give DECEDENT time and space to understand the officers' presence, failed to give DECEDENT time and space to accept their presence, failed to approach and speak to DECEDENT in a non-threatening manner, and failed to give DECEDENT the opportunity to consent to and cooperate with Los Angeles Police Department Officers instructions.

42. DECEDENT lived at the family home and was not an immediate threat to anyone at the time the DEFENDANTS shot and killed DECEDENT. As can be seen on the video released by the LAPD, at no time prior to DEFENDANTS ZAVALA, QUINTANILLA and DOES 1-5 discharging their weapons, no Police Officer was facing an imminent threat of serious physical injury; or that no Police Officer was incapable of neutralizing and/or effectuating the seizure of DECEDENT using any of a variety of readily available less-than-lethal means or strategies. The force used by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DEFENDANTS DOES 1-5 was unnecessary, excessive, and unreasonable under the totality of the circumstances.

43. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DEFENDANTS DOES 1-5, was willful, wanton, malicious, and done with a deliberate indifference for the rights and safety of DECEDENT and therefore warrants the award of exemplary and punitive damages against DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DEFENDANTS DOES 1-5. All the DEFENDANTS, under 42 U.S.C. § 1983, are liable to the Plaintiff for compensatory, including general and special, damages.

44. As a result of their excessive use of deadly force which caused constitutional injuries to Plaintiff, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOE DEFENDANTS 1-5 are liable for DECEDENT's injuries, either because they were integral participants in the wrongful use of excessive deadly force, or because they failed to intervene to prevent these constitutional violations.

45. Plaintiff bring this claim as successor-in-interest to the DECEDENT and seeks wrongful death damages for the violation of Plaintiff's and DECEDENT's rights. Plaintiff also seeks attorneys' fees pursuant to 42 U.S.C. § 1988(b).

SECOND CLAIM FOR RELIEF

Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)

Plaintiff Plaintiff 1 **Against the DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOE DEFENDANTS 1-5**

46. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 45 of this complaint with the same force and effect as if fully set forth herein.

47. The Fourth Amendment to the United States Constitution, as applied to state actors by the Fourteenth Amendment, provides the right of all persons to reasonable medical care during the course of a seizure and/or when in the custody of Los Angeles Police Department Officers. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, failed to provide reasonable medical care to DECEDENT despite DECEDENT'S serious mental health condition; and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 manifested deliberate indifference to DECEDENT'S serious mental health condition of suicidal ideations and mental illness.

48. DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5 did not provide reasonable medical care for DECEDENT even after DEFENDANTS were informed by Plaintiff Plaintiff 2 that DECEDENT was having suicidal ideations, and that DECEDENT was having a mental crisis.

49. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DEFENDANTS 1-5 used excessive deadly force against DECEDENT thereby causing his death.

50. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOE DEFENDANTS 1-5 knew that DECEDENT was suffering from suicidal ideation, and

DEFENDANTS increased the danger by failing to provide mental health professionals for DECEDENT despite the fact that Plaintiff 2 had informed dispatch, who then informed DEFENDANTS ZAVALA, QUINTANILLA and DOES 1-5 about DECEDENT's suicidal ideation and failed to respond to the requests for assistance for DECEDENT, who was having a severe mental crises, and was mentally ill. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 knew that failure to provide timely medical treatment for DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, and refused to permit medical care givers to access and care for DECEDENT at the scene prior to and after the incident.

51. In so doing the aforementioned acts before, during and after the use of force, the conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5 were willful, wanton, malicious, and done with deliberate indifference for the rights and safety of DECEDENT and therefore warrants the imposition of exemplary and punitive damages as to the individual DEFENDANTS.

52. As a result of their misconduct, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5 are liable for DECEDENT's injuries, either because they were integral participants in the use of force, or because they failed to intervene to prevent these violations. DEFENDANTS, under 42 U.S.C. § 1983, are liable to the Plaintiff for compensatory, including general and special, damages.

53. PLAINTIFF brings this claim as successor-in-interest to the DECEDENT, and seeks wrongful death damages for the violation of DECEDENT's rights. PLAINTIFF also seeks attorney's fees pursuant to 42 U.S.C. § 1988(b).

THIRD CLAIM FOR RELIEF

Fourteenth Amendment--Substantive and Procedural Due Process----Interference with Familial Relationships (42 U.S.C. § 1983)

By Plaintiff Plaintiff 1 against DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOE DEFENDANTS 1-10

54. PLAINTIFF incorporates by reference each and every allegation in paragraphs 1 through 53 as if fully set forth herein.

55. PLAINTIFF had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of life, liberty, or property in such a manner as to shock the conscience, including but not limited to unwarranted state interference in the familial relationship with his son.

56. The actions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, including the unjustified shooting of DECEDENT, along with other conduct of constitutional violations, shock the conscience, in that they acted with deliberate indifference to the constitutional rights of the DECEDENT and PLAINTIFF, and with purpose to harm unrelated to any legitimate law enforcement objective.

57. On December 18, 2021, DECEDENT was shot and killed by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, who shot DECEDENT multiple times causing his death.

58. DEFENDANTS violated the PLAINTIFF'S rights under the Fourth Amendment when DECEDENT was shot and killed; and violated the PLAINTIFF'S rights under the Fourteenth Amendment to substantive and procedural due process because DEFENDANTS caused an unwarranted state interference in the PLAINTIFF'S familial relationship with DECEDENT.

59. Despite the foregoing facts, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 shot at DECEDENT multiple times, and DECEDENT was struck and was killed by DEFENDANTS. All DEFENDANTS participated in the use of force against DECEDENT by either directly using deadly force against DECEDENT, or ordering another DEFENDANT to use deadly force against DECEDENT. DEFENDANTS failed to order any other DEFENDANT not to use deadly force against the DECEDENT, failed to intervene to stop the use of deadly force against DECEDENT.

60. Plaintiff 1, had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive his of life, liberty, or property in such a manner as to shock the conscience, including but not limited to unwarranted state interference in Plaintiff 1's familial relationship with his son, DECEDENT.

61. The aforementioned acts and omissions of DEFENDANTS shock the conscience, in that the DEFENDANTS acted with deliberate indifference to the constitutional rights of DECEDENT and PLAINTIFF, and with purpose to harm unrelated to any legitimate law enforcement objective.

62. DEFENDANTS also thus violated the substantive and procedural due process right of DECEDENT to be free from state actions that deprive life, liberty, or property in such a manner as to shock the conscience, including actions that constitute violations of Constitutional rights.

63. As a direct and proximate cause of the acts of DEFENDANTS, PLAINTIFF has suffered emotional distress. PLAINTIFF has also been deprived of the life-long love, companionship, comfort, support, guidance society, care, and moral support of DECEDENT, and will continue to be so deprived for the remainder of his natural life.

64. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 was willful, wanton, malicious, and done with deliberate indifference for the rights and safety of DECEDENT and PLAINTIFF and therefore warrants the imposition of

exemplary and punitive damages as to DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5.

65. PLAINTIFF Plaintiff 1 seeks wrongful death damages under this claim in his individual capacity, and as successor-in-interest, for the violations of civil rights, including the interference with his familial relationship with DECEDENT. PLAINTIFF also seeks attorney's fees pursuant to 42 U.S.C. § 1988(b).

FOURTH CLAIM FOR RELIEF

Substantive and Procedural Due Process, Deliberate Indifference to Serious Medical Needs (42 U.S.C. § 1983)

By Plaintiff Plaintiff 1 Against DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOE DEFENDANTS 1-10

66. PLAINTIFF incorporates by reference each and every allegation in paragraphs 1 through 65 as if fully set forth herein.

67. PLAINTIFF had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of life, liberty, or property in such a manner as to shock the conscience.

68. The actions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, including the unjustified shooting of DECEDENT, along with other conduct of constitutional violations, shock the conscience, in that they acted with deliberate indifference to the constitutional rights of the DECEDENT and PLAINTIFF, and with purpose to harm unrelated to any legitimate law enforcement objective.

69. On December 18, 2021, DECEDENT was shot and killed by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, who shot DECEDENT multiple times causing his death. At all times herein mentioned DECEDENT was denied reasonable medical care for his immediate mental and medical needs, by the acts and omissions of DEFENDANTS.

70. DEFENDANTS violated the PLAINTIFF'S rights under the Fourth Amendment when DECEDENT was shot and killed; and violated the PLAINTIFF'S rights under the Fourteenth Amendment to substantive and procedural due process because DEFENDANTS put DECEDENT in a position of danger by their actions, including by failing to provide medical care to DECEDENT despite DECEDENT's objectively serious mental health crisis. DEFENDANTS manifested deliberate indifference to DECEDENT'S mental health condition; and to the constitutional rights of PLAINTIFF; and by acts and omissions of DEFENDANTS who failed to provide proper care for a mentally ill man going through a crisis.

71. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 knew that DECEDENT was suffering from a mental health crisis, and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 increased the danger by failing to provide mental health professionals for DECEDENT despite the fact that Plaintiff 2 [redacted] had informed ***all*** DEFENDANTS about DECEDENT's suicidal ideation; and failed to respond to Plaintiffs' requests for medical assistance for DECEDENT, who was having a severe mental crises, and was mentally ill. DEFENDANTS knew that failure to provide timely medical treatment for DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, and also refused to permit medical care givers to access and care for DECEDENT at the scene prior to and after the incident.

72. Despite the foregoing facts, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 shot at DECEDENT multiple times, and DECEDENT was struck and was killed by DEFENDANTS. All DEFENDANTS participated in the use of force against DECEDENT by either directly using deadly force against DECEDENT, or ordering another DEFENDANT to use deadly force against DECEDENT. DEFENDANTS failed to order any other DEFENDANT not to use deadly force against the DECEDENT,

failed to intervene to stop the use of deadly force against DECEDENT, and failed to provide medical treatment.

73. DECEDENT had a cognizable interest under the Substantive Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of life, liberty, or property in such a manner as to shock the conscience, including actions that constitute deliberate indifference to serious medical needs, health, and safety, and from state actions that constitute violations of PLAINTIFF'S and DECEDENT'S constitutional right to prompt and adequate medical care. DEFENDANTS violated DECEDENT's constitutional right to prompt and adequate medical care by denying DECEDENT access to medical care and mental health professionals. DEFENDANTS put DECEDENT in a position of danger by their actions, including by impeding access to medical care. DEFENDANTS knew that DECEDENT was suffering from suicidal ideation and increased the danger by failing to respond properly and by escalating the situation in the language and manner in which they spoke to DECEDENT.

74. Plaintiff 1, had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive his of life, liberty, or property in such a manner as to shock the conscience.

75. DEFENDANTS also thus violated the substantive and procedural due process right of DECEDENT to be free from state actions that deprive life, liberty, or property in such a manner as to shock the conscience, including actions that constitute deliberate indifference to serious medical needs, health, and safety, and actions that constitute violations of Constitutional rights to prompt and adequate medical care.

76. As a direct and proximate cause of the acts of DEFENDANTS, PLAINTIFF has suffered emotional distress. PLAINTIFF has also been deprived of the life-long love, companionship, comfort, support, guidance society, care, and moral support of DECEDENT, and will continue to be so deprived for the remainder of his natural life.

77. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 was willful, wanton, malicious, and done with deliberate indifference for the rights and safety of DECEDENT and PLAINTIFF and therefore warrants the imposition of exemplary and punitive damages as to DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5.

78. PLAINTIFF Plaintiff 1 seeks wrongful death damages under this claim in his individual capacity, and as successor-in-interest, for the violations of civil rights. PLAINTIFF also seeks attorney's fees pursuant to 42 U.S.C. § 1988(b).

FIFTH CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

Against Defendant CITY and DOES 6-10

79. PLAINTIFF incorporates by reference each and every allegation in paragraphs 1 through 78 as if fully set forth herein.

80. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 acted under color of law.

81. The acts and omissions DEFENDANTS deprived DECEDENT and PLAINTIFF of their constitutional rights under the United States Constitution.

82. Upon information and belief, DEFENDANT DOES 6-10 are final policymakers and/or supervisory officers, acting under color of law, and who had final policymaking authority concerning the acts of JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-10, and have ***ratified***, and have specifically ***approved***, the acts and omissions of JOSE ZAVALA, JULIO QUINTANILLA and DOE 1-5, and the basis for the acts and omissions. Defendant CITY of LOS ANGELES, and DEFENDANT DOES 6-10, final policymakers, have ***ratified***, and have specifically ***approved***, the acts and omissions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5.

83. Defendant CITY and DOES 6-10, final policymakers and supervisory officers, have determined that the acts and omissions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 were "within policy" of the LOS ANGELES POLICE DEPARTMENT Policy Manual.

84. Because DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, were not disciplined, reprimanded, retrained, suspended, have not suffered any administrative consequences, have not suffered any adverse employment consequences, or otherwise penalized in any way in connection with DECEDENT's death, the Defendant CITY of LOS ANGELES, and DOES 6-10, final policymakers, have ***ratified***, and have specifically ***approved***, of the acts and omissions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5.

85. Defendant CITY of LOS ANGELES, and DEFENDANT DOES 6-10 manifested deliberate indifference with regard to the excessive use of deadly force, and the denial of medical care for DECEDENT, and deliberate indifference to DECEDENT's serious medical needs. PLAINTIFF has suffered the loss of the love, companionship, affection, comfort, care, society, training, guidance, and moral support of DECEDENT.

86. Defendants CITY of LOS ANGELES and DOES 6-10, are each liable to PLAINTIFF for compensatory damages under 42 U.S.C. § 1983.

87. PLAINTIFF seeks wrongful death damages for the violation of PLAINTIFF and DECEDENT's rights under this claim. PLAINTIFF also seeks attorney's fees under this claim pursuant to 42 U.S.C. § 1988(b).

SIXTH CLAIM FOR RELIEF

Municipal Liability – Failure to Train (42 U.S.C. § 1983)

Plaintiff Plaintiff 1 **Against the CITY**

88. PLAINTIFF incorporates by reference each and every allegation in paragraphs 1 through 87 as if fully set forth herein.

89. At all times herein mentioned, Defendants JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 acted under color of law and the acts and omissions of Defendants JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 deprived DECEDENT and PLAINTIFF of their Constitutional rights under the United States Constitution. The training policies of Defendant CITY and Defendant DOES 6-10 were not adequate to properly train Police Department Officers to handle the usual and recurring situations in their interactions with residents, including responding to calls involving mentally ill people, responding to calls and interacting with people who display symptoms of mental illness. The training policies of Defendant CITY were not adequate to properly train Police Department Officers with regard to the use of deadly force, the permissible use of deadly weapons, and protecting the rights of persons to medical care during in the course of detaining individuals.

90. The unjustified and excessive use of deadly force against DECEDENT by JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 was a result of the negligent training by Defendant CITY who failed to train Police Department Officers, such as DOES-10 as to ***proper police tactics***, proper use of force, proper use of deadly force, and proper police tactics in the use of force with respect to mentally ill individuals. Defendant CITY were responsible for the training of Police Department Officers to ensure that the actions, procedures, and practices of JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 complied with Peace Officer Standards and Training (POST) training standards regarding proper police tactics, proper use of force, and proper use of deadly force.

91. Defendant CITY negligently failed to train CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, to comply with POST training standards regarding proper police tactics, proper use of force, proper use of deadly force, and proper police tactics when dealing with mentally ill individuals. POST was established by the California Legislature in 1959 to set minimum training standards for California Los Angeles Police Officers. The training policies of Defendant CITY were not

adequate to train its Los Angeles Police Officers to handle the usual and recurring situations with residents and pretrial detainees that JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5 have contact with.

92. The training policies of Defendant CITY were deficient in the following:

(a) Defendant CITY failed to properly train Los Angeles CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, to ***de-escalate*** interactions with residents or mentally ill individuals, so that Los Angeles Police Officers do not ***escalate*** their interactions with residents, or with mentally ill individuals, and do not overreact and resort to use of deadly force when the use of force was not necessary. Instead, JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 escalated their interactions with DECEDENT who was mentally ill and had suicidal ideation.

(b) Defendant CITY failed to properly train Los Angeles CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, to not permit fear to reach the point of becoming ***unreasonable fear***, and not objectively reasonable, which would result in the use of deadly force by DOES 1-5 and would cause the death of residents, or mentally ill persons such as DECEDENT.

(c) Defendant CITY failed to properly train Los Angeles CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, to properly and ***adequately assess*** the need to use force against persons such as DECEDENT, who have a mental illness.

(d) Defendant CITY failed to properly train CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, in proper police tactics, such as ***situational awareness***, so that Los Angeles Police Officers, such as DOES 1-5, do not utilize negligent tactics, which is what JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 did in this case. Because of this lack of proper training by Defendant JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 did not use proper police tactics in the handling of their contact and interaction with DECEDENT. JOSE ZAVALA, JULIO

QUINTANILLA and DOES 1-10 used ***defective*** police tactics, including the lack of a ***situational awareness*** by JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5. These training failures by Defendant CITY, and ***defective*** tactics by JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, resulted in the death of DECEDENT.

(e) Defendant CITY failed to properly train CITY of LOS ANGELES Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, the importance of ***effective communication*** between officers prior to using any type of force.

(f) Because of the lack of proper training by CITY of Officers JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, did not use effective communication prior to and during the use of force against DECEDENT. This ***ineffective*** communication of information by JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, prior to and during the incident, resulted in the death of DECEDENT, causing constitutional injuries to DECEDENT and PLAINTIFF.

93. The failure of Defendant CITY to provide proper training to its Police Officers caused the deprivation of PLAINTIFF'S rights by Defendants JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5. Defendant CITY's failure to train is so closely related to the deprivation of the PLAINTIFF'S rights as to be the moving force that caused the ultimate injuries to PLAINTIFF.

94. The training policies of the CITY were not adequate to train its deputy Sheriff's to handle the usual and recurring situations with which they must deal with, including mentally ill persons, such as DECEDENT herein. Defendant CITY was deliberately indifferent to the obvious consequences of its failure to properly train its

Police officers.

95. The failure of the CITY to provide adequate training to its officers caused the deprivation of PLAINTIFF'S rights by JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5; the CITY'S failure to train is so closely related to the deprivation of

DECEDENT and PLAINTIFF'S rights as to be the moving force that caused the ultimate constitutional injuries to PLAINTIFF.

96. The Defendant CITY failed to train JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5 properly and adequately. Moreover, the CITY failed to properly train its CRSS's, MEU's, SMART and Police Department Officers with respect to the use of excessive force, communication, and improper seizure, and also with respect to handling situations with the mentally ill

97. By reason of the aforementioned acts and omissions of all the Defendants, and Defendant CITY, PLAINTIFF has suffered loss of the love, companionship, affection, comfort, care, society, training, guidance, and moral support of DECEDENT. The aforementioned acts and omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life, and death.

98. Accordingly, Defendants CITY JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, each are liable to the PLAINTIFFS for compensatory damages under 42 U.S.C. § 1983. PLAINTIFF bring these claims as DECEDENT's successors-in-interest as defined in Section 377.11 of the California Code of Civil Procedure and seek survival damages for the violation of DECEDENT's rights. PLAINTIFFS also seek reasonable attorneys' fees pursuant to 28 U.S.C. § 1988, costs, and interest.

SEVENTH CLAIM FOR RELIEF

Municipal Liability – Unconstitutional Policy, Practice, or Custom

(42 U.S.C. § 1983)

By Plaintiff 1 **Against the CITY of LOS ANGELES and DOES 6-10**

99. PLAINTIFF incorporates by reference each and every allegation contained in paragraphs 1 through 98 as if fully set forth herein.

100. The acts of JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5 that deprived DECEDENT and PLAINTIFF of their constitutional rights under the Fourth and Fourteenth Amendments as set forth above and were done

pursuant to a widespread and longstanding practice or custom of Defendant CITY which condones, ratifies, and acquiesces in the excessive use of deadly force by Los Angeles Police Officers. DOE DEFENDANTS 1-5 caused the deprivation of the Plaintiff's constitutional rights, and Decedent's constitutional rights, pursuant to this longstanding practice or custom of Defendant CITY. The CITY's widespread and longstanding practice or custom is so closely related to the deprivation of the Plaintiff's rights as to be the moving force that caused the Decedent's death.

101. Pursuant to the CITY's widespread and longstanding practice or custom, which condones, ratifies, and acquiesces in the excessive use of deadly force by Los Angeles Police Officers, JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5, were not disciplined, reprimanded, retrained, or suspended, have not suffered any administrative consequences, and have not suffered any adverse employment consequences, or were otherwise penalized in any way in connection with DECEDENT's death.

102. Defendants CITY and DOES 6 through 10, together with other CITY final policymakers and supervisors, maintained, *inter alia*, the following unconstitutional customs, practices, and policies:

(a) The use of excessive force, including excessive deadly force, by CITY Los Angeles Police Officers, when there is no need for deadly force, or where there is no imminent threat to Los Angeles Police Officers.

(b) The CITY's failure to provide adequate training regarding the use of force, and the use of deadly force.

(c) The CITY's employing and retaining as Los Angeles Police Officers and individuals such as Officers JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5, whom the CITY at all times herein knew or reasonably should have known, had dangerous propensities for abusing their authority and for using excessive deadly force.

(d) The CITY's inadequately supervising, training, controlling, assigning, and disciplining CITY OF LOS ANGELES officers, including JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5, whom the CITY knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits.

(e) The CITY's maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining and controlling misconduct by CITY Officers.

(f) The CITY's failures to adequately discipline CITY Los Angeles Police Officers, including JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5, for the above-referenced categories of misconduct, including "slap on the wrist" discipline that is so slight as to be out of proportion to the magnitude of the misconduct, and other inadequate discipline that is tantamount to encouraging misconduct.

(g) The CITY's custom and practice of concluding that acts of excessive use of force are "within policy" including use of deadly force instances that were later determined in court to be unconstitutional, and/or excessive use of force.

(h) Even where a CITY officer use of force is determined in court to be unconstitutional, and/or excessive use of force, the CITY has refused to discipline, terminate, or retrain the Officers involved.

(i) The CITY's custom and practice of accommodating, or facilitating a "code of silence," pursuant to which Los Angeles Police Officers do not report other Officers' errors, misconduct, or crimes. Pursuant to this code of silence, if questioned about an incident of misconduct involving another deputy, while following the code, the deputy being questioned will claim ignorance of the other deputy's wrongdoing.

(j) The CITY's maintaining a policy of inaction and an attitude of indifference towards soaring numbers of instances of use excessive force by Los Angeles Police

Officers, including by failing to discipline, retrain, investigate, terminate, and recommend officers for criminal prosecution who use excessive force against unarmed people.

(k) The CITY's custom and practice of providing inadequate training regarding handling situations with the mentally ill persons and failing to provide adequate training in compliance with Welfare and Institutions Code § 5150 and 5158.

103. Defendants CITY and DOES 6-10, together with various other CITY officials, and final policy makers, had either actual or constructive knowledge of the unconstitutional policies, practices and customs alleged in the paragraphs above. The Defendants CITY and DOES 6-10 acted with deliberate indifference to the foreseeable effects and consequences of these customs and policies with respect to the constitutional rights of DECEDENT, Plaintiff, and other individuals similarly situated.

104. The following are only a few examples of constitutional violations committed by Los Angeles Police Department Officers working for Defendant CITY. These examples demonstrate the unconstitutional customs and practices of using excessive force against unarmed civilians, ratifying that use of deadly force, and/or finding the use of deadly force to be justified or "within policy."

a) (a) In *Contreras v. City of Los Angeles*, case number 2:11-cv-01480-SVW (SHx)), the CITY argued that the use deadly force against Mr. Contreras by LAPD officers was reasonable; a unanimous jury disagreed, awarding Mr. Contreras $5,700,000 after finding that the involved officers used excessive and unreasonable force when they shot an unarmed Mr. Contreras. Police reports confirmed that Mr. Contreras was unarmed. In that case, the involved officers were not disciplined or retrained for their use of deadly force, and the CITY found that the shooting was justified and did not violate any CITY policy.

b) In *P.C., et al. v. City of Los Angeles*, case number CV 07-3413 PLA, the CITY argued that the involved LAPD officers' use of force was reasonable; a unanimous jury disagreed, awarding the plaintiffs a total of $3,215,000 after finding that the involved officers' use of force was excessive and unreasonable. In that case, the involved officers were not disciplined or retrained for their use of deadly force, and the CITY found that the shooting was justified and did not violate any CITY policy.

c) In *Cano, et al. v. City of Los Angeles*, case number 2:15-cv-00333-JAK-E, currently pending in the United States District Court for the Central District of California, the family of an unarmed man (David Martinez) who was shot and killed by LAPD Rampart officers alleges that the force used by the officers was excessive and unreasonable. Police reports confirm that Mr. Martinez was unarmed at the time of the shooting. In that case, the involved officers were not disciplined or retrained for their use of deadly force, and the CITY found that the shooting was justified and did not violate any CITY policy.

105. The aforementioned cases establish a ***pattern*** of excessive use of force by Los Angeles Police Department Officers, and the unconstitutional custom, and practice of the CITY in ***ratifying*** the excessive use of force by Los Angeles Police Department Officers, as evidenced by the number of prior cases involving the use of deadly force by Los Angeles Police Department Officers working for the Police Department.

106. The CITY's longstanding practice or custom caused the deprivation of DECEDENT and PLAINTIFF's rights by DEFENDANTS; that is, the CITY's official policy condoning excessive force against mentally ill people is so closely related to the deprivation of the DECEDENT's and PLAINTIFF'S rights in this case as to be the moving force that caused DECEDENT's death.

107. The CITY, and DOE DEFENDANTS 6-10, together with various other CITY officials with final policy making authority, had either actual or constructive knowledge of the unconstitutional policies, practices and customs alleged in the paragraphs above.

108. The CITY, and DOE DEFENDANTS 6-10, also acted with deliberate indifference to the foreseeable effects and consequences of these policies with respect to the constitutional rights of DECEDENT, PLAINTIFF, and other individuals similarly situated.

109. By perpetrating, sanctioning, and ratifying the unconstitutional violations and other wrongful acts, The CITY, and DOE DEFENDANTS 6-10 acted with deliberate indifference for the life of DECEDENT, and for DECEDENT's and PLAINTIFF'S constitutional rights. Furthermore, the policies, practices, and customs implemented, maintained, by all of the DEFENDANTS were affirmatively linked to and were the driving force for the constitutional injuries of DECEDENT and the PLAINTIFF.

110. By reason of the aforementioned acts and omissions, the Plaintiff has suffered the loss of the love, companionship, affection, comfort, care, society, training, guidance, and moral support of DECEDENT. The aforementioned acts and omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life, and death.

111. Accordingly, each DEFENDANT is liable to PLAINTIFF for compensatory damages under 42 U.S.C. § 1983.

112. PLAINTIFF bring his claim individually and as successors in interest to DECEDENT, and seek wrongful death damages under this claim. PLAINTIFF also seek attorney's fees under this claim pursuant to 42 U.S.C. § 1988(b).

EIGHTH CLAIM FOR RELIEF

Negligence – Wrongful Death

By Plaintiff 1 Against ALL DEFENDANTS

113. PLAINTIFF repeats and re-alleges each and every allegation in paragraphs 1 through 112 of this complaint with the same force and effect as if fully set forth herein.

114. Los Angeles Police Department Officers, including DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, have a duty to use reasonable care to prevent harm or injury to others. This duty includes using appropriate tactics, giving appropriate commands, giving warnings, not using unnecessary force, using less than lethal options, and only using deadly force as a last resort.

115. DEFENDANTS breached this duty of care. The actions and inactions of Defendant DOES 1 through 5 were negligent and reckless.

116. DEFENDANTS CITY and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10 knew that by acting as sworn officers under color of law, they were charged with ensuring the safety and well-being of Decedent. Defendants CITY and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10 had the duty to protect and ensure the safety of residents, such as Decedent, including but not limited to:

(a) the failure to properly and adequately assess the need to detain, arrest, restrain, and use force or deadly force against DECEDENT;

(b) the negligent tactics and handling of the situation with DECEDENT, including negligence occurring immediately prior to the use of force, and negligent tactics in handling a situation with a mentally ill person;

(c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;

(d) the failure to provide prompt medical care to DECEDENT;

(e) the failure to properly train and supervise employees, both professional and non-professional, including DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10;

(f) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the

rights of DECEDENT, including DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10;

(g) the negligent handling of evidence and witnesses; and

(h) the negligent communication of information during the incident.

117. As a direct and proximate result of DEFENDANTS' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT was caused to suffer severe pain and suffering and ultimately died.

118. Also as a direct and proximate result of DEFENDANTS' conduct as alleged above, PLAINTIFF suffered emotional distress and mental anguish. PLAINTIFFS also has been deprived of the life-long love, companionship, comfort, support, society, care and moral support of DECEDENT, and will continue to be so deprived for the remainder of his natural life.

119. The CITY of LOS ANGELES is vicariously liable for the wrongful acts of all the DEFENDANTS pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

120. PLAINTIFF bring this claim both individually and as successor in interest of DECEDENT, and seek wrongful death damages.

NINTH CLAIM FOR RELIEF

Battery – Wrongful Death

By Plaintiff 1 Against ALL DEFENDANTS

121. PLAINTIFF repeats and re-alleges each and every allegation in paragraphs 1 through 120 of this complaint with the same force and effect as if fully set forth herein.

122. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, while working for the LOS ANGELES POLICE DEPARTMENT, and acting within the course and scope of their employment and duties as Los Angeles Police Department Officers, intentionally shot DECEDENT, thereby using unreasonable and excessive force

against him. As a result of the actions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 DECEDENT suffered severe pain and suffering and ultimately died from his injuries. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 had no legal justification for using force against DECEDENT, and their use of force while carrying out their duties as Los Angeles Police Department Officers was an unreasonable and non-privileged use of force.

123. Each of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 integrally participated or failed to intervene in the use of force.

124. As a result of the Officers' excessive use of force, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10 are liable for DECEDENT's injuries, either because they were integral participants in the wrongful excessive use of force, or because they failed to intervene to prevent these violations.

125. The CITY of LOS ANGELES is vicariously liable for the wrongful acts of all the DEFENDANTS pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

126. As a direct and proximate result of the acts and omissions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 as alleged above, DECEDENT died and PLAINTIFF has suffered the loss of the love, companionship, affection, comfort, care, society, training, guidance, and moral support of DECEDENT.

127. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of PLAINTIFF and DECEDENT, entitling PLAINTIFF, individually and as successor-in-interest to DECEDENT, to an award of damages as to all DEFENDANTS.

128. PLAINTIFF brings his claim individually and as a successor in interest to DECEDENT, and each also seeks wrongful death damages under this claim.

TENTH CLAIM FOR RELIEF

Negligent Infliction of Emotional Distress

By ALL PLAINTIFFFS Against DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, AND DOES 1-10

129. PLAINTIFFS repeat and re-allege each and every allegation in paragraphs 1 through 128 of this complaint with the same force and effect as if fully set forth herein.

130. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 negligently caused physical injury and death to DECEDENT when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 discharged their firearms at DECEDENT, striking him with multiple bullets and killing DECEDENT. The use of deadly force by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 was excessive and unreasonable, and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 were negligent in discharging their firearms at DECEDENT, including pre-shooting negligent conduct, actions, omissions, including negligent police tactics.

131. [redacted] was present at the scene, which is her residence, and contemporaneously heard, when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 fatally discharged their firearms at DECEDENT and [redacted] was aware that DECEDENT, his son, was being killed.

132. [redacted] was present at the scene, which is her residence, and contemporaneously witnessed, when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 fatally discharged their firearms at DECEDENT and [redacted] was aware that DECEDENT, her brother, was being killed.

133. [redacted] was present at the scene, which is his residence, and contemporaneously heard when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 fatally discharged their firearms at DECEDENT and [redacted] was aware that DECEDENT, his brother, was being killed.

134. Plaintiff 4 was present at the scene, which is her residence, and contemporaneously heard, when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 fatally discharged their firearms at DECEDENT and Plaintiff 4 was aware that DECEDENT, her brother, was being killed.

135. As a result of being present at the scene and perceiving their brother and son, DECEDENT, being fatally shot by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1 to 5, Plaintiff 1, Plaintiff 2, Plaintiff 3, AND Plaintiff 4 suffered serious emotional distress, including but not limited to, suffering anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

136. On information and belief, any ordinary reasonable person would be unable to cope with seeing their brother fatally shot multiple times by police officers, especially at their own residence.

137. The CITY is vicariously liable for the wrongful acts of all the DEFENDANT OFFICERS, inclusive, pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

138. PLAINTIFFS bring this claim individually and seek damages under this claim as individuals.

ELEVENTH CLAIM FOR RELIEF

Violation of Cal. Civil Code § 52.1 (the Bane Act)

By Plaintiff 1 Against All DEFENDANTS

139. PLAINTIFF repeats and re-alleges each and every allegation in paragraphs 1 through 138 of this complaint with the same force and effect as if fully set forth herein.

140. California Civil Code, Section 52.1 (the Bane Act), prohibits any person from using violent acts or threatening to commit violent acts in retaliation against another person for exercising that person's constitutional rights.

141. California Civil Code, Section 52.1 (the Bane Act), applies to this complaint with the same force and effect as fully set forth herein:

> (a) If a person or person, whether or not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals or rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state...a civil action for injunctive and other appropriate equitable relief may be brought.

142. Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of this state, has been interfered with, as described in subdivision (a), may institute and prosecute in his name and on his own behalf a civil action for damages, including but not limited to, damages under Section 52, injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the rights secured, including appropriate equitable and declaratory relief to eliminate a pattern or practice of conduct as described in subdivision (a).

143. The California Civil Code, Section 52.1(b) authorizes a private right of action for damages to any person whose constitutional rights are violated. Also, "a successful claim for excessive force under the Fourth Amendment provides the basis for a successful claim under § 52.1." *Chaudhry v. City of Long Beach.*, 751 F.3d 1096, 1105-06 (9th Cir. 2014); citing *Cameron v. Craig*, 713 F.3d 1012, 1022 (9th Cir. 2013) ("[T]he elements of the excessive force claim under § 52.1 are the same as under § 1983."); *Bender v. CITY of L.A.*, 217 Cal.App. 4th 968, 976 (2013) ("an unlawful [seizure]…when accompanied by unnecessary, deliberate and excessive force…is within the protection of the Bane Act").

144. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 violated DECEDENT's constitutional rights by using excessive force, whose acts of unreasonable

force were done intentionally, and with a reckless disregard for his constitutional rights and for his life. *Reese v. Cnty. of Sacramento*, 888 F.3d 1030, 1044-1045 (9th Cir. 2018)

145. Also as alleged above, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 unjustly shot DECEDENT at a time when DECEDENT posed no threat of death or serious bodily injury to any person. On information and belief, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, while working for the CITY and acting within the course and scope of their duties, intentionally committed and attempted to commit acts of violence against DECEDENT, including by shooting him without justification or excuse, by integrally participating and failing to intervene in the above violence, and by denying necessary medical care.

146. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 violated PLAINTIFFS' rights under the Fourteenth Amendment to substantive and procedural due process when they put DECEDENT in a position of danger by their actions, including by impeding access to medical care. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 knew that DECEDENT was suffering a paranoid ideation, and was mentally ill. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 increased the danger by failing to respond to the requests of PLAINTIFFS for medical assistance for DECEDENT, who was suffering from a mental illness when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 killed DECEDENT.

147. When DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 unnecessarily shot the DECEDENT with multiple bullets, this caused the DECEDENT to suffer the ill effects of being shot. This act perpetrated against an unarmed and a mentally ill individual by the DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 interfered with DECEDENTS' civil rights to be free from unreasonable searches and seizures, to due process, to equal protection of the laws,

to medical care, to be free from state actions that shock the conscience, and to life, liberty, and property.

148. On information and belief, DEFENDANTS intentionally and spitefully committed the above acts to discourage DECEDENT from exercising his civil rights, to retaliate against him for invoking such rights, or to prevent him from exercising such rights, which he was fully entitled to enjoy.

149. On information and belief, DECEDENT reasonably believed and understood that the violent acts committed by DEFENDANTS were intended to discourage him from exercising the above civil rights, to retaliate against him for invoking such rights, or to prevent him from exercising such rights because of DECEDENT's Latino ancestry.

150. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 was a substantial factor in causing the harm, losses, injuries, and damages of DECEDENT and PLAINTIFFS.

151. The CITY of LOS ANGELES is vicariously liable for the wrongful acts of all the DEFENDANTS, including DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's acts would subject him or her to liability.

152. DEFENDANTS successfully interfered with the above civil rights of DECEDENT and PLAINTIFF.

153. The conduct of DEFENDANTS was a substantial factor in causing PLAINTIFF'S harms, losses, injuries, and damages.

154. The CITY is vicariously liable, under California law and the doctrine of respondeat superior, for the acts and omissions of DEFENDANTS and DOES 1-10.

155. The conduct of DEFENDANTS was a substantial factor in causing the harm, losses, injuries, and damages of PLAINTIFF. PLAINTIFF seekS wrongful death damages

under this claim in his individual capacity and as a successor-in-interest to DECEDENT. PLAINTIFF also seek costs and attorney fees under this claim pursuant to Civ. Code, § 52.1(h).

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS request entry of judgment in their favor and against All DEFENDANTS, inclusive, as follows:

A. For compensatory damages, for the wrongful shooting of DECEDENT, damages for Plaintiffs under federal and state law, in the amount to be proven at trial;

B. For interest;

C. For other general damages in an amount according the proof at trial;

D. For other non-economic damages in an amount according the proof at trial;

E. For other special damages in an amount according to proof at trial;

F. For reasonable costs of this suit;

G. Attorney's fees pursuant to 42 U.S.C. § 1988;

H. Attorney's fees and costs pursuant to California Civil Code, Section 52.1(h). (The Bane Act).

I. For such further other relief as the Court may deem just, proper, and appropriate.

Dated: October 17, 2022

CARRILLO LAW FIRM, LLP
LAW OFFICES OF DALE K. GALIPO

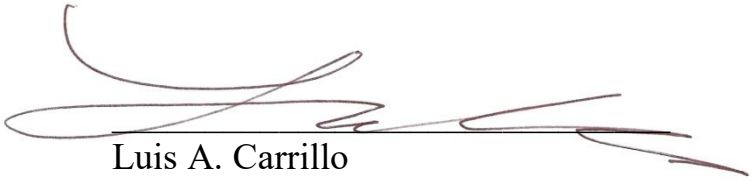
Luis A. Carrillo
Michael S. Carrillo
Attorneys for PLAINTIFFS

DEMAND FOR JURY TRIAL

The PLAINTIFFS named herein hereby demand a trial by jury.

Dated: October 17, 2022

CARRILLO LAW FIRM, LLP
LAW OFFICES OF DALE K. GALIPO



Luis A. Carrillo
Michael S. Carrillo
Attorneys for PLAINTIFFS

LOS ANGELES POLICE DEPARTMENT
Force Investigation Division

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

TRANSCRIPTION OF TAPE-RECORDED INTERVIEW OF

POLICE OFFICER JOSE ZAVALA

Transcribed by:
Kelly Sully
CSR No. 13501

Job Number:
TP97025

LOS ANGELES POLICE DEPARTMENT

Tape No. Zavala

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

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

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

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

Also present are --

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

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

DETECTIVE BROWN: And --

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

POLICE OFFICER ZAVALA: No, sir.

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

Do you understand?

POLICE OFFICER ZAVALA: Yes, sir.

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

subsequent criminal proceedings.

Do you have any questions?

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

DETECTIVE BROWN: Yes.

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

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

POLICE OFFICER ZAVALA: Yes, sir.

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

POLICE OFFICER ZAVALA: No, sir.

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

POLICE OFFICER ZAVALA: No, sir.

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

DETECTIVE BROWN: Okay. And how long have you

been assigned to Newton Division?

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

DETECTIVE BROWN: And your current assignment with Newton Division?

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

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

POLICE OFFICER ZAVALA: Approximately three years, sir.

DETECTIVE BROWN: Okay. And your partner was?

POLICE OFFICER ZAVALA: My partner was Officer Quintanilla.

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

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

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

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

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

you're working together?

POLICE OFFICER ZAVALA: Yes, sir, we do.

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

POLICE OFFICER ZAVALA: Yes, sir, sir.

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

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

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

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

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: Less lethal.

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

back and ask some clarifying questions, okay?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

And then he kept walking down the steps, sat

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

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

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

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

already cut his hand.

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

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

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

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

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

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

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

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

suspect to -- to a nearby hospital, sir.

DETECTIVE BROWN: Okay. Was there anything else?

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

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

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

DETECTIVE BROWN: Okay.

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

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

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

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

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

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

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

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

DETECTIVE BROWN: What was the approximate age and ethnicity?

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

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

POLICE OFFICER ZAVALA: No, sir.

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

POLICE OFFICER ZAVALA: No, sir.

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

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

And he was just pressing it and he was taking

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

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

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

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

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

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

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

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

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

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

ATTORNEY WILCOX: He was talking about his late activation.

DETECTIVE BROWN: Thank you.

ATTORNEY WILCOX: You're welcome.

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

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

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

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

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

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

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

DETECTIVE BROWN: Okay. At what point did you

unholster?

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

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

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

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

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

your trigger finger at?

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

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

POLICE OFFICER ZAVALA: Oh, no, sir.

DETECTIVE BROWN: -- back and forth between --

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

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

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

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

POLICE OFFICER ZAVALA: No, sir.

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

about God, but was there any lines of communication?

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

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

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

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

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

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

DETECTIVE BROWN: Yeah, please.

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

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

POLICE OFFICER ZAVALA: Like a cross.

DETECTIVE BROWN: So as if making the crucifix sign.

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

DETECTIVE GRABE: The sign of the cross?

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

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

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

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

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

ATTORNEY WILCOX: Okay.

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

DETECTIVE BROWN: Okay. What was your intention

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

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

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

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

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

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

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

have any affect whatsoever on him?

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

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

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

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

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

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

POLICE OFFICER ZAVALA: Comes down.

DETECTIVE BROWN: Gets hit with less lethal.

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

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

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

DETECTIVE BROWN: Okay.

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

DETECTIVE BROWN: Okay. What did you perceive --

or what was your concern at the time you fired?

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

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

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

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

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

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

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

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

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

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

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

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

DETECTIVE BROWN: Okay.

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

the ground.

DETECTIVE BROWN: Okay.

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

DETECTIVE BROWN: Okay.

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

DETECTIVE BROWN: Okay.

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

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

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

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

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

DETECTIVE BROWN: I think you described a male.

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

DETECTIVE BROWN: Okay.

DETECTIVE GRABE: Could I ask something?

DETECTIVE BROWN: Yes. Sure.

DETECTIVE GRABE: Before we go to --

DETECTIVE BROWN: Yeah.

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

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

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

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

lobby, sir.

DETECTIVE GRABE: Okay.

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

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

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

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

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

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

DETECTIVE BROWN: And your trigger finger is where?

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

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

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

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

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

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

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

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: Rendered aid.

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

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

DETECTIVE BROWN: Okay.

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

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

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

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

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

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: -- back away from you?

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

DETECTIVE GRABE: Okay.

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

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

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

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

POLICE OFFICER ZAVALA: Oh, no, no.

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

DETECTIVE GRABE: Okay.

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

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

DETECTIVE BROWN: Okay.

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

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

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

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

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

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

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

had been involved in the shooting?

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

DETECTIVE BROWN: Castillanos?

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

DETECTIVE BROWN: Public safety statement?

POLICE OFFICER ZAVALA: Public safety statement and --

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

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

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

POLICE OFFICER ZAVALA: I don't believe so.

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

POLICE OFFICER ZAVALA: No, sir.

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

DETECTIVE GRABE: Sure. Sure.

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

POLICE OFFICER ZAVALA: Due to the fact that he

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

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

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: He was talking (Unintelligible).

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

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

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

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

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

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

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

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

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

DETECTIVE GRABE: Okay.

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

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

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

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

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

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

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

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

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: -- with less lethal?

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: And then do you carry your Taser?

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

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

POLICE OFFICER ZAVALA: Oh, yes, sir.

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

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

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: And we got to leave

everything at scene.

DETECTIVE GRABE: Okay.

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

DETECTIVE GRABE: Okay.

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

DETECTIVE BROWN: Thank you.

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

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

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

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

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

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

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

POLICE OFFICER ZAVALA: Resources.

DETECTIVE GRABE: -- resources to help with the

surrounding --

POLICE OFFICER ZAVALA: Containment.

DETECTIVE GRABE: -- pedestrians?

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

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

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

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

POLICE OFFICER ZAVALA: Oh, man.

DETECTIVE GRABE: How much time elapsed?

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

DETECTIVE GRABE: Okay.

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

But it took a while, sir.

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

POLICE OFFICER ZAVALA: How long did it take?

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

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

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

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

DETECTIVE GRABE: Okay.

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

DETECTIVE GRABE: Okay.

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

DETECTIVE GRABE: Okay. Okay. Now, you talked

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

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

POLICE OFFICER ZAVALA: No, sir.

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

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE GRABE: How did that get turned on?

POLICE OFFICER ZAVALA: Usually we try to make it

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

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

POLICE OFFICER ZAVALA: Either the belt or inside.

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

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

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

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

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

POLICE OFFICER ZAVALA: Across.

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

POLICE OFFICER ZAVALA: Yes, sir. And he was

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

DETECTIVE GRABE: Okay.

POLICE OFFICER ZAVALA: -- just building that courage.

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

ATTORNEY WILCOX: Sorry.

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

ATTORNEY WILCOX: Is that what you saw at scene?

POLICE OFFICER ZAVALA: Yes.

ATTORNEY WILCOX: Okay.

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

POLICE OFFICER ZAVALA: Yes, sir.

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

POLICE OFFICER ZAVALA: No, sir.

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

POLICE OFFICER ZAVALA: We had distance.

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

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

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

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

DETECTIVE BROWN: Okay.

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

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

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

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

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

DETECTIVE BROWN: Okay.

POLICE OFFICER ZAVALA: That's my understanding.

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

POLICE OFFICER ZAVALA: Yes, sir.

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

POLICE OFFICER ZAVALA: Yes, sir.

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

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

DETECTIVE BROWN: And how did you verify that?

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

DETECTIVE BROWN: So you did a chamber check?

POLICE OFFICER ZAVALA: Yes, sir.

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

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

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

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

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

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

POLICE OFFICER ZAVALA: To me, he appeared --

ATTORNEY WILCOX: Can you say it again?

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

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

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

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

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

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

ATTORNEY WILCOX: That was all I had.

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

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

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

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

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

POLICE OFFICER ZAVALA: Utilized?

DETECTIVE BROWN: -- utilized or deployed?

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

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

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

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

POLICE OFFICER ZAVALA: Yes, sir.

DETECTIVE BROWN: -- when you respond to those?

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

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

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

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

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

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

TRICHIEF CONSULTING
SERVICES

Robert Handy
20118 North 67th Avenue, Suite 300-452
Glendale, Arizona 85308
Phone: (714) 916-7439

Ms. Christine Ford
Bureau Chief, Peace Officer Standards Accountability Division
CA Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Sent Via Email

February 12, 2026

Regarding: Los Angeles Police Department Shooting involving Officers Zavala and Quintanilla on December 18, 2021.

Dear Ms. Ford,

The following report contains my opinions from a review of the Los Angeles Police Department shooting case involving Officers Zavala and Quintanilla. I have studied the reports, documents, and videos listed below. This report presents my expert opinions based on the materials reviewed, my training and education, and more than three decades of law enforcement experience. If additional materials are provided, a supplemental report that adds to or refines my opinions may be necessary.

Expertise

I currently serve as the Director of Public Safety for Grand Canyon University (GCU) in Phoenix, Arizona. Before serving as the Director of Public Safety at GCU, I was the police chief in Huntington Beach and San Bernardino, California. I am a policing executive with over 35 years of comprehensive law enforcement experience. My experience includes extensive experience training and teaching new police officers, veteran officers, and command-level officers.

In addition to reviewing thousands of use-of-force cases and hundreds of police shooting cases in my policing career, I have also been retained as a subject matter expert to review police use-of-force incidents and policing practices and procedures nationwide. Attached is my curriculum vitae for a more detailed description of my related experience.

Brief Incident Summary

On December 18, 2021, at approximately 1710 hours, Los Angeles police officers responded to a call of a suicidal man with a knife call. Witnesses had reported Victim walking on the street, waiving a knife in the air and frightening families[1]. When the officers arrived, they found Victim armed with a large meat cleaver-style knife on the front porch of a residential building. The officers attempted to get Victim to drop the knife for more than eight minutes before the incident ended in an officer-involved shooting, where Victim was shot and killed[2].

Expert Opinions and Basis for Opinions

My expert opinions in this case are listed below, with the prominent opinions numbered and in bold type. The basis for the opinions follows the opinions and includes sub-opinions regarding the encounter between the suspect and the officers. The opinions expressed are based on my review of the materials listed, the citations listed throughout the report, my extensive law enforcement training, and more than three decades of policing and academic experiences in policing.

1. **The officers' attempts to contact and detain Victim were appropriate and consistent with training, practices, and the standards for police officers in California and across the country.**

2. **The officers' display of their firearms and threatened use of lethal force on Victim as they attempted to detain him was consistent with training, practices, and the standards for police officers in California and across the country.**

Basis For Opinion

A series of court decisions interpreting the U.S. Constitution governs an officer's authority to contact, detain, and arrest individuals. Officers are taught laws of arrest based on these decisions, starting with reasonable suspicion to temporarily detain a person, probable cause to arrest an individual, and the authority to use force to detain or arrest a person. Peace officers may need to detain a person to investigate involvement in criminal activity. To be lawful, a

[1] FID Report, Page 3
[2] Zavala and Quintanilla BWC

detention must be based on reasonable suspicion that unlawful activity has occurred, is taking place, or is about to occur, and that the person detained is connected to that activity[3].

In this instance, the officers were responding to radio calls of a subject threatening suicide with a knife. They also received information that Victim was chasing people down the street with a knife. Sergeant was first to arrive, followed by Officers Zavala and Quintanilla. When Sergeant arrived, he observed Victim sitting on the exterior stairs of the apartment building holding a knife in his right hand. Victim was holding the blade of the knife pressed up against his neck.

At this point, the officers had information that Victim was suicidal and that he had chased people down the street with the knife. When they arrived, they confirmed that Victim was armed with a large, meat cleaver-style knife. The response from Sergeant, Officer Zavala, and Officer Quintanilla when they arrived and exited their cars was to draw their weapons and give Victim orders to drop the knife. The officers had parked their police vehicles perpendicular to the apartment building and were using their vehicle doors as partial cover and concealment while giving commands to Victim[4]. The presence of the marked vehicles, officers in uniform, and the orders given to Victim constituted an attempt to detain Victim and prevent harm to himself or others and further investigate the reports of assaults with the knife before the officers' arrival. Based on the totality of the circumstances, the attempt to detain Victim using officer presence, verbal commands, and the display of firearms was appropriate and consistent with police officer training, standards, and practices in California and across the United States.

3. The use of 40 mm less lethal munitions to get Victim to drop the knife and comply with orders from the officers was appropriate and consistent with training, practices, and the standards for police officers in California and across the country.

Basis for Opinion

Sergeant, along with Officers Zavala and Quintanilla, were engaging with Victim when additional officers arrived. As officers arrived, Sergeant assigned them to positions (specific angles of coverage) and to specific responsibilities, such as serving as less-lethal or cover officers. Officer 1 ended up with a less lethal assignment, positioning himself with a 40 mm less lethal launcher pointed at Victim. Sergeant assigned officers Zavala and Quintanilla lethal coverage. Officers Officer 2 and Officer 3 were assigned as an arrest team. The air unit arrived, and the pilot and tactical flight officer directed responding units to perimeter and crowd control positions.

[3] CA POST Learning Domain 15, Chapter 3
[4] FID Report, BWC, Zavala, Quintanilla, Sergeant

Several officers were giving Victim commands in English and Spanish throughout the encounter. The officers yelled commands and intermittently used the public address system on Sergeant [redacted]'s police vehicle. The commands were clearly and calmly delivered and varied throughout the more than eight minutes of attempting to persuade Victim to drop the knife. The commands incorporated techniques designed to be persuasive, such as using Victim's first name and offering him services[5].

At approximately 1704 hours into the contact with Victim, at the direction of Sergeant, Officer 1 fired a 40 mm round, striking Victim in the abdominal area. Sergeant ordered the 40 mm deployed because he was concerned Victim would flee and start attacking civilians. Sergeant was hopeful the 40 mm would cause Victim to drop the knife and surrender. The round did not initially appear to have any effect. Victim brushed off the sponge round with a swipe of his hand and did not drop the knife or make any move to surrender. Victim did sit back down on the bottom step shortly after being struck with the 40 mm. Sergeant did not give a specific warning to Victim before ordering the 40 mm round to be fired because he thought the situation was too dangerous and that Victim might run if he were warned. However, Sergeant did announce "Forty stand-by" out loud to the group of officers so that there would not be any confusion with lethal rounds being fired[6].

Officer 1 fired a second 40 mm less lethal round at approximately 1710 hours. Prior to the round being fired, Sergeant again announced, "Forty stand-by." Less than one second after the 40 mm was fired, lethal rounds were also fired by Officers Zavala and Quintanilla[7].

The 40 mm less-lethal round is a sponge-like projectile 40 mm in diameter. The round is fired from a launcher specifically designed to deploy 40 mm projectiles. Officers are trained to utilize devices such as a 40 mm less lethal round when confronting a person who is "aggressive, or combative; attempting to assault the officer, another person, verbally, or displays an intention to assault another person[8]."

Provided that Victim was armed with a knife, threatening suicide, and refusing commands for several minutes to drop the knife, the 40 mm was an appropriate option whose application under the circumstances was consistent with police officer training and standards in California and across the United States.

4. **Given the totality of circumstances, the lethal force used by Officers Zavala and Quintanilla in this incident was not consistent with the requirements for use of deadly force in the California Penal Code, nor police officer training and standards in California.**

[5] FID Report pages 1- 14
[6] FID Report pages 9-11
[7] FID Report pages 9-11
[8] California PST Learning Domain 20, Chapter 3

Basis for Opinion

Police officers are taught the legal authority and considerations for using deadly force. The legal authority and standards for lethal force are based on an objective reasonableness standard based on the Constitution's Fourth Amendment, as determined by the U.S. Supreme Court. Officers are taught that they may use deadly force when it reasonably appears necessary to stop an imminent threat of death or serious bodily injury based on the totality of the circumstances presented to them at the time. The force they use must be objectively reasonable compared to the threat, resistance, and other circumstances perceived by or known to the officer when the force was used[9].

The California Penal Code further instructs officers on the definition of an imminent threat, which is required for a peace officer to use deadly force in California.

> "A threat of death or serious bodily injury is 'imminent' when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed[10]."

In this instance, Sergeant, and Officers Zavala, Quintanilla, O-1, O-2, Meraz, Officer 4, and Officer 3 were in the immediate area and involved in the contact with Victim. Initial contact with Victim was made when Sergeant arrived, followed shortly by Officers Zavala and Quintanilla. The other officers arrived shortly thereafter as the incident continued. Sergeant supervised the scene and issued orders assigning specific tasks to the officers. Sergeant's initial organization of the officers and division of specific responsibilities was consistent with contemporary training and standards for handling such incidents.

Officers Zavala and Quintanilla were assigned as lethal coverage officers by Sergeant, meaning they were to have their firearms out and pointed at the suspect in case an imminent deadly threat was presented. Officer 1 and Officer 4 maintained positions with less lethal tools, Officer 1 with a 40mm and Officer 4 with a beanbag shotgun. Officer Meraz was assigned as lethal coverage and positioned himself next to Officer 1[11].

At approximately 1704 hours, Sergeant decided to have Officer 1 fire the 40 mm projectile as described in the previous section. The first attempted use of the 40 mm struck Victim in the abdomen but had little effect; it did appear to get Victim to sit down again, this time on the bottom step of the apartment building[12].

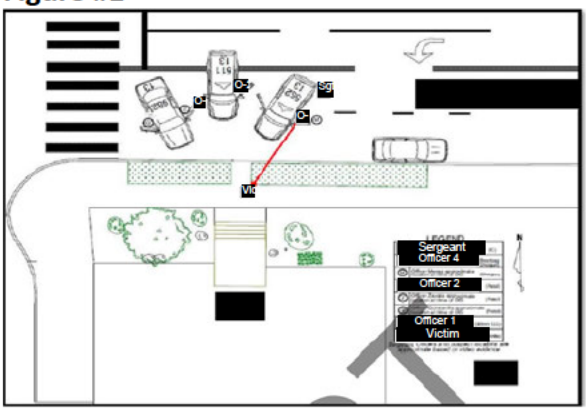
[9] CA POST Learning Domain 20, Chapter 3, 4
[10] CA Penal Code 835(a)(e)(2)
[11] FID Report
[12] Quintanilla BWC 3:35-3:42

After the first 40 mm deployment, Sergeant continued to refine the officers' containment positions as additional resources arrived. Officer 4 was moved with a less lethal (beanbag shotgun) to the west near where Officers Zavala and Quintanilla were positioned[13]. The team had established lethal and less lethal coverage to the north and slightly east, and the same to the north and slightly west of the subject, Victim. The LAPD air unit also arrived overhead and began to callout positions for traffic control

As Sergeant negotiated with Victim (over the patrol vehicle PA system), Victim stood up abruptly, knocked his hat off, and took four steps north, in the general direction of Officer 1 (less lethal, 40mm) and Officer Meraz (lethal, shotgun). Sergeant ordered another deployment of a 40 mm less lethal round at approximately 1710 hours[14].

Various BWC videos show Victim standing up, holding the knife at head level, and taking four steps toward the officers. Sergeant yelled out, "Forty forty up," and Officer 1 deployed the 40 mm one-time, striking Victim on the right side of his torso. Officer 1 fired the second 40 mm round at approximately 1710 hours. The Officer 1's position is depicted below in the diagram taken from the FID report, labeled as Figure #1[15].

Figure #1



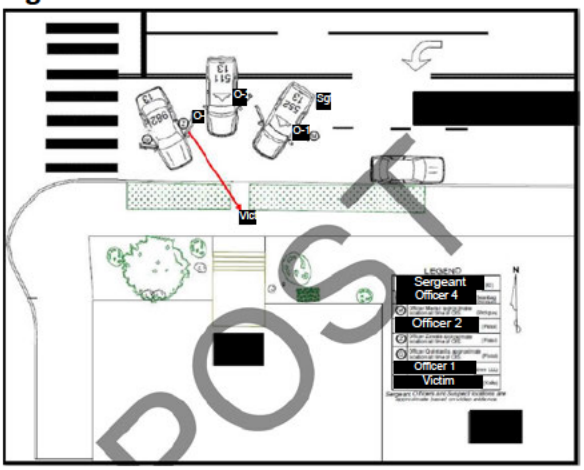
The red line in Figure #1 indicates the approximate positioning of Officer 1 on one end and the approximate position of Victim on the other end. Officer 1 was in the opening of the police vehicle's doorway, and Victim was on the sidewalk. The diagram depicts the approximate positions of Victim and Officer 1 when Officer 1 fired the 40 mm projectile (the second round at approximately. 1710). The second deployment of the 40 mm was ordered based on Sergeant 's concerns about Victim standing up and knocking his hat off, and that Victim was going to get up and run toward a witness[16].

[13] Sergeant BWC 9:52
[14] FID Report
[15] The diagrams and referenced measurements related to Figures #1, #2, and #4 along with the timing of the gunshots are all taken from the FID report, pages 15-21
[16] FID Report page, 12-16

As Officer 1 was firing the 40mm, Victim started turning his body to his left, toward Officers Zavala and Quintanilla. Near simultaneously with the firing of the 40mm, Victim turned his body to face west, and Officer Zavala fired his handgun three times. Officer Quintanilla fired his handgun one-time at Victim. The positioning, timing, reasons, and analysis for each officer firing their handguns are detailed below.

Officer Zavala fired three rounds from his handgun, starting .382 seconds after Officer 1 fired the 40 mm round. Officer Zavala was positioned at the driver's door opening of the patrol vehicle, as depicted in the diagram labeled Figure #2.

Figure #2



The red line in Figure #2 indicates the approximate positioning of Officer Zavala on one end and the approximate position of Victim on the other end. Officer Zavala is in the opening of the police vehicle's driver's side doorway, and Victim is on the sidewalk. The diagram depicts the approximate positioning of Victim and Officer Zavala when Officer Zavala fired three rounds from his handgun. The distance between Officer Zavala and Victim was approximately 25 feet.

Figure #3 is a screenshot from Officer Zavala's body-worn camera (BWC) recording of the approximate time Officer Zavala fired the first round from his handgun. The second and third rounds followed in rapid succession. From the BWC video of Officer Zavala, it appears his camera was mounted in the center of his chest, providing a view from that perspective.

Figure #3[17]



Officer Zavala's reasons for using deadly force by firing his weapon are summarized below in his words to the FID investigators.

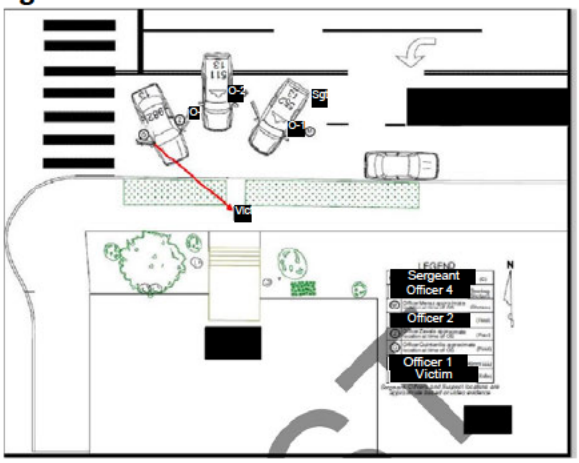
> *"The suspect gets up very rapidly with the -- with the large butcher knife in his right hand. He takes a deep breath, like getting courage, looks at me, looks at my fellow officers. At this point I already had my firearm out. Due to the tactical situation, I had reason to believe that the situation 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 any partner's life and the citizens nearby from serious bodily injury, imminent threat, I fired approximately two, three rounds to stop the threat, sir."*
>
> *"So when I fired two, three shots, that's when I assess. He was already on the ground. 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*[18]*.*
>
> "So the second time he rapidly got up, sir, holding the knife in front of Him. He took approximately five, six steps towards the office -- towards the officers and myself, sir, turning his torso towards me in a threatening manner and that's when we fired to stop the threat, sir[19].

[17] Screenshot from Officer Zavala's BWC recording
[18] FID Report pages 18-19, Zavala interview transcript, pages 12-13
[19] Zavala interview transcript, page 26

> "Oh, sir, I was afraid that the suspect was going to stab me, sir. I was afraid of my life. I was afraid of my partner's life and the other officers that were to the left of me. Not only that, sir, I was afraid of the pedestrians that were nearby. He already had chased several pedestrians, based on the comments of the call, with this large butcher knife. His demeanor, his cutting his hand, attempting to cut his throat, standing up, took a deep breath, tensed up, and boom, took these five, six steps towards us. I was afraid of my life, sir[20].
>
> "Yes, sir. Approximately -- I would say 10, 15, maybe 20 feet, sir. You know, maybe 10, 15 I would say, yeah[21]."
>
> "And even more resources where we were at too, sir, right? And maybe have more officers there. Have another officer with a Taser ready. You know, we needed resources there and we didn't have resources[22]."

Officer Quintanilla fired one round, approximately .322 seconds after Officer Zavala's third shot. Officer Quintanilla was positioned at the opening of the patrol vehicle's passenger door, as depicted in the diagram labeled Figure #4.

Figure #4



The red line in Figure #4 indicates the approximate positioning of Officer Quintanilla on one end and the approximate position of Victim on the other end. Officer Quintanilla is in the opening of the police vehicle's passenger side doorway, and Victim is on the sidewalk. The diagram depicts the approximate positioning of Victim and Officer Quintanilla when Officer Quintanilla fired one

[20] Zavala interview transcript, pages 26-27
[21] Zavala interview transcript, pages 43-44
[22] Zavala interview transcript, page 44

round from his handgun. The distance between Officer Quintanilla and Victim was approximately 28 feet[23].

Figure #5[24]



Officer Quintanilla's reasons for using deadly force by firing his weapon are summarized in quotes to the FID investigators below.

> *"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[25].*
>
> *"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[26]."*
>
> *"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…And when he went down, I stopped shooting. I stopped.[27]"*

[23] The diagrams and referenced measurements related to Figures #1, #2, and #4 along with the timing of the gunshots are all taken from the FID report, pages 15-21
[24] Screenshot from Officer Quintanilla's BWC recording
[25] FAID Report page 19
[26] FAID Report page 19
[27] FAID Report page 19

> *"So I'm using the vehicle as cover and I'm standing behind my ballistic door and I'm trying to -- I'm trying to just use my vehicle as cover as best I can, not giving him ground[28].*
>
> *"I want to say about 15 feet[29]."*
>
> *"Once he comes down the sidewalk, he faces towards my partner and I direction and he advances at us. He makes an advance motion at us and I deploy my firearm[30]."*
>
> *"I deployed it because I had -- you know, it was -- I had to use – I had to stop him. 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[31].*
>
> *"I see this gentleman that's -- that's trying to come eastbound towards – towards where the suspect is and between -- pretty much between us -- the officers and the suspect. And obviously I didn't want that to happen. I didn't want him to get hurt. I see an officer in his vehicle, and I tell him -- you know, because he's not getting out the car and telling him to leave. So I scream at him and I tell him, "Hey, get out the car and address this citizen and tell him to get out the way or leave the area," I believe, I told him. But I did scream that to the officer[32]."*

When Officers Zavala and Quintanilla arrived, Sergeant was already on scene. Sergeant assigned them to be lethal coverage and essentially containment on the west side of the subject, Victim. Officer 4 was moved over to assist on the west side with a less lethal beanbag shotgun, and another officer was moved over with a police vehicle on the west side to control pedestrian traffic and provide containment to the west[33].

When Victim got up and started moving the first time with the knife, the 40 mm was ordered deployed by Sergeant . Victim was moving down the stairs when the 40 mm struck him, but it seemed to have little impact based on his reaction. However, Victim stopped moving farther away from the steps and sat down on the bottom step of the building.

When Victim got up to move a second time, more than six minutes after the first 40 mm, Sergeant again yelled for the 40 mm to be deployed. Victim appeared to move four steps toward officers O-1 and Meraz. Officer 1 deployed the 40mm as Victim turned toward the

[28] Quintanilla Interview with Investigators, page 24
[29] Quintanilla Interview with Investigators, page 25
[30] Quintanilla Interview with Investigators, page 29
[31] Quintanilla Interview with Investigators, page 30
[32] Quintanilla Interview with Investigators, page 37
[33] Sergeant BWC footage

west, facing Officers Zavala and Quintanilla. Officer Zavala fired first, three times, then Officer Quintanilla fired one time[34].

At the time the shots were fired, the officers were each standing behind vehicle doors equipped with ballistic protection panels. Officer Zavala was approximately 25 feet away from Victim, and Officer Quintanilla was approximately 28 feet away from Victim. Both officers indicated that they fired because they thought Victim was going to cause serious bodily injury or death. For example, Officer Zavala told investigators, "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." Officer Quintanilla told investigators, "He was coming towards us. He was going to cause myself or my partner serious bodily injury. He was going to cause death."

While the officers' reasons for firing their weapons are reasonable fears of what could happen, they are speculative and do not amount to imminent harm as defined by the California Penal Code. Factors indicating Victim was not an imminent threat include:

- Victim, at the time he was shot, was standing, facing officers Zavala and Quintanilla, not advancing on them
- Less lethal tools were in place in two directions, including next to Officer Zavala (Officer 4 with a beanbag)[35]
- Both officers were standing behind the police vehicle doors with ballistic panels more than 28 feet away from Victim
- Sergeant ordered the less-lethal rounds to be fired moments before the officers fired their handguns
- A 40 mm less lethal round was fired a second time, less than one second before Officer Zavala fired from his handgun. There was no opportunity to see if the less lethal, ordered by the sergeant, was effective
- There were multiple officers and options available to try and stop Victim had he advanced toward Officers Zavala and Quintanilla
- There were officers closer to Victim than Officer Zavala and Quintanilla, who did not fire their handguns. Officers O-1 and Meraz were approximately 22 feet away from Victim when Officer Zavala first fired[36]. Officer 1 fired the 40 mm as directed, less than one second before Officer Zavala fired his handgun. Officer Meraz, who was providing lethal

[34] Zavala, Quintanilla, Sergeant BWC video, FID Report
[35] FID Report page, 14
[36] FID Report page, 16

coverage next to Officer 1, did not fire

- Less lethal was available immediately next to Officer Zavala (Officer 4 with a stun bag shotgun), but was not utilized.

- The organization of this small team of officers was designed to provide less-lethal options for each grouping of officers. Victim's initial movement (4 steps) just before being shot was toward Officers O-1 and Meraz; thus, the 40 mm (Officer 1) was ordered deployed by Sergeant and fired by Officer 1.

- There were at least eight officers present and organized to deal with any of the possible scenarios that Officers Zavala and Quintanilla stated they feared, and as reasons they shot Victim

- Based on the totality of the circumstances, Victim's turning toward Officers Zavala and Quintanilla does not constitute an imminent threat as defined in California law.

> "A threat of death or serious bodily injury is 'imminent' when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed[37]."

Throughout the videos and all the materials available, I did not see, hear, or review any documented direct threats toward the officers or any other person. Victim was suicidal, a threat to himself, and posed many potential threatening scenarios based on possible actions. When Victim stood up and stepped toward the officers, the situation was changing. The officers were set up to prevent Victim's movement and to address potential threatening scenarios under the direction of Sergeant . Sergeant ordered the second 40mm less lethal deployment. When the 40mm round was ordered, Victim had started moving forward in the direction of Officers O-1 and Meraz.

By the time the 40mm was deployed, Victim was no longer moving forward toward Officers O-1 and Meraz; he was turning his body and feet toward Officers Zavala, Quintanilla, and Officer 4. When Victim was stepping toward Officer 1 and turning toward Officer Zavala, the movements were not hurried. He was not running, lunging, or aggressively advancing toward the officers. Victim's turn toward Officer Zavala was also at normal speed and did not appear to be a sudden or aggressive move.

[37] CA Penal Code 835(a)(e)(2)

Based on the material reviewed, Victim's turn toward Officer Zavala initiated the lethal response by Officers Zavala and Quintanilla. However, Victim, upon turning and facing officers Zavala and Quintanilla, did not pose an imminent threat to them. The situation had not changed dramatically; the four steps Victim took were more toward Officers O-1 and Meraz than toward Officers Zavala and Quintanilla. The lethal force was deployed before any assessment of the 40mm round ordered by Sergeant.

Based on my extensive experience in policing and review of the videos, statements, and other materials available, it is my opinion, the lethal force used against Victim was not in response to an imminent threat as required by the California Penal Code.

Conclusion

Police officers responding to a suicidal man who was also reported to have chased people with a knife can be a dangerous and complicated situation. The objective of modern training for police officers responding to these incidents is to provide tools and techniques that minimize the danger to the subject, citizens, and officers. Those tools include many of the things employed in this situation by the Los Angeles Police Department and the officers involved (small team tactics, less lethal tools – 40mm, bean bag shotguns, and TASERS, ballistic door panels, CIT-type negotiation techniques, and more).

From Sergeant's arrival through the ensuing eight-plus minutes leading up to the shooting, Sergeant and the officers were employing many of the techniques and tools designed to minimize the level of danger to all the parties involved[38]. The group of officers had a modest level of containment and many options in place if Victim were to become violent toward others. The officers had a variety of less-lethal options (OC Spray, Batons, TASERs, 40mm, Beanbag Shotgun) and were properly using other tools available (ballistic door panels, PA System, hand-held shield).

The group of officers was working through the situation under the direction of Sergeant, who had clearly defined officer roles and responsibilities and was controlling the police response. It did not appear that Victim's movements were significant enough for Officers Zavala and Quintanilla to respond with lethal force when Sergeant had ordered less lethal force to be deployed. In addition, due to the lethal force being fired so close (less than one second) to the less lethal force, there was no opportunity to evaluate the effectiveness of the less lethal force ordered by Sergeant.

[38] Sergeant BWC 4:18 – 13:09

The use of lethal force by Officers Zavala and Quintanilla appeared to be inconsistent with the tactics being directed by Sergeant in this incident. Victim's turn in direction, toward the two officers, did not significantly change the circumstances to warrant a lethal response. The use of deadly force did not appear to be in response to an imminent threat as defined by the California Penal Code.

Respectfully Submitted,

Robert Handy
Peoria, Arizona

Documents Reviewed

I have examined the following reports, documents, audio recordings, photos, and other evidence listed to render my opinions:

Number	File
1	BWC footage Officer Zavala
2	BWC footage Officer Quintanilla
3	BWC Footage Sergeant
4	FID Report F064-21
5	Chief of Police (COP) Interdepartmental Report
6	Letter of Transmission (LOT 22-003757)
7	Letter of Transmission (LOT 22-003418)
8	Quintanilla Discipline Notice
9	Zavala Discipline Notice
10	Federal civil complaint
11	Quintanilla EDI profile
12	Quintanilla LADP image
13	Zavala EDI profile
14	Zavala LAPD image
15	Zavala interview transcript
16	Quintanilla interview transcript
17	LAPD edge weapon policy
18	Graham v Connor, 490 U.S. Supreme Court 386 (1989)
19	California Penal Code 835
29	California POST Learning Domains 15, 20

Tactical Concept No. 11 July 2024

WEAPONS OTHER THAN FIREARMS

The purpose of this Tactical Concept is to provide officers with options to deal with a suspect armed with a weapon other than a firearm.

The Los Angeles Police Department is guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between officers and members of the public. Unfortunately, dangerous confrontations between suspects armed with weapons other than firearms can sometimes result in serious bodily injury or death. Weapons other than firearms pose a threat to the public and officers and generally fall into two categories: edged weapons and blunt weapons. Both edged and blunt weapons are objects that can be used to strike a person and inflict serious bodily injury or death. For the purposes of this Tactical Concept, edged weapons include any object capable of cutting, slashing, or stabbing.

When dealing with suspects armed with weapons other than firearms, distance is not the only factor that should be considered. For example, barriers, if available, may inhibit a suspect from getting close enough to harm officers. Additionally, officers should consider the type of weapon and assess the suspect's ability to inflict serious bodily injury or death with that weapon. Resolving the situation safely using de-escalation techniques and proper planning should be primary objectives for officers dealing with suspects armed with weapons other than firearms. In those situations where force is used, officers should always attempt to resolve the situation with reasonable and proportional force. Officers are not required to use lethal force, even though it may be authorized, if they believe the situation can be resolved safely with other force options.

PROCEDURES

Communications Division personnel will proactively dispatch a field unit with available intermediate force options and a supervisor to all calls involving edged weapons – with the goal of pre-positioning resources so officers have multiple tactical options when arriving on scene.

Establishing Control

A situation is more likely to have a positive outcome if officers are able to establish control of the situation. The first concern is the safety of the public, which must be balanced with officer safety. Officers should attempt to obtain information about the suspect, including the type of weapon involved and anything that could help establish

rapport, from family members, witnesses, or bystanders. These measures are important to attempt to maximize the safety of everyone at scene.

Use of Force and De-escalation

Officers have several use of force options available if the suspect poses an immediate threat to the public or officers. The force used must be appropriate for the actions displayed by the suspect. If a suspect armed with a weapon other than a firearm is contained and poses no immediate threat to himself/herself, the public, or officers, officers should attempt to resolve the situation using tactical de-escalation techniques to gain voluntary compliance, or in an effort to mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- Planning
- Assessment
- Time
- Redeployment and/or Containment
- Other Resources
- Lines of Communication

> **Note:** Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning: Officers should attempt to arrive at scene with a coordinated approach based upon initial information and any pre-existing knowledge of the suspect(s) or the involved parties. The dynamic nature of most incidents will require tactical plans to be flexible, and officers need to adapt their plan(s) as additional information or factors become known.

Assessment: There is no single solution and every situation will be handled differently based upon the totality of the circumstances. When feasible, officers should consider available options and discuss tactics prior to an encounter with a suspect armed with a weapon other than a firearm.

Some factors to consider during the **initial** assessment:

- The type of radio call or activity that brings the officers into the situation (e.g., emotionally charged incidents such as domestic violence, a person showing signs of impaired judgment, or a crime in progress).
- Suspect's apparent size, age, and physical condition.
- Danger signs (e.g., persons talking to themselves or unprovoked agitation).
- The individual's apparent state of mind (e.g., angry, confused, evasive, threatening).
- The availability of known cover and concealment or barriers.
- The need to increase the distance from an individual with a weapon.
- Access to places where dangerous objects could be concealed such as bags, pockets or bulky clothing.

- Observations of the individual's hands.

After the initial assessment, officers should conduct a **continuous** assessment of the situation as circumstances change and new information is received. If a suspect is failing to comply with orders, officers should attempt to determine whether a suspect's lack of compliance is a deliberate attempt to resist or escape, or an apparent inability to comprehend the situation due to environmental, physical, cognitive, or other conditions. If it appears that the suspect is unable to comprehend the situation, other tactical options may be more effective in resolving the situation safely.

Time: There is an equation that saves lives, Distance + Cover = Time. Time generally gives officers options. Time is an essential element of de-escalation as it generally allows officer the opportunity to communicate with the suspect, refine tactical plans and, if necessary, call for additional resources.

Entering the suspect's space prematurely may result in the suspect reacting, which could result in escalating the situation. Whenever possible, officers should place an object/barrier between themselves and the suspect as cover. A barrier could be a chain-link fence, wrought-iron gate, or any similar object that prevents the assailant from reaching the officer.

Due to "lag time," the urgency for officers to create distance between themselves and a suspect armed with a weapon other than a firearm cannot be overstated. Lag time is the time it takes a person to react to an action. If officers close the distance too quickly before assessing the situation, lag time could put them in danger.

If a suspect is contained and does not pose an immediate threat to officers, the public, or themselves, time is an officer's best tool. In these situations, time allows more opportunity to communicate with the suspect and calm the situation. A Systemwide Mental Evaluation Assessment Response Team (SMART) can be requested through the Mental Evaluation Unit (MEU) if officers' assessment indicates an individual is suspected of suffering from a mental illness or developmental disability. If the suspect is barricaded or suicidal, the Crisis Negotiation Team can be requested through Metropolitan Division.

Redeployment and/or Containment: Redeployment and/or containment can afford officers the added benefit of time and distance while continuing to maintain control of the situation. This includes redeployment to cover and/or concealment, such as physical barriers. The addition of time, distance and cover/concealment may give officers an opportunity to re-assess, communicate, request additional resources, or deploy other tactics to reduce the likelihood of injury to both the public and officers while also mitigating any potential ongoing threats. Redeployment, however, should not enable a subject to gain a tactical advantage, arm himself/herself, or flee and pose a greater danger to the public or officers.

Other Resources: In the case of a tense or potentially dangerous encounter, requesting additional resources can provide officers with specialized expertise,

personnel and tools to help control and contain an incident. In concert with the Department's guiding principle of reverence for human life, officers and incident commanders shall consider the use of intermediate force options whenever practical. Intermediate force options often offer the most reasonable force option to safely resolve the situation. Some intermediate force options include but are not limited to:

- 40mm Less-Lethal Launcher
- Beanbag Shotgun
- TASER
- OC Spray

Lines of Communication: Effective communication throughout the incident is vital when dealing with a suspect armed with a weapon other than a firearm. Officers must be flexible in the communication they are using, monitoring the suspect's reactions to determine if the particular line of communication appears to be working. Officers may have to give clear direct orders using command presence, then switch to acting as a crisis negotiator, and then back to using command presence as the situation evolves. If environmental conditions allow, officers should attempt to establish rapport by treating the individual with respect and using a low, soothing tone of voice. The contact officer should introduce himself/herself by name and ask what is troubling the person. Open-ended questions should be used to get the person talking, including:

- "What happened today?"
- "Why are you troubled?"
- "How can I help you?"

Talking with a person may defuse the crisis or buy time, thus increasing the opportunity for a peaceful resolution.

Listening skills are essential to identify the individual's problem and provide a possible solution. Repeat the individual's problem back to them and attempt to solve the problem by discussing solutions. Give the person hope that the problem can be solved. Using active listening skills, paraphrasing, and allowing the suspect to vent frustrations can have a positive impact on the situation.

When dealing with a person who is suspected of suffering from a mental illness and armed with a weapon other than a firearm, communication can be an officer's best tool in resolving the situation. Although communication efforts may seem to be slow and tedious, they frequently result in the de-escalation of the situation. Remember, when an armed individual is also a person with a mental illness, it is important to try to speak slowly in a calm, firm voice to attempt to create a tranquil environment.

Individuals who are suspected of suffering from a mental illness may be easily overwhelmed or distressed by too many demands. When communicating, use short sentences and give one order at a time. Officers may have to repeat orders numerous times before the person will respond. If tactics permit, give more than one option, instead of an ultimatum. It is important not to join in with the person's hallucinations.

Effective communication with the suspect can prevent the incident from escalating to a use of force, thus reducing the threat of injury to the officers and the suspect.

All or some of the following tactics may be used in the same incident as time or circumstances allow:

- Verbal warnings
- Persuasion
- Defusing
- Empathy
- Redirecting
- Advisements
- Building rapport
- Asking open ended questions
- Giving clear and direct orders

CONCLUSION

Officers often come into contact with emotionally charged suspects in situations such as domestic violence, crimes in progress, and people in crisis. With the rise of incidents involving weapons other than firearms, the equation that is most likely to produce a positive outcome is Distance + Cover = Time. Time generally gives officers options. A barrier between officers and the suspect may give them additional time to handle the incident safely. If the suspect is contained and poses no immediate threat to the officers, the public, or himself/herself, officers can use techniques in an effort to reduce the intensity of an encounter with a suspect and potentially enable them to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Important Reminder

Deviations from these basic concepts sometimes occur due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to those which substantially deviate from Department tactical training. Any deviations are to be explained by the involved officer(s), and the justification for substantial deviations from Department tactical training shall be articulated.

This Tactical Concepts – Tactics Training Overview replaces Training Bulletin Volume XLVI, Issue 3, Weapons Other Than Firearms, October 2017.

Field Training Services Unit
Police Training and Education

DISTRIBUTION “A”



LOS ANGELES POLICE DEPARTMENT

USE OF FORCE-TACTICS DIRECTIVE

Directive No. 1.3 August 2022

USE OF FORCE POLICY

PURPOSE

The purpose of this Directive is to provide Department personnel with a Use of Force Policy that is concise, easily understood, and consistent with prevailing law and industry best practices.

PREAMBLE TO USE OF FORCE

The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible and reasonable to do so. When warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community, and fellow officers.

POLICY

Use of De-Escalation Techniques. It is the policy of this Department that, whenever feasible, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings. Where feasible, a peace officer shall, prior to the use of *any* force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.

Proportionality. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing. Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct on the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly. It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Reasonableness. Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used:

A) From the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and,

B) Based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention, or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to officers or a danger to the community;
- The potential for injury to citizens, officers, or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);

- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion, and number of officers versus subjects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms.

Use of Force – Deadly. It is the policy of this Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings, background, and potential risk to bystanders to the extent reasonable under the circumstances.

> **Note:** Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

Department's Evaluation of Deadly Force. The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with California Penal Code Section 835(a) as well as the factors articulated in Graham v. Connor.

Rendering Aid. After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force, and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and,
- To the level of equipment available to an officer at the time assistance is needed.

Warning Shots. Warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers, and property damage.

Shooting At or From Moving Vehicles. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force.

An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistence with the policy regarding the use of deadly force. The driver of a vehicle should not draw their weapon while operating a moving vehicle; the drawing of a weapon while operating a moving vehicle is unsafe for both officers and the community. If an officer determines that it is necessary to draw their firearm while operating a vehicle, it should be to address an imminent threat and conform to the Department's policy on drawing and exhibiting firearms.

> **Note:** It is understood that the policy in regard to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force. An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer [as delineated in California Penal Code Section 835(a)], shall immediately report such force to a superior officer.

An officer who has a sustained excessive force complaint shall be prohibited from training other officers for a period of at least three years from the date that the complaint was sustained.

Retaliation for Reporting Potential Excessive Force or Violation of Any Law or Regulation. Retaliation for reporting potential excessive force or violation of any law or regulation by any employee of this Department is strictly prohibited, shall be reported immediately, and is considered to be serious misconduct.

Requirement to Intercede When Excessive Force is Observed. An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

> **Note:** For the purposes of this section, "intercede" includes, but is not limited to, physically stopping the excessive force (when safe and reasonable to do so) and recording the excessive force, if equipped with a body worn video (BWV) camera. Officers shall attempt to document on BWV the efforts to intervene, efforts to de-escalate the excessive use of force, and confronting the offending officer about the excessive force during the use of force. If the offending officer continues to use excessive force, the witnessing officer shall immediately report the excessive force to a superior officer.

Any officer who has received all required training on the requirement to intercede and fails to do so when excessive force is observed as described above shall be subject to discipline up to and including in the same manner as the officer who committed the excessive force.

DEFINITIONS

Deadly Force. Deadly Force is defined as that force which creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Excessive Force. Excessive Force means a level of force that is found to have violated Section 835(a) of the California Penal Code or the requirements of any other law or statute.

Feasible. Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent. Pursuant to California Penal Code Section 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great to likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

Intercede. Intercede includes, but is not limited to, physically stopping the excessive force (when safe and reasonable to do so) and recording the excessive force, if equipped with a BWV camera.

Necessary. In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternative to deadly force; and, d) whether a warning was feasible and/or given.

Objectively Reasonable. The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). Graham states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard, rather than a subjective standard.

Retaliation. Retaliation means demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or threat of injury while on or off-duty.

Serious Bodily Injury. Pursuant to California Penal Code Section 243 (f)(4) defines Serious Bodily Injury as including, but not limited to:

- Loss of consciousness;
- Concussion;

- Bone fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances. All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

Vulnerable Population. Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots. The intentional discharge of a firearm off target, not intended to hit a person, to warn others that deadly force is imminent.

AMENDMENTS

This Directive replaces Use of Force-Tactics Directive No. 1.2, Use of Force Policy-Revised, October 2020.

MICHEL R. MOORE
Chief of Police

DISTRIBUTION "D"

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

April 15, 2026
AGENDA
9:00 AM

Meeting Location: CA Commission on POST Headquarters, 860 Stillwater Road - Training Rooms A/B, West Sacramento, CA 95605.

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing (916) 866-9583 and following the prompts provided.

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's

facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member
Vacant - Senate Rules Appointee - Public Member
Vacant - Governor Appointee - Public Member

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on February 05, 2026.

a. Approval of Meeting Transcript from the February 05, 2026 Hearing

If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meetings.

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

VI. NEW BUSINESS

a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for information only. No action is required.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernadino Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- July 15-16, 2026 - POST HQ, West Sacramento
- October 14-15, 2026 - POST HQ, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2311370 - JOSE ZAVALA (POST ID: C28-A48)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 04/15/2026	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY David Sieber	**REVIEWED BY** Christine Ford	
REPORT DATE 04/15/2026	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the Respondent's peace officer certification status.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department on May 26, 2009. At the time of the captioned incident, the Respondent was a police officer with the Los Angeles Police Department, which is a peace officer position as defined under California Penal Code 830.1(a) and is required to be certified pursuant to California Penal Code 13510.1(a). As of the date of this hearing, Respondent remains employed by the Los Angeles Police Department as a police officer.

On December 18, 2021, the Victim walked out of his residence holding a kitchen knife, reportedly threatened members of the community, and then sat idle on the steps of a neighboring residence while holding the knife to his neck. Officers assigned to LAPD's Newton Patrol Division (NPD) and Newton Gang Enforcement Detail (GED) responded to the "attempt suicide" call for service within minutes and contained the Victim. The Respondent and his partner responded to the incident, established a perimeter position, and were designated by the on-scene incident commander as lethal cover officers.

After approximately 13 minutes of de-escalation efforts, the Victim stood up and took four slow steps forward and then stopped. This movement triggered LAPD's deployment of a less-lethal projectile, which struck Victim in the hip. Nearly contemporaneously (.382 seconds after the less-lethal deployment), from a distance of approximately 25 feet and behind the cover of a police vehicle, Respondent fired three rounds from his service pistol, striking the Victim. Approximately .322 seconds after Respondent discharged his third round, Respondent's partner fired a single round from his service pistol. The Victim was detained but ultimately succumbed to the injuries sustained from the use of force.

LAPD's Force Investigation Division (FID) investigated the Officer Involved Shooting and found that his actions were not objectively reasonable, proportional, or necessary. Ultimately, Respondent received a 10-day suspension with loss of pay and benefits. In July of 2025, the City of Los Angeles settled the resulting wrongful death suit filed by the Victim's family in the U.S. District Court for the Central District of California and paid the family $8,000,000.

As of April 2026, the Los Angeles County District Attorney's Office's Justice System Integrity Division has not reached a charging decision and continues to review the incident with the assistance of an independent police oversight firm. Based on an analysis of the results of the LAPD FID and Complaint Investigations, recommendations of the Use of Force Review Board (UOFRB) and the Chief of Police, and a detailed review of multiple Body Worn Video (BWV) perspectives of the Officer Involved Shooting (OIS), the Division determined that the Respondent engaged in serious misconduct as defined in California Penal Code § 13510.8(b)(3) and Commission Regulation 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force.

Video Evidence Links:

- **BR14 POST2311370 Zavala Jose Attachment M Quintanella BWC**
- **BR15 POST2311370 Zavala Jose Attachment N Zavala BWC**
- **BR16 POST2311370 Zavala Jose Attachment O Officer 1 BWC**

ANALYSIS:

The Division determined there was clear and convincing evidence that Respondent engaged in serious misconduct as defined in California Penal Code § 13510.8(b)(3) and Commission Regulation 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force. This misconduct is evidenced by Respondent's discharge of three rounds at the Victim, who posed a danger only to himself and did not present an imminent threat to the Respondent or others. Respondent's actions demonstrated a disregard for public safety and were inconsistent with the duties and responsibilities of a peace officer. Accordingly, the Division finds that Respondent's conduct constitutes serious misconduct, warranting revocation or suspension of his POST peace officer certification.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01_POST2311370_Zavala Jose_ISF_Redacted.pdf
BR02_POST2311370_Zavala Jose_Executive Review and Division Recommendation.pdf
BR03_POST2311370_Zavala Jose_POSTProfile_Redacted.pdf
BR04_POST2311370_Zavala Jose_Attachment C - LAPD Report_Redacted.pdf
BR05_POST2311370_Zavala Jose_Attachment D - COP IntradeptMemo_Redacted.pdf
BR06_POST2311370_Zavala Jose_Attachment E - 22-003418 LOT_Redacted.pdf
BR07_POST2311370_Zavala Jose_Attachment F - 22-003757 LOT_Redacted.pdf
BR08_POST2311370_Zavala Jose_Attachment G - LA City Council_Motion to Settle_Redacted.pdf
BR09_POST2311370_Zavala Jose_Attachment H - Federal Civil Complaint_Redacted.pdf
BR10_POST2311370_Zavala Jose_Attachment I - Respondent Interview Transcript_Redacted.pdf
BR11_POST2311370_Zavala Jose_Attachment J - SME Report_Redacted.pdf
BR12_POST2311370_Zavala Jose_Attachment K - LAPD Edged Weapons Policy.pdf
BR13_POST2311370_Zavala Jose_Attachment L - LAPD Use of Force Policy 10.2020 to 08.2022.pdf

STATE OF CALIFORNIA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Jose Zavala, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke Certification notifying Respondent that the Division found reasonable grounds for the revocation or suspension of Respondent's POST certification on February 18, 2026. Respondent requested a review of the Division's determination and reasons for the revocation or suspension of Respondent's POST certification on March 16, 2026, and the Board scheduled the case for a hearing, which was held on April 15, 2026. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☐ Intermediate
- ☐ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings, and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 4/15/26

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, APRIL 15, 2026

9:00 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061, RPR

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

ROBERT DOYLE
Marin County Sheriff (Retired)
Vice Chairperson

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

---o0o---

PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

---o0o---

A P P E A R A N C E S C O N T I N U E D

POST STAFF

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

RICHARD COLLINS
Law Enforcement Consultant
Professional Conduct Northern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Analyst II
Executive Office

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

DAVE SIEBER
Law Enforcement Consultant
Professional Conduct Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

---o0o---

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

KASEY CASTILLO
Counsel for
Hector Victorio, POST ID: C87-Q51

JOSEPH HOFFMAN
Counsel for
Matt White, POST ID: A68-U16

LESLIE WILCOX
Counsel for
Jose Zavala, POST ID C28-A48
and
Julio Quintanilla, POST ID: C58-G04

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

HECTOR VICTORIO
POST ID: C87-Q51

MATT WHITE
POST ID: A68-U16

---o0o---

PUBLIC SPEAKERS

KEYAN BLISS

AARON BLUEFORD

BEATRICE JOHNSON

WANDA JOHNSON

ADDIE KITCHEN

ARLETA NANCE

A P P E A R A N C E S C O N T I N U E D

PUBLIC SPEAKERS

KATHRYN WADE

MORGAN WHITE

LANCE WILSON

---o0o---

I N D E X

PROCEEDINGS	PAGE
I. CALL TO ORDER	8
II. ROLL CALL OF POSAAB MEMBERS	8
III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA	9
IV. APPROVAL OF MEETING TRANSCRIPTS	18
Approval of Meeting Transcript from the February 5, 2026, Hearing	
V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS	19
VI. NEW BUSINESS	
a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes	20
VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION	
a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)	32
b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)	32
c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)	94
d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)	135
e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department	188

I N D E X C O N T I N U E D

PROCEEDINGS	PAGE
VIII. CLOSED SESSION	
(Transcripts prepared and bound under separate cover)	
a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)	91
b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)	91
c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)	127
d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)	187
e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department	--
IX. FUTURE BOARD MEETING DATES	--
July 15-16, 2026 - POST, West Sacramento October 14-15, 2026 - POST, West Sacramento	
ADJOURNMENT	204
CERTIFICATE OF REPORTER	205
ERRATA SHEET	206

---o0o---

Wednesday, April 15, 2026, 9:05 a.m.

West Sacramento, California

---o0o---

VICE CHAIRPERSON DOYLE: Today is April 15th, 2026. And the time is 9:05.

Thank you for all attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that the hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When speaking, they will go live. With this, you will need to watch cross-talk.

We will now call the role of board members.

MR. KNAPP: Thank you, Vice Chair Doyle.

Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Doyle.

VICE CHAIRPERSON DOYLE: Present.

MR. KNAPP: Dudley.

(No response.)

MR. KNAPP: Johnson.

MEMBER JOHNSON: Present.

MR. KNAPP: Lara.

(No response.)

MR. KNAPP: And Pena.

MEMBER PENA: Present.

VICE CHAIRPERSON DOYLE: Thank you.

A quorum has been established.

On my left is POST Counsel Chris Beatty. And on my right is POST Assistant Executive Director Annemarie Del Mugnaio.

First item is public comment. This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.

Public comment on matters on the agenda will be heard after each item is presented. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each matter.

Is there anyone present in the audience or remotely who would like to address the Board in public comment?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future meeting, to respond briefly

to statements or questions posed, to request clarification, or to refer the item to staff.

Please remember that this meeting is being transcribed so -- so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comments can be correctly captured in the transcript.

As the Board's Vice Chair, I may ask members of the public to limit their remarks to no more than three minutes pursuant to existing board policy. I may conclude the public comment period if -- I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and that the 15-minute public comment period has expired.

You will be given two minutes to speak. And the lime limits will be exactly enforced -- strictly enforced, so please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing

agency. POST staff will assist you in that regard.

I would like to remind individuals making comments not to discuss pending complaints or pending disciplinary actions that may later come before the Board -- before the Board for a recommendation.

If the opportunity to address the Board at the time allows these rules is necessary to comply with the law and to avoid complementing -- compromising board mission (as stated). When it is your turn, you may -- you may state your name and organization.

So we'll open it up to public comment.

Anyone in the audience who wishes to address the Board?

Please.

MS. KITCHEN: My name is Addie Kitchen.

My name is Addie Kitchen. I'm the grandmother of Steven Taylor, who was murdered in April of 2020 in San Leandro. He was in a mental health crisis at the time.

And my question is, how do I start to apply for a decertification from the officer? How do I know that the officer is still certified? And is there someone here that could help me to start the process?

MS. DEL MUGNAIO: Yes. Thank you so much. We have members of our complaint intake team who can help you to file that complaint, register your case with the -- with

our division. That would be investigated and we would be in contact with you.

So as you go back to your seat, a member of the team will come up and get your information and help you with that process.

MS. KITH: And can you tell me how long is that process?

THE WITNESS: It depends on how long the investigation takes. It depends on the complexity of it. How long it takes for us to get records from the agency can take anywhere from six months to a year.

MS. KITCHEN: Okay. Thank you. I think that's the only questions I have.

MS. DEL MUGNAIO: Thank you so much.

VICE CHAIRPERSON DOYLE: Thank you.

MS. NANCE: Good morning. My name is Arleta Nance. And I am the mother of Tahmon Wilson and Thomas Wilson, Jr.

On August 18th, 2023, my son Tahmon was shot in the back of the head and killed by the Martinez, California, Police Department. And my son Thomas was shot twice in the back and survived. After being shot, my son Thomas was also assaulted by officers.

Internal Affairs conducted an investigation into this case and found misconduct serious enough to warrant

the termination of multiple officers. The findings included excessive force, failure to report misconduct, and conduct that reflects abuse of authority.

These are not minor violations. These are categories that fall directly under POST's definition of "serious misconduct."

In November of 2025, I filed multiple complaints with POST and received confirmation that they were accepted. Those complaint numbers are PUBLIC-25-001465, 001466, 001467, 001468, and 001469.

I have not received any meaningful update shortly after filing those complaints.

So my question is simple: If these findings meet POST's own categories for serious misconduct, what is the status of these cases? And are they being reviewed for decertification? And did the agency meet its obligation? Which -- Martinez agency, they were obligated to report the misconduct to POST within ten days.

Impacted families deserve to know whether this process is working. And if somebody could help me with information. I have sent emails, follow-ups, and I have heard nothing back. Left messages on the recorder, because you can't talk to anybody when you call. And it's been since November. So...

MS. DEL MUGNAIO: Certainly. Thank you for your comments. And we will have someone get in touch with you. There's members here that can reach out to you and give you the status of those complaints.

MS. NANCE: Okay. Thank you.

MS. DEL MUGNAIO: You are welcome.

VICE CHAIRPERSON DOYLE: Thank you.

MS. WADE: Good morning, everyone. My name is Kathryn Wade. I'm the mother of the late Malad Raynal (phonetic) Baldwin. My son was assaulted many years from Antioch Police Department.

And in 2023, the FBI and the district attorney performed a -- an investigation in that department, and they text about the sexual assault that happened to -- that they -- that happened to my son.

I'm here today because I have submitted many complaints over the years. And I just found out about POST, and I would like to get it -- see if I can get an investigation and get some help of what they did to my son. He never got a chance to tell his side of the story, of the stories of the things that was happening to him.

And I have a question too.

Do you accept complaints of the sheriffs who are the acting coroners?

MS. DEL MUGNAIO: Yes. So POST has jurisdiction over any certified peace officer, so that would include sheriff coroners as well. Yes, ma'am.

MS. WADE: Okay. Well, I'm here today because I need some help on getting this information to you all that I have, to see if I can get some help. And an investigation on the things that was done to my son and even the admission in the text messages that they text about him.

Thank you.

MS. DEL MUGNAIO: I can have someone reach out to you here today that will help you with the process. Okay?

MS. WADE: Okay.

MS. DEL MUGNAIO: Thank you so much.

MR. BLUEFORD: Good morning.

VICE CHAIRPERSON DOYLE: Good morning.

MS. DEL MUGNAIO: Sir. Can you hold on one second?

I'm sorry. I just want the record to reflect that Board Member Charles Lara joined the quorum so that we have that on record.

Thank you, sir. Go ahead.

MR. BLUEFORD: Yes, ma'am. Thank you.

My name is Aaron Blueford. I'm Alan Blueford's brother, from the Alan Blueford Foundation. My mother

is Jeralynn Blueford. And I'm here to speak on the impact it had on me and my family's life. I didn't know we couldn't use the speech that I had, but...

But on May 6th, my younger brother, Alan Dwayne Blueford, at 18 years old, had two weeks to graduate.

And before we could see that milestone and have that -- have that whole feeling of seeing your son and your brother, your family member, go and graduate high school, he was killed by an officer that had other -- had did other things and were sent from another state. Had violations out there. Did something to my little brother. He passed away, tragically. It tore apart my family. And he was able to again go and do something else to somebody else. And this is on record.

At 18 years old, Alan Blueford was killed. After that, his mother went through health problems. Father went through health problems. Lost my grandmother. Lost my aunties. It just was so traumatic to my family, and each family that experienced something like this, who had to face identifying a son or a brother and living with that and seeing that for the rest of their life.

My mother's been speaking. She's been at D.C. We've been pushing forward with the Alan Blueford Foundation.

And I wrote something. You know, I wrote a little something that I think everybody could value in here because we all have a family. We all have people that we love. And this should be understanding and heartfelt. So before time runs out.

As tears wear our eyes, while families endure a pain that doesn't subside. When hearts have spoken, let their voices be heard. As the faith in each name stands in God's glory and mother's love and nature of her -- of our nourishment. Let each word be heard. Every life, every testimony, for each hour of each day facing a reality with memories of tragedies. Living in one nation under God, let their voices be heard as we stand in solidarity. Let their voices give clarity and by their possibilities, as the light of our eyes first came from the love of a family.

I'm here representing the Alan Blueford Foundation. And I just want to make sure that everybody has heard that, in this situation, we can make for a brighter future, more possibilities where this doesn't have to keep continue happening. Mothers don't have to keep appearing in front of you in tears. We could work together. What we have in front of us, we're here in solidarity.

And I thank you guys for this time.

Alan Blueford was such a pivotal person to my family. And when I lost my brother, I lost so much more. And it doesn't -- it doesn't subside. And if we can communicate and agree that we could have a better future for how this is looked at and gone about, I think that's a part of that dream that everybody has been speaking for the last 50 years.

I thank you for your time and your service. God bless.

VICE CHAIRPERSON DOYLE: Thank you.

Is there anyone else in the audience that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Seeing none, is there anybody attending remotely that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: No? Okay.

Next item is approval of the meeting transcripts from February 5th, 2026.

Is there any discussion?

(No response.)

VICE CHAIRPERSON DOYLE: If there's anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the

misconduct or that the revocation or suspension is ordered. That will be determined after the evidentiary hearing.

At the conclusion of each law enforcement consultant's presentation, the Board will have the opportunity to ask questions; and then public comment from the subject -- from the officer and/or their counsel will be taken; followed by members of the public.

Further discussion by the Board will be allowed if necessary.

The Board will go into closed session deliberations after each case or until all cases have been presented and adjourn into closed session to deliberate on all cases presented after reconvening into regular sessions. Votes will be taken on each case.

POST Case 2311370, Jose Zavala; and POST2311373, Julio Quintanilla. Employing agency is Los Angeles Police Department.

At this time, I call upon Law Enforcement Consultant David Sieber and Carrie Woolley, an attorney with Legal Affairs Bureau, to provide a report in these matters involving the two officers that I have mentioned, and who, at the time of the events at issue in this case, were and still are employed by Los Angeles

Police Department.

Law Enforcement Consultant Dave Sieber will present information regarding the service record and allegations or [sic] serious misconduct for each officer; followed by a presentation regarding the factual circumstances of the December 18, 2021, incident.

Following the presentation, each officer and their counsel will have the -- will have time to provide public comment to the Board regarding the facts and circumstances.

Mr. Sieber and Ms. Woolley, you may proceed.

MR. SIEBER: Good morning, Chairman and members of the Board. Excuse me. My name is Dave Sieber, and I'm one of the law enforcement consultants assigned to the Professional Conduct Southern Bureau in the Peace Officer Standards Accountability Division.

With me today is Carrie Woolley, an attorney with our Legal Affairs Bureau.

I'm here today to present POST Case 2311370 involving Los Angeles Police Department Officer Jose Zavala; and POST Case Number 2311373, involving Los Angeles Police Department Officer Julio Quintanilla.

These cases are associated with a single officer-involved shooting incident involving allegations of serious misconduct arising from Officer Zavala and

Officer Quintanilla's use of force, which resulted in the death of an adult male, whom I will refer to as the "victim" throughout this presentation.

It is the Division's determination that clear and convincing evidence exists to demonstrate that Officer Zavala and Officer Quintanilla committed an act of serious misconduct, as set forth in California Penal Code section 13510.8, on December 18th, 2021.

Specifically, the Division has determined that Officer Zavala and Officer Quintanilla committed the following acts of misconduct:

California Penal Code 13010.8(b)(3), physical abuse, including but not limited to the excessive or unreasonable use of force.

In this presentation, I will present a brief outline of the Division's findings regarding this matter.

First, I would like to discuss Officer Zavala's background. Officer Zavala began his career with the Los Angeles Police Department on May 26, 2009.

On October 9, 2009, Officer Zavala was promoted to the position of police officer. This position is a peace officer, as defined under Penal Code section 83 -- 830.1(a).

Officer Zavala earned a POST Basic Certificate on

January 10, 2011.

Next, I will provide a summary of Officer Zavala's prior discipline:

As stated in the initial statement of findings on pages 6 through 9, Officer Zavala is the subject of an -- eight allegations of serious misconduct submitted to the Division. These eight allegations include this case and its related civil matter;

Two allegations that Officer Zavala demonstrated bias, which the Division closed with no further action as it lacks jurisdiction to review because the events occurred before January 1, 2022, and LAPD concluded its investigation before that date;

One allegation of abuse of power and physical abuse from an incident on April 2, 2021, POST Case Number 2502030;

As well as a duplicate allegation of the same incident.

Despite the fact that POST Case 2502030 was closed with a finding of no further action, LAPD sustained a single allegation against Officer Zavala for his excessive and unreasonable use of a front kick while disbursing a crowd on April 2, 2021.

Ultimately, LAPD's personnel complaint investigation resulted in a five-day suspension with

loss of pay and benefits.

Lastly, there were two cases from 2024 which involved allegations that Officer Zavala engaged in an abuse of power and demonstrated bias; were both closed were no further action.

The Division would like to note that these cases were identified as unassigned in the ISF dated February 12, 2026, but have since been adjudicated.

In addition, a review of Officer Zavala's Los Angeles Police Department personnel file indicated that on February 15, 2015, he was involved in a noncategorical use of force when he and his partner responded to a radio call of a prowl suspect. Upon arrival, the officers encountered the complainant, who was subsequently arrested for the warrant.

During the complainant's booking process, he punched Officer Zavala in the jaw without warning.

In response, Officer Zavala initiated a noncategorical use of force, striking the complainant eight times with his fist.

The complaint received facial bruising and a laceration above his eye and was transported to the hospital for medical treatment.

After treatment, officers walked the complainant to their patrol vehicle, at which point he attempted to

flee, resulting in a second noncategorical use of force.

As a result of the collective circumstances and a complaint by a civilian witness, LAPD initiated a personnel complaint investigation on Officer Zavala.

The investigation resulted in five allegations of misconduct, two of which were sustained for Officer Zavala's unauthorized use of force, and for his use of tactics that substantially deviated from the department's tactical training.

LAPD's personnel complaint investigation found that Officer Zavala's use of force was necessary and that his first two punches were within policy. However, the investigation found that he let his emotions lead to excessive force when he followed up with punches 3 through 8.

Ultimately, Officer Zavala received a 15-day suspension with loss of pay and benefits.

This incident occurred before January 1, 2022, and, therefore, was not actionable by POST.

Now I would like to discuss Officer Quintanilla's background. Officer Quintanilla began his career with the LAPD on February 22, 2016.

On August 7, 2016, Officer Quintanilla was promoted to the position of police officer. This position is a peace officer as defined under Penal Code section

83.1(a).

Officer Quintanilla earned a POST Basic Certificate on September 27, 2017; and a POST Intermediate Certificate on September 23, 2020.

Lastly, I will provide a summary of Officer Quintanilla's prior discipline:

As summarized in pages 6 through 13 of Officer Quintanilla's Initial Statement of Finding, the Division has received 20 allegations of serious misconduct involving Quintanilla -- Officer Quintanilla.

These allegations involve this case, its related case, and a duplicate allegation:

Two allegations involving abuse of power and a demonstration of bias, which the Division closed, as it lacked jurisdiction due to the events occurring prior to January 20 -- January 1, 2022, and LAPD concluded its investigation prior to that date;

One allegation that Officer Quintanilla demonstrated bias and used excessive force from 2023. LAPD found the complaint was demonstrably false;

Four allegations that Officer Quintanilla engaged in abuse of power from 2023, in which LAPD found that the complaints were unfounded in three of the cases, and Officer Quintanilla was exonerated in the fourth case;

Two allegations that Officer Quintanilla engaged in

physical abuse, excessive use of force, in 2023 and 2024. LAPD determined that the complainant's -- the complaints were unfounded, unfounded in part, and that the officer's actions were exonerated and the complaint was demonstrably false.

Lastly, there were eight allegations that Officer Quintanilla demonstrating demonstrated bias, six of which were from 2023, one from 2024, and one from 2025. LAPD determined that six of the complaints were demonstrably false and the remaining two were unfounded.

The Division closed these cases following the determination that there was insufficient evidence that serious misconduct had occurred.

In summary, the Division closed these 17 allegations of misconduct after finding that there was insufficient evidence that Officer Quintanilla engaged in serious misconduct.

A review of Officer Quintanilla's LAPD personnel file indicates that he was involved in 13 noncategorical uses of force, all of which were adjudicated as in policy.

Additionally, Officer Quintanilla was involved in seven vehicle pursuits. Six of the pursuits were adjudicated as in policy. And one, which occurred on July 6, 2021, resulted in a sustained finding and a

penalty of admonishment.

Now I will provide a factual basis for the captioned use of force incident involving Officers Zavala and Quintanilla.

On December 18th, 2021, at approximately 1654 hours, communication division received a call that the victim had walked out of his residence, holding a kitchen knife, and was threatening members of the community.

The victim is described as an adult male standing 4'9" and weighing approximately 98 pounds.

According to a relative of the victim, the victim had been drinking alcohol and using narcotics since he was 18 years old, causing what the relative described as an altered state of mind.

At approximately 1701:31 hours, a sergeant from Los Angeles PD's Newton Gang Enforcement Detail, hereinafter referred to the "incident commander," was first to respond to the call.

The incident commander arrived on scene, exited his patrol vehicle, and attempted to communicate with the victim, who was sitting idle on the steps in front of an apartment building located near the victim's residence, holding the knife in his right hand with the blade pressed against his neck.

You can advance the slide, please.

This is an image of the location. The steps there is where the victim was sitting. Just for your reference.

At 1702:05 hours, Officer Zavala and his partner, Officer Quintanilla from LAPD's Newton Gang Enforcement Detail, followed by two additional officers from LAPD's Newton Patrol Division, responded to the attempted suicide call for service and contained the victim.

Officer Zavala and Quintanilla established a perimeter position to the west of the victim and were designated by the incident commander as lethal cover officers.

At 1703:02 hours, the victim placed the knife blade against the side of his throat prompting multiple officers to yell, "Don't do it."

The incident commander directed one of the Newton Patrol Division officers, hereinafter referred to as Officer 1, to deploy his 40mm less-lethal launcher. However, he withdrew the command before Officer 1 could execute the order.

Another officer from LAPD's Rampart Patrol Division arrived on scene in his patrol vehicle. The incident commander directed this officer to join the arrest team.

At 1703:35 hours, the incident commander retrieved

a ballistic shield from his patrol vehicle and gave it to another officer.

The incident commander yelled to Officers Zavala and Quintanilla, "You still got lethal coverage right there -- right here."

For the next several minutes, Officer Zavala and Officer Quintanilla, along with the incident commander, alternated communicating with the victim.

Advance the slide, please.

Moments later, the victim stood, held the knife to his throat, and gestured the sign of the crucifix across his chest with his left hand. The incident commander directed Officer 1 to deploy his 40mm less-lethal launcher by announcing "Forty standby."

At 1704:06 hours, Officer 1 discharged one 40mm round at the victim from a distance of approximately 30 feet.

The round struck the victim in the abdomen and did not -- but did not appear to have any effect.

The victim walked down a short flight of steps towards the officers and then sat idle on the bottom step while continuing to hold the knife against his throat.

At 1705:36 hours, body-worn video recordings captured officers alerting one another that a bystander

was attempting to exit the apartment building behind the victim.

The incident commander yelled, "Hey, stay right there. Do not come out."

Additional officers warned the bystander to stay inside and to move away from the windows. The bystander complied with the officers' orders and remained inside the building with the door closed.

The victim appeared to be oblivious to the presence of the bystander, who was inside the apartment building behind him.

Two additional Newton Gang Enforcement Detail officers arrived on scene. One of the officers deployed a shotgun, positioning himself as a lethal cover officer, along officer -- alongside Officer 1.

The other officer deployed a less-lethal beanbag shotgun and was directed by the incident commander to move to the west side of the containment perimeter to provide less lethal cover for Officer Zavala.

The incident commander and Officer Zavala continued alternating commands to the victim. The incident commander utilized the patrol vehicle's PA system to communicate his commands.

At 1710:17 hours, the victim stood up, removed his hat, and held the knife above his shoulders while

looking east towards members of his family, who were standing behind the containment perimeter.

The incident commander announced, "Get ready," while he transitioned from the passenger's side of the patrol vehicle to the driver's side, where Officer 1 had taken cover.

The incident commander announced "Forty forty up."

After standing, the victim took four slow steps forward, turned to his left/west, and yielded to the officer's commands to stop.

Contemporaneously, Officer 1 announced "Forty standby," as the incident commander instructed him to fire the less-lethal launcher. Officer 1 fired one 40mm round from a distance of approximately 22 feet, impacting the lower right side of the victim's torso.

Approximately .382 seconds after the 40mm less-lethal projectile was fired, Officer Zavala discharged the first of three rounds from his service pistol, from a distance of approximately 25 feet and behind the driver's side door of his police vehicle, striking the victim.

Approximately .322 seconds after Officer Zavala discharged his third round, Officer Quintanilla fired a single round from his service pistol from a distance of approximately 28 feet and behind the passenger's side

door of his police vehicle.

The victim fell to the ground and was subsequently detained.

The victim received medical aid and was transported to the hospital where he ultimately succumbed to his injuries.

This slide gives a depiction of the -- kind of the location of the subject respondents, where the red line is drawn, just for your reference.

On December 21, 2021, the Los Angeles County Coroner's Office performed a postmortem examination of the victim. The report indicated that the victim sustained three gunshot wounds: Two to the torso and one to the neck. Ultimately, the report concluded that the victim's death was the result of a gunshot wound to the torso.

The Los Angeles Police Department's Force Investigation Division investigated the officer-involved shooting, and the results were conveyed to LAPD's Use of Force Review Board.

The Use of Force Review Board was critical of Officer Zavala and Officer Quintanilla's perception of an immediate threat. And they found that their actions were not objectively reasonable, proportional, or necessary.

A subsequent department-initiated personnel complaint investigation reached a sustained finding of "Out of Policy - Administrative Disapproval" regarding Officer Zavala's and Officer Quintanilla's use of force.

Neither Officer Zavala nor Officer Quintanilla were referred to an LAPD's Board of Rights.

Ultimately, Officer Zavala received a ten-day suspension with loss of pay and benefits. And Officer Quintanilla received a five-day suspension with a loss of pay and benefits.

Later, on February 3, 2023, the victim's family filed a civil complaint, which initiated a second LAPD personnel complaint investigation, alleging Officer Zavala's and Officer Quintanilla's excessive use of force. This investigation ultimately determined that the allegation was unfounded for both officers.

However, on March 18th, 2025, the Los Angeles City Council voted to authorize the city attorney to expend up to 8 million to settle the victim family's wrongful death lawsuit, which was filed in the U.S. District Court for the Central District of California.

As of today, the Los Angeles County District Attorney's Office, Justice System Integrity Division, has not reached a charging decision and continues to review the incident with the assistance of an

independent police oversight firm.

The facts I have just recited support the Division's finding that Officer Zavala and Officer Quintanilla were involved in serious misconduct, specifically physical abuse, including but not limited to the excessive or unreasonable use of force.

For purposes of the Division's analysis, "clear and convincing evidence" means evidence of a charge is clear and convincing so long as there is high probability that the charge is true. The evidence not need establish a fact beyond a reasonable doubt.

The Division recommends that Officer Zavala's POST Basic Certificate and Officer Quintanilla's POST Basic and Intermediate Certificates be revoked or suspended based on the following:

After a review of the evidence developed in LAPD's Force Investigation Division investigation and personnel complaint investigations, multiple body-worn video perspectives of the incident, and an analysis of California Penal Code 835(a) and the 2025 U.S. Supreme Court decision in Barnes v. Felix, the Division concludes that Officer Zavala and Officer Quintanilla engaged in serious misconduct, as defined in California Penal Code section 13510.8(b)(3) and Commission Regulation 1205(a)(3), physical abuse but not limited to

the excessive or unreasonable use of force.

The Division's assessment is supported by the following findings:

The victim was contained and remained no closer than approximately 22 feet from any officer;

Once contained, the victim posed a danger only to himself;

The victim's demeanor was not particularly threatening;

The victim's demeanor was not particularly -- the victim did not pose an imminent threat to the officers who were positioned behind police vehicles, nor to members of the public who were located outside the containment perimeter;

The victim was slow to respond to verbal commands and less-lethal force, suggesting the possible presence of a mental or physical health condition, cognitive impairment, or the influence of a controlled substance;

Lastly, at the time deadly force was utilized, the victim had complied with officers' commands to stop.

Officer Zavala and Officer Quintanilla effectively used distance and cover to create time and space in conjunction with de-escalation measures. However, they initiated deadly force before exhausting available less lethal options.

The Division determined that Officer Zavala and Officer Quintanilla failed to meet the requirements set forth under California Penal Code section 835(a)(C)(2), which limits the use of deadly force to circumstances in which it is necessary, to fend against an imminent threat of death or serious physical injury.

Additionally, the Division requested an independent subject matter expert opinion from Robert Handy of Trichief Consulting Services.

The subject matter expert concluded that Officer Zavala's and Officer Quintanilla's use of deadly force was inconsistent with the tactics being directed by the incident commander and was not based on an objectively reasonable belief that the victim posed an imminent threat of death or serious bodily injury to officer or others.

Rather, the force was precipitated by the danger the victim posed to himself, which does not satisfy the statutory threshold for deadly force.

Based on its investigation, and after considering the factors enumerated in Title 11, California Code of Regulations 1213(a), the Peace Officer Standards Accountability Division determined that Officer Zavala and Officer Quintanilla failed to meet requirements set forth under California Penal Code section 835(a)(C)(2).

Officer Zavala's and Officer Quintanilla's conduct demonstrated a disregard for public safety, and their conduct was inconsistent with the duties and responsibilities of a peace officer.

Accordingly, the Division finds that Officer Zavala's and Officer Quintanilla's actions constitute serious misconduct, warranting the revocation or suspension of their POST certifications.

I would now like to present the Board with three perspectives captured by the body-worn video devices of Officer Zavala, Officer Quintanilla, and Officer 1, followed by a corresponding timeline of the aforementioned events.

These videos are about one minute each. And we can replay them. You will -- these are a bit of deconfliction or their de-escalation measures for the first 30 to 40 seconds, and then it goes into the deadly force.

We will start with Officer Zavala.

MS. DEL MUGNAIO: Mr. Sieber, before you start with the video, just a disclaimer for the public: Sensitive material. This may be disturbing for some. Just wanted to preface it by saying some of you may not want to watch the video. However, we are going to play it. So I wanted so provide that disclaimer.

Thank you.

(Video played.)

MR. SIEBER: The shots were so contemporaneous that you almost couldn't tell the 40mm less-lethal hit him in the hip. Less than a third of a second later, Officer Zavala initiated the first of three rounds. And less than a third of a second after his third round, Officer Quintanilla initiated his single shot.

Some of the -- some of the other perspectives are a little clearer.

(Video played.)

MR. SIEBER: The last perspective is from the other side to the east. That's to the left of Officer Zavala and Quintanilla.

And you are going to see, through the door frame, from Officer 1., who was using the less-lethal device, you can see him take his shot, and then you can kind of time when Officer Zavala takes his first shot, because you can see him through the window.

(Video played.)

MR. SIEBER: And I have just put an administrative timeline up here, because I know I pushed on a lot of dates and times. I think these are the pertinent ones that talk about when the actions took place from the department. There are two slides here I will leave up

for you.

And with that, I'm happy to answer any questions that the Board may have.

Thank you.

VICE CHAIRPERSON DOYLE: Does the Board have questions?

Commissioner Johnson.

MEMBER HATCHER-CRAWFORD: I do.

MEMBER JOHNSON: Yes. Johnson.

When you were speaking on Zavala and Quintanilla about the prior complaints that was filed, maybe next time a PowerPoint of all the complaints and then the separation of those that was unfounded and those that were sustained.

Because you said a lot with especially Quintanilla; he had 20 complaints filed. And it sounded like most of them was unfounded. And so I was kind of lost in the numbers.

So for next time, maybe clarity, we can actually see it. And I think that would help me better.

MR. SIEBER: Thank you, Board Member Johnson. And it is a very valid point. And I did take the time to put together a more, sort of, streamlined summary of those, if you would like me to read them again. I know it's -- I wanted to provide enough information so

that you understood what the cases were. But now I have distilled it down to just the -- sort of the decision.

Would that be helpful?

MEMBER JOHNSON: Oh, no. You don't have to reread them. But I'm just saying, next time. I get the whole gist. I did read it. But for more clarity.

MR. SIEBER: Understood.

VICE CHAIRPERSON DOYLE: Ms. Crawford?

MEMBER HATCHER-CRAWFORD: Crawford.

I read the report thoroughly. I, at one point, stepped back and go back and read it. I noted that the coroners ruled this as a homicide, per report, correct?

(No response.)

MEMBER HATCHER-CRAWFORD: And that Chief Moore, at one point, submitted a report stating that he felt the officers were not within POST's guideline as well. But, yet, we have where an internal group -- I forgot the name, I'm sorry -- is still looking into this matter.

So as I said, I went back, looked at it, read it.

One of the things that I wanted to be clear -- clear-clear on: You mentioned that there's a 22-feet radius. The officers were at 25 and 28, correct?

MR. SIEBER: Correct?

MEMBER HATCHER-CRAWFORD: Within seconds -- I sat there and counted it on my fingers -- after the beanbag

was deployed, that within 3.282 seconds, the first three shots were fired, and then a fourth one. Correct?

MR. SIEBER: That is correct. .3 seconds. So a third of a second after the 40mm was fired, the first of three shots was fired.

MEMBER HATCHER-CRAWFORD: Okay. And this was the part that I got kind of confused on.

The sergeant and maybe I'm -- commander, sergeant, was given -- was shouting out, "Forty forty." That's in reference to the beanbag, right?

MR. SIEBER: Correct.

MEMBER HATCHER-CRAWFORD: In the report did he at any time say -- because I know that he assigned him as lethal officers, correct?

So from my understanding, for command purposes, he is -- is it -- does the officer have to say "lethal" in order for them to shoot? Or he did not have to say "lethal"?

MR. SIEBER: So two questions.

The first one, he did not. He did ready the 40mm less-lethal by saying "forty forty up," which is a readying command.

In terms of whether or not he has to authorize or command for deadly force, no, he doesn't.

MEMBER HATCHER-CRAWFORD: Okay. But it still needs

to be within that 22 perimeter, correct?

MR. SIEBER: Well, 22 feet was -- I was simply noting -- so that the Board and the Commission could understand that at no point was the victim any closer than 22 feet.

MEMBER HATCHER-CRAWFORD: Okay.

MR. SIEBER: He was actually further than that to Officer Zavala and Quintanilla. But I think -- I believe he was about 22 feet from -- from Officer 1, who deployed the 40mm. So I went with the closest distance to any officer.

MEMBER HATCHER-CRAWFORD: Okay. Perfect. Thank you, sir.

MR. SIEBER: You are welcome.

MEMBER CLAVO: Clavo.

Quick question: They are still currently employed and working today?

MR. SIEBER: Yes.

MEMBER CLAVO: And just to reiterate what I believe I heard you say, charges are still under review.

MR. SIEBER: That is correct.

MEMBER CLAVO: Thank you.

VICE CHAIRPERSON DOYLE: Any other questions?

Ms. Pena.

MEMBER PENA: The two officers received

disciplinary action for this incident, correct?

MR. SIEBER: They did.

MEMBER PENA: And I think one received five days' suspension; and the other, ten.

MR. SIEBER: That's correct.

MEMBER PENA: What was the reason for the discrepancy?

MR. SIEBER: So I -- I would be speculating. But I believe, based on Officer Zavala's prior incidents of use of force, he had three prior sustained allegations that resulted in suspensions of 15 and 5 days.

He would have received more, because they were looking at his service record, and he had more incidents of misconduct allegations.

Whereas, Officer Quintanilla, despite having 20 allegations, none of those were sustained except the captioned matter that we're talking to. So he had not been disciplined for any other misconduct allegations in the past.

MS. WOOLLEY: I just want to add to that: If you look at the dates for Officer Quintanilla's complaints, those are all subsequent to this incident as well. So that would have gone to that as well, his service record. The complaints came in after this incident.

MEMBER PENA: Okay. Thank you.

VICE CHAIRPERSON DOYLE: Clavo.

Oh, go ahead, Charles.

MEMBER LARA: A quick question.

I don't know if it was outlined in the report. I'm unfamiliar with the Los Angeles Police Department term "categorical use of force." Do you have a definition?

MR. SIEBER: I do not have a definition.

Carrie, do you have one?

MS. WOOLLEY: They don't have one in there.

MEMBER LARA: Thank you.

MR. SIEBER: I did do some research on this, and it is -- it's sort of -- the term has to just do with the level of force applied. And in reading their policy, the use of force policy, it is not super clear.

So a fist punch could be a categorical use of force or it could not, depending on how it is applied. And...

MEMBER LARA: Thank you.

VICE CHAIRPERSON DOYLE: Clavo.

MEMBER CLAVO: Yes.

The three cases upheld, do we know how close in proximity those three upheld cases were?

MR. SIEBER: They -- so you are -- to be fair, we're speaking about Officer Zavala.

MEMBER CLAVO: I think it was Quintanilla. Whichever one had the three cases upheld. I'm sorry.

MR. SIEBER: Yes.

So, again, Officer Zavala had -- and let me just go through these. I think it would be helpful just to clarify.

So the two use of force cases that we're talking about today, the criminal and the civil matter, those two, there's eight total.

Then he had two bias allegations that were -- we did not have jurisdiction for.

He had one assault or abuse of power in 2024 that was unfounded.

He had one bias allegation in 2024 that was unfounded.

He had one use of force and abuse of power in 2021 -- to get to your question -- which was sustained for a front kick and for which he received five days of suspension.

And then going all the way back to 2015, prior to POST jurisdiction, his personnel records identified a sustained allegation where he threw eight punches. Three of the punches were considered within policy. Punches -- the last five punches were considered out of policy. And he received 15 days for that.

So in 2015, 15 days. In 2021, five days. And that brings us up to our current matter.

MEMBER CLAVO: Thank you.

MEMBER HATCHER-CRAWFORD: Crawford.

While we're not going to consider the previous -- just what's before us -- but you do mention about the bias cases and how they were unfounded.

I'm -- I wasn't clear on how the determination of what could be considered bias and what is not considered bias.

I did read it and I understood the grounds of the complaint. But it seemed that I think Officer Zavala has had more complaints about it. But they were unfounded of course, correct?

MR. SIEBER: What -- Officer Quintanilla had bias allegations that were demonstrably false or unfounded.

Again, I reviewed every single one of the 20 and eight cases in question, reviewed the circumstances of those. I can't get down into the exact details of what happened in those cases, but I'm going by what -- the agency's determination and then POST's subsequent evaluation of their investigation resulted in.

MEMBER HATCHER-CRAWFORD: It just didn't seem like there was a clear, defining measurement of what has consisted of what is -- what his bias is -- bias is. And other than what we read. And that is concerning for me.

MR. SIEBER: Thank you. Thank you, Board Member.

I -- there were several that were demonstrably false. And just to clarify, demonstrably false is stronger than unfounded. And in some cases, they can even imply the complaint may have been intentionally fabricated, so that doesn't mean that we don't review them, but just to be aware of that. And unfounded allegation is false or did not occur or there's no factual basis for the complaint. Simply not enough evidence.

MEMBER HATCHER-CRAWFORD: Thank you, sir.

MR. SIEBER: You are welcome.

VICE CHAIRPERSON DOYLE: I have a question.

Do you know, after the Board deemed the shooting out of policy, who metes out the discipline?

MR. SIEBER: So in this case -- do you want to answer that, Carrie?

MS. WOOLLEY: I can answer it or you can answer.

So generally, that would be either the agency or, with LAPD, I think it is usually the Board of Rights. Although Ms. Wilcox will be better able to answer that since she's familiar with their particular procedures.

VICE CHAIRPERSON DOYLE: Okay. And I assume the unit that did the citizen complaint investigation was different than the shooting board.

MS. WOOLLEY: It appears to be, yes, because they reached a different conclusion.

VICE CHAIRPERSON DOYLE: Yeah. And their conclusion was unfounded.

MS. WOOLLEY: Yes.

VICE CHAIRPERSON DOYLE: Which basically means the complaint was false.

MS. WOOLLEY: Yes.

VICE CHAIRPERSON DOYLE: Thank you.

Board have any other questions?

Ms. Pena?

MEMBER PENA: Pena.

It -- was there -- I read one -- well, I guess I didn't. Was there ever an explanation given for why the mental health unit wasn't called?

MS. WOOLLEY: There was not an explanation as to why the mental health unit was [sic] called. That was mentioned briefly in the report that that was a possibility, but there was not an explanation as to why it wasn't called.

Obviously, as we all know, Los Angeles is a really large city. It is not clear whether they just weren't available, whether there was a callout and they weren't able to respond or -- or not. But they didn't respond to this scene.

MR. SIEBER: And I could also add that from the first time the call went out to when the OIS, the officer-involved shooting occurred, was 16 minutes roughly. But officers were on scene for around 13, 14 minutes. So I don't -- I just don't know that they had had the time to make the call yet.

MEMBER PENA: But they -- they called for an ambulance, correct?

MS. WOOLLEY: They did.

MR. SIEBER: They did.

MEMBER PENA: Almost immediately when they got there, right?

MS. WOOLLEY: That's correct.

MR. SIEBER: Correct.

MEMBER JOHNSON: Johnson.

So we know that there has been no criminal charges filed, according to this shooting.

The decision we make today will have no effect on the criminal trial, correct?

MS. WOOLLEY: That's correct.

MEMBER JOHNSON: Okay. And I guess what I'm getting at is that the district attorney or the County involved in this particular shooting has not determined whether the officers were involved in an unjustifiable shooting at this time, correct?

MS. WOOLLEY: That's correct. They are still making a decision whether or not any criminal charges would be brought. There's an array of different Penal Code provisions that they could look at. They could look at Penal Code section 149, which would be basically an unjustified use of force by a public official. They could be looking at voluntary manslaughter. They could be looking at murder, although that would be highly unusual in a situation like this. But there's an array of different Penal Code provisions.

MEMBER HATCHER-CRAWFORD: Crawford.

And so not to be political, at the time this was -- the DA was Gascón, correct? We now have a new DA. So -- okay.

I just wanted to kind of get a perception of the culture at the time of when the shooting and the crossovers of administration.

Okay. Thank you.

VICE CHAIRPERSON DOYLE: Any -- any more questions for the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. With that, we're going to take a ten-minute break before the next item.

MS. DEL MUGNAIO: Before we have -- excuse me. A 10-minute break before we have officers' counsel and the

officers provide comment to the case. So we won't be moving on to the next case, but we will be hearing from officers' counsel and officers.

Thank you.

(Break taken in proceedings.)

VICE CHAIRPERSON DOYLE: I understand both officers are represented. And you will each be given five minutes to speak and the time limits will be strictly enforced. So please be sure that you complete your comments before the allotted time.

While commenting, keep in mind the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by Division today are proven at a later hearing, do those facts demonstrate clear and convincing evidence, a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Commission Regulation 1205, occurred?

Leslie Wilcox is attending for both officers. Please, welcome.

MS. WILCOX: Good morning everyone. My name is Leslie Wilcox. I'm a panel attorney with the Los Angeles Police Department Protective League. And I'm

representing both Officer Zavala and Officer Quintanilla related to this POST investigation.

My basic statement that I would like you all to be aware of is the U.S. Supreme Court case Graham v. Connor, which is referenced in the materials. But it specifically provides for any use of force by any law enforcement officer in the country, but we're specifically talking about California; that that use of force is viewed through the perspective of a reasonable, similarly trained officer, under the same circumstances, based on the totality of the circumstances.

I believe in this particular case, the officers' actions do not rise to the clear and convincing level. LAPD's standard that they use the preponderance of the evidence, which is lower than POST's.

Both officers expressed their fear of the imminent threat that they believed this victim posed to them, based on the knife and his prior actions. So that is the reason that I believe POST will not be able to prove it beyond clear and convincing.

I would also note that the Division is recommending either revocation or suspension. And so if this board disagrees with my vision of the laws that applies to this particular case, then I would ask that you recommend suspension as opposed to revocation.

I heard a lot of your questions that you asked the law enforcement consultant and Ms. Woolley, and I do have information on those generally if you would like to ask. But my position for the public comment for this particularly is that based on under Graham v. Connor, that their fear of the imminent threat was reasonable based on their training and experience and the circumstances that they were presented with.

Thank you.

VICE CHAIRPERSON DOYLE: Board questions?

MEMBER HATCHER-CRAWFORD: Crawford.

VICE CHAIRPERSON DOYLE: Ms. Crawford.

MEMBER HATCHER-CRAWFORD: You mentioned Graham v. Connor.

MS. WILCOX: Yes, ma'am.

MEMBER HATCHER-CRAWFORD: And could you give a quick -- I mean, a quick summary of that case? Because you mentioned it.

MS. WILCOX: I can. It is very old and it is interesting that it is now applied to all uses of force by all officers.

It was a situation in which a man was seen acting erratically and not following officers' commands, and he ends up getting into his car and not listening to what they are saying.

They use force to remove him from the car and a use of force does occur.

It is later determined that he was having a diabetic episode, and these were the reasons that he could not comply and was acting in a way that appeared to be very strange.

So the Supreme Court ended up saying that if a reasonable officer in that situation would have perceived this man's behavior to be the same way, then that use of force is reasonable.

That is a very slim version of that case.

MEMBER HATCHER-CRAWFORD: Okay. You also mentioned that the position is that -- and we keep saying the word "reasonable" and a perception of what is reasonable and what is not reasonable when you apply lethal -- lethal force in this case.

I guess where I'm going at is it is -- it's the mindset of the officer is concerning. The purpose of SB 2 was to kind of, in a sense, to protect the community with -- of guarding officers being able to move from -- let's say they got suspended or fired and then were able to move somewhere else to possibly repeat -- repeat things. Maybe not as -- so much as being lethal, but still repeat the same type of practice.

MS. WILCOX: Yes.

MEMBER HATCHER-CRAWFORD: And that's -- that's concerning in this.

And so you mentioned that the officers said that they are concerned about -- that was the last part I didn't catch.

MS. WILCOX: Their imminent fear of the victim's behavior? Is that what you were talking about?

MEMBER HATCHER-CRAWFORD: No, no, no. I guess you were talking about them being remorseful or --

MS. WILCOX: They are. But I did not say that.

MEMBER HATCHER-CRAWFORD: Okay. I kind of --

MS. WILCOX: This is a tragedy.

MEMBER HATCHER-CRAWFORD: Right.

MS. WILCOX: They did not anticipate that being what their day was going to look like that particular day at work.

VICE CHAIRPERSON DOYLE: Ms. Clavo.

MEMBER CLAVO: Imminent fear.

MS. WILCOX: Yes, ma'am.

MEMBER CLAVO: From behind the car, protected by a vehicle, a minimum of 22 feet away from a knife?

MS. WILCOX: Yes.

MEMBER CLAVO: Okay. Thank you.

MS. WILCOX: Officers are routinely trained at

LAPD's academy and throughout their career that the distance of a knife is incredibly dangerous to them; that 22 feet is not very far. I can't remember what the timing is that they are trained on that. But it is a very short amount of time that someone can use a knife to throw at an officer or another pedestrian or civilian nearby. And 22 feet is not considered a very long distance for the purpose of an edged weapon.

MEMBER CLAVO: Thank you.

MEMBER HATCHER-CRAWFORD: I have one more question.

So I keep hearing POST training and standards training. And then I hear LAPD has their different practices that they deem is acceptable or not acceptable. And this is where we're kind of getting a little bit confused on it. I am, at least.

MS. WILCOX: Yes. I can see how that could sound confusing.

My understanding is that POST -- and correct me if I'm wrong. POST is a general basic certificate, and then they have advanced certificates, and you can move yourself further throughout both the POST system as well as your own agency.

I believe LAPD's position, if I could speak on behalf of the entire department -- which would be hard to do -- is that they have more extensive training.

They go a little bit further and they do it more often and in more specific scenarios.

So I believe they feel that they provide more and intense training than a POST certificate provides.

MEMBER HATCHER-CRAWFORD: So does a -- does the training, that you know of, align with POST training?

MS. WILCOX: Oh, absolutely.

MEMBER HATCHER-CRAWFORD: So it aligns and they do additional training?

MS. WILCOX: Yes. They follow POST to the letter, as far as I'm aware.

MEMBER HATCHER-CRAWFORD: Okay.

VICE CHAIRPERSON DOYLE: Mr. Johnson.

MEMBER JOHNSON: Yes.

I heard you speak about Graham v. Connor, which is basically a national law, to my understanding.

However, in 19 -- I'm sorry, 2019, I was part of the coalition to get AB 392 passed, which is the use of force legislation. So California State has its own use of force legislation. They removed the word "reasonable" and changed it to "necessary."

MS. WILCOX: Yes.

MEMBER JOHNSON: And so the question becomes, for us, is, was it necessary for the officers to fire as quickly as they did?

MS. WILCOX: Yes. LAPD updated their policy to include that new code section regarding "necessary," but it does still include the Graham v. Connor standard. So I would say it is similar to LAPD's training versus POST, and California is slightly more strict than the rest of the country in their officers' use of force.

The officers' statement to the force investigation division, the night of the officer-involved shooting, I believe described what they believed was reasonable and necessary on their perception.

And I believe you have the transcripts for that.

MEMBER JOHNSON: And so if I heard correctly, the officers believed that they were in danger or in imminent danger from the victim?

MS. WILCOX: Yes. They -- they took into account the totality of the circumstances. There had been prior updates, which I believe was presented to you as well, that this person had also been chasing people in the street with a knife. And the initial less-lethal round, as well as their attempts at de-escalation verbally, had been ineffective.

And based on their training and experience, someone advancing with a knife with other civilians around, having not complied and the less-lethal not being effective, both with the way that the victim turned his

body as well as the location in which the officers were, they -- the two of them -- not everyone, it seemed -- but the two of them believed that he posed an imminent threat both to themselves, their partners, and the people around them.

MEMBER JOHNSON: I guess my last question, then. In the video, it appeared that the shots were simultaneous from the nonlethal to the lethal.

And I'm not clear where the imminent threat of danger was coming from with this young man that had a knife to his own throat. Not in a rage of charging. Not in a rage of even giving the idea, in the video, that he was going to attack someone.

So anyhow, I will pin it there. But it is very concerning.

MS. WILCOX: I understand.

I think officers have a very difficult job to do, to make split-second decisions with the information that they have available to them and how they have been trained.

And in edged weapon or knife calls, where the information that the officers had was that he had been chasing people, I believe when he is walking down the steps, the knife is not up to his throat. It appears that that he did want to try and harm himself. But when

he advanced towards the officers and did not stop as requested, based on all the information that they had and the distance, which it appears that 22 feet sounds like a large distance. But my understanding for law enforcement training is that is not a large distance with a knife, and that was the reason that they felt that it was necessary.

MEMBER JOHNSON: I guess my last question, then, truthfully --

MS. WILCOX: You sound like a lawyer.

MEMBER JOHNSON: -- is that the timing between the nonlethal shooting and then the lethal shooting, it was -- it appears that there was no chance to even see if the nonlethal shooting did any damage.

MS. WILCOX: Yes. I can see how you could see it that way. The 40mm round was fired right before the first lethal round was fired. And those officers are positioned in different places on the street. And I believe the two officers who used their firearms had a different perception of what the victim was doing.

VICE CHAIRPERSON DOYLE: Crawford.

MEMBER HATCHER-CRAWFORD: So -- and I'm -- maybe this is a gander, and this is probably your thought or third-person thought.

Could you possibly explain why the coroner ruled it

as a homicide?

MS. WILCOX: I believe any of them are ruled as a homicide, and then the District Attorney's Office determines whether or not it is justifiable.

MEMBER HATCHER-CRAWFORD: So if a person is killed by an officer, it is ruled as a homicide? And then the DA goes back --

MS. WILCOX: And decides whether or not it was justified. Because it is the killing of another human being.

MEMBER HATCHER-CRAWFORD: Okay. I understand that.

MS. WILCOX: The coroner doesn't make the decision if it was --

MEMBER HATCHER-CRAWFORD: If it was a homicide or not. But based on his analysis and where he was shot, he based it on a homicide.

So I'm hearing -- I'm sorry, Legal. Can I ask legal counsel over here, POST, to kind of -- because I'm just -- that is --

MR. BEATTY: Well, I mean, I just think that we don't know. Right? So there's probably different standards applied to the determination of a homicide from a coroner's perspective.

What is material to our decision is whether or not the investigation and findings that we have heard

presented, if proved at a -- at an ALJ hearing, would be a basis for decertification.

So I think whether the corner, right, had a valid reason to determine homicide or not may or may not matter. But I think we're going to be looking more at the investigation and findings as to whether we have a basis for decertification.

And I think that's probably the clearest answer, because, otherwise, we're kind of speculating.

MEMBER HATCHER-CRAWFORD: I'm not an attorney, so that's why I had to ask.

VICE CHAIRPERSON DOYLE: Ms. Clavo, did you have a question?

MEMBER CLAVO: No. I will wait. Thank you.

VICE CHAIRPERSON DOYLE: Okay. Ms. Wilcox, I assume -- did you represent one or both in the internal investigations?

MS. WILCOX: The Force Investigation Division interviews the night of the officer-involved shooting, yes. The LAPD just uses that information in their internal investigation. They don't reinterview them.

VICE CHAIRPERSON DOYLE: Do you know if -- if that board metes out discipline, or if that goes to another level?

MS. WILCOX: If what does?

VICE CHAIRPERSON DOYLE: Well, the board said it was out of policy.

MS. WILCOX: Oh, the Use of Force Review Board, yes.

VICE CHAIRPERSON DOYLE: And one got ten days, one got five days.

MS. WILCOX: Yes.

VICE CHAIRPERSON DOYLE: Who decides that?

MS. WILCOX: It goes -- the Use of Force Review Board makes a recommendation to the chief. And then he makes a recommendation to the Board of Police Commissioners, the Civilian Oversight Committee. And then they direct the chief to create a complaint investigation. And then the chief is the one, ultimately, who decides the discipline.

VICE CHAIRPERSON DOYLE: I mean, obviously, you have more experience with LAPD than I.

But I have a hard time with the board saying the shooting was out of policy. And then another investigation said that the complaint was completely -- by the family was completely unfounded.

MS. WILCOX: I think I can explain that.

VICE CHAIRPERSON DOYLE: Please.

MS. WILCOX: I will try.

Once the Board of Police Commissioners gets the

chief's memo, which is the one you have. The chief of police wrote a memo to the Honorable Board of Police Commissioners.

Once they get that memo, they make a determination of whether or not they think any -- any complaint investigation. In this case, whether or not the use of force was within policy or out of policy. If they determine that it's out of policy, it gets sent back to LAPD and it automatically generates a complaint investigation. And that is what the chief used to determine the suspension days for these two officers.

Any time a member of the public makes a claim for damages against the City, which is what you have to do before a lawsuit is filed, that also generates an automatic complaint investigation. But they will take the words that were used.

And so without having read that complaint investigation, but hearing that it was labeled as excessive force, the department determined that it did not meet the level of excessive force, and they found it unfounded. Probably also because they had already done a complaint investigation about the use of force being out of policy, if that makes sense.

VICE CHAIRPERSON DOYLE: Yes and no. Thank you.

MS. WILCOX: I know. Believe me. I'm familiar

with the confusion at LAPD.

VICE CHAIRPERSON DOYLE: Ms. Pena.

MEMBER PENA: Do you happen to know why or has there ever been an explanation given, that you know of, as to why they did not call for the mental health unit?

MS. WILCOX: I think at -- it was not given in this particular case. But based on the other instances that I've been involved with at LAPD, in 2021, the MEU, Mental Evaluation Unit, is what they have, was not used in that format.

They are called to cases, but they will typically wait until the situation is calmed down before they will go and approach the subject or the victim in this case.

So at that time, even if they had called MEU, they would have waited until the victim was in custody before they approached to do an evaluation about what needed to be done.

They are -- "front line" is the wrong word. But they would -- you know, they sort of stand behind the officers and wait for the officers to make the situation safe. And then they would come and address the situation.

In the years since then, that has changed slightly, but not a lot.

MEMBER PENA: Thank you.

MS. WILCOX: It is not a perfect system.

VICE CHAIRPERSON DOYLE: At this time, does the Board --

MEMBER JOHNSON: Johnson. I'm sorry. Yeah. One more question, and it's for Counsel.

California law, AB 392, talked about necessary standard. Changing the reasonable standard.

We are to follow the California law, correct?

MR. BEATTY: Yes. I mean, I think that's -- we can look at both bodies of law to make an analysis on these kinds of cases. But California law is going to be the one that probably is the most guiding and that's going to be following 13510. So yes.

MEMBER JOHNSON: Thank you.

MS. WOOLLEY: And, Mr. Beatty, if I could, the Division's position as to what the legal standard here is laid out in the ISFs under the analysis section. So we do cite the recent Supreme Court case out of 2025, Barnes v. Felix, which is a unanimous opinion of the Supreme Court.

It does address that you do need to have objective, reasonable conduct, but you also need to address the totality of the circumstances in this case.

One of the things that was happening in the courts was that they were starting to drift into a moment of

threat rule. And they were looking at what was happening right before the time that the officers took action or used force.

And they reiterated that what the officers should be looking at or when you are assessing the use of force, you need to look at all of the relevant circumstances, including facts and events leading up to the climactic moment, in determining whether the peace officer acting reasonably in using force.

We also go over California law in this instance, including the language that you are speaking of, Board Member Johnson, which is Penal Code section 835, including when you are looking at somebody when you are using deadly force, which would be necessary.

So that is in the ISFs for both officers.

VICE CHAIRPERSON DOYLE: Is there anyone from the public who would like to address the Board at this time?

When it is your turn, you may state your name and organization if you wish. You will each be given three minutes to speak and the time limits will be strictly enforced. So please ensure that you complete your comments within the allotted time.

Is there anyone who would like to -- in the public who would like to address the Board?

Welcome.

MS. KITCHEN: My name is Addie Kitchen, the grandmother of Steven Taylor, who was murdered in a mental health crisis.

And again, my question is, no one called to realize that this man was in a mental health crisis before they took the action to murder this human being?

It is just unbelievable to sit here and to listen to why and how this young man was murdered. He wasn't a threat to anyone except himself. And for the officers to take it upon themselves to decide that he was a danger to anyone except himself.

So why wasn't -- there was -- should have been someone to call to help this young man. This is exactly what happened to my grandson. No one called for help for him. They called the police.

And we know, when police show up, most of the time, the person that is in stress is the one that gets murdered. And it is just so unbelievable to sit here and to listen to what is going on in our country.

I am -- I am just -- it is a lot. It is a lot to digest, to see people trying to decide whether these officers need to be decertified. As far as I can see and what I hear, they do not need to be on the street to protect and to serve human beings. That's their job. That's what we pay them for, to protect and to serve,

and that has not happened.

Thank you very much.

VICE CHAIRPERSON DOYLE: Thank you. Thank you.

Is there anyone else in the audience who would like to address the Board?

MS. B. JOHNSON: Good morning. Beatrice Johnson.

I just wanted to say that my concern as well is that there was no concern about this young man's humanity, because he was in a crisis. He was in a mental crisis.

And I'm sure that everybody on the scene was aware of that, because you are in a mental crisis if you are putting a knife up to your neck.

And the fact that once -- I think it is called the 440. Once that command was given, and then just shortly after there were gunfires of shots to a human being who was in a mental crisis.

So I feel like these officers -- this is not their job. This is not for them. And I think they should be decertified so they would not work anywhere else, especially in the state of California.

Thank you.

VICE CHAIRPERSON DOYLE: Thank you.

MS. W. JOHNSON: My name is Wanda Johnson. I'm the mother of Oscar Grant that was killed 2009 at the

Fruitvale BART station in Oakland, California.

I am really disturbed. I'm also an employee for NAMI, which is the National Alliance of Mental Illness.

And it disturbs me that this young man did not get the proper help that he needed. But instead, that the officers are taking the situation into their own hand and using deadly force when it is definitely not necessary. Sort of simply the same thing that happened to my son when he was killed, even though he did not have a mental challenge.

The officers refused to deescalate the situation where these officers who killed this young man could have deescalated the situation, but instead turned it into a deadly situation.

And there has to be something done so that people who are suffering mental crisis or not suffering mental crisis are not killed and the excuse used that the officers filled -- feared for their life.

These officers, again, he said, were about 25 feet away from this young man. So there was no need for them to shoot and kill the young man.

And as they tried or said, they applied unlethal force. They should have waited. But, yet, they fired the firearm right after the lethal -- the nonlethal force was used.

So, again, we have to start somewhere, and it needs to really start right here, where these officers who cost this young man his life be held accountable for their actions. And we can't just let this go by without not seeing and doing something about it.

The problem we allowed to occur is we allow too many officers to get away with their actions, where other officers feel that they are not going to be held accountable when they follow suit and do an act such as killing someone when it is unnecessary.

Thank you.

VICE CHAIRPERSON DOYLE: Thank you. Thank you.

MS. NANCE: Hello. My name is Arleta Nance. I'm the mother of Thomas and Tahmon Wilson. Tahmon was killed August 18, 2023, and Thomas was shot and assaulted, both from the back.

POST is training for these officers to get hired. It's a part of their training. So we all got our eyes and can see that that was not right, what they did to that man. No one was in danger of him doing anything. Like, he was stand up on the stairs. We all have eyes. We can see.

But we still have to go through all of this stuff like, oh, what they didn't do right is policy and procedure. This is so unfair to families to continue to

live in the trauma. Like, you could never say justice. It's no justice.

And the one thing that I know, everybody sitting up here that's come here to speak that's even on the DOJ's list of current cases, they are all Black and Brown people.

Whatever training they getting is not right. And something has to be done, because they are really exterminating us legally and getting away with it and going on doing it other places, to everybody else. And it is just unfair.

They need to get other races doing this training. It's something else that needs to be done with the training of these people of different race people or something. Because it is just us coming up here, saying what they did to us.

Thank you.

VICE CHAIRPERSON DOYLE: Thank you.

MS. WADE: Hello. I'm Kathryn Wade. I'm Malad Baldwin's mother from Antioch, California.

The video was very disturbing. The victim was totally in a mental health crisis. And I don't know if that city or county have the mental health services, but they should have been brought in too.

And then to see the distance from the officers and

then them -- one officer shielded behind his truck, the victim was no way a threat to him. So just to kill an innocent -- a sick person like that, it really hurts my heart.

And just -- and even to hear about the officers having other complaints and, you know, it is a problem for me and I'm very perturbed of the victims and the victims' families when things happen like this, that you go through all of this putting in complaints to departments doing their investigation. The investigations take so long.

And I'm just here watching this video the first time. And I could clearly see that these officers should have been not just suspended but should have been fired.

You know, that was very disturbing to watch that victim that far away and the officers shielded, and they just released their weapons like that.

And I'm pretty sure the training they have, they know that they were wrong. But a lot of times, these officers have gotten away with doing a lot of things in the community, and it just become a norm to them. I don't know if they got off by killing people like that.

But, you know, I know people, too, that were mentally ill patients and calls in my community, and

sometimes the officers show up and then, some instances, they will kill them. Not with guns all the time. Just choke them and kill them.

So a lot of things need to change when it comes to these officers handling these kind of calls. And that video was very disturbing. And for anyone to watch it, you can already see that the officers were wrong.

VICE CHAIRPERSON DOYLE: Thank you.

MR. BLISS: My name is Keyan Bliss.

I have been -- I'm a former commissioner for a community police review commission here in Sacramento. Sacramento City.

And to be honest, it was -- it is really hard to maintain decorum and be respectful when I see such callous disregard for the preservation of life that Officers Zavala and Quintanilla displayed on video that we saw today.

The idea that these officers had anything to fear from a man who was stumbling out of an apartment block, with a knife, from 22 to 25 feet away, and that necess- -- and that they had a right and justified reason to murder that man is patently absurd. It is outrageous.

And, honestly, like, it can't -- like, it is just breathtaking of the incompetence of that. Because there

were like -- they had them covered. We saw less-lethal equipment deployed at the same time. Why would there be any sort of, like, a protocol where you can have less-lethals deployed and pistols deployed? Why are they not calling it out? Hey, less-lethals, put out -- like, you know, put your guns away?

There are too many families that are permanently scarred, traumatized from incidents like this, where officers just look at -- like look at a person and just shoot first and ask questions later. Don't think about the consequences.

Because we all know in a society where only 1 percent of officers involved in shootings actually get prosecuted in the first place, that there will be any sort of accountability. The majority of officers know that.

I've talked to enough and I have seen enough incidents that I recognize that.

I don't believe for a minute that it is a matter of training. Because officers know how to actually deescalate situations involved. It really just depends upon whether they are white or not.

There were recent incidents just within LAPD, in April -- April of last year. Jillian Lauren fired shots at LAPD officers during a high-speed police chase. And

she was able to be apprehended unharmed. Not only that, but was charged with assault and negligent discharge of a firearm, and avoided jail time.

There was Anthony Whitsey, who, last November, shot at a police helicopter and refused to surrender, barricaded himself in a home.

Both of these people were white, and they somehow survived. But these two officers couldn't make -- bring this person alive? It is outrageous. They should -- they should not be allowed to wear the uniform, much less carry the power to kill somebody.

VICE CHAIRPERSON DOYLE: Thank you for your comments.

Anybody else from the public who like to speak?

Welcome.

MR. WILSON: Good morning, everybody.

My name is Lance Wilson, and I'm here -- I support a lot of the families that have lost loved ones to police violence.

But just to see the video was appalling to me. It was clear, as many other folks have seen -- and I have said -- that the officers were, you know, 22 to 25 feet away, barricaded behind their cars. They used a -- less-lethal weapons. Within less than a second, you know, the lethal weapons were used.

And I mean, it was clear that the man was in a mental health issue.

But, you know, just -- just hearing the other woman speak earlier that, that spoke before people gave public comment. I mean, the police are -- are investigating the police. I mean, that's the problem right there. I mean, you know, when we have these -- these issues when the police are out here committing harm and to community members, I mean, they are being investigated by their own people. So I mean, that's the problem right there.

I mean, other folks had questions, too, like, hey, how -- I think it was you, sir. You had a question about the process. About how it went up to the police commission and it comes back and the chief makes a decision. I mean, that's the problem right there.

But these officers should definitely be decertified. And, yeah, I hope that that happens today.

Thank you.

VICE CHAIRPERSON DOYLE: Thank you.

Seeing no other -- at this time, does the Board wish to adjourn into closed session for deliberation?

MEMBER LARA: Yes, please.

VICE CHAIRPERSON DOYLE: Okay. The meeting will adjourn into closed session for deliberation of both cases. The board members will now exit. And each case

will be looked at and decided individually.

(Time noted: 11:02 a.m.)

---o0o---

(Closed session held: 11:06 a.m. to 11:15 a.m.)

---o0o---

(Time noted: 11:20 a.m.)

---o0o---

VICE CHAIRPERSON DOYLE: We will reconvene in regular session and take a vote on the Board's recommendation in the matter of Case POST2311370, Jose Zavala, who at the time of events at issue in the case and is still employed by Los Angeles Police Department.

Are there any comments by the Board?

MEMBER LARA: Lara. I would like to make a motion to decertify.

VICE CHAIRPERSON DOYLE: Okay. We have a motion to decertify.

Is there a second?

MEMBER PENA: I second.

VICE CHAIRPERSON DOYLE: Ms. Pena.

Roll call.

MR. KNAPP: Thank you, Mr. Vice Chair.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.
Crawford.
MEMBER HATCHER-CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Doyle.
VICE CHAIRPERSON DOYLE: Aye.
MR. KNAPP: Doyle, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
And Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's all in favor. Motion passes.
VICE CHAIRPERSON DOYLE: Motion passes.
Thank you.
In the matter of Case POST2311373, of Julio Quintanilla, who at the time of events in this case and is still employed by Los Angeles Police Department.
Does the Board have any comments?
MEMBER HATCHER-CRAWFORD: I move to -- I make a motion to decertify.

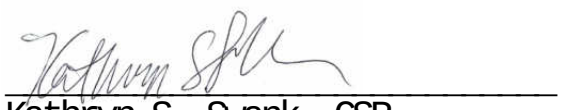
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May 2026.



Kathryn S. Swank, CSR
Certified Shorthand Reporter
License No. 13061

AGENDA ITEM REPORT

Title: POST2311373 - JULIO QUINTANILLA (POST ID: C58-G04)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 06/04/2026	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY David Sieber	**REVIEWED BY** Christine Ford	
REPORT DATE 04/15/2026	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department on February 22, 2016. At the time of the captioned incident, the Respondent was a police officer with the Los Angeles Police Department, which is a peace officer position as defined under California Penal Code 830.1(a) and is required to be certified pursuant to California Penal Code 13510.1(a). As of the date of this hearing, Respondent remains employed by the Los Angeles Police Department as a police officer.

On December 18, 2021, the Victim walked out of his residence holding a kitchen knife, reportedly threatened members of the community, and then sat idle on the steps of a neighboring residence while holding the knife to his neck. Officers assigned

to LAPD’s Newton Patrol Division (NPD) and Newton Gang Enforcement Detail (GED) responded to the “attempt suicide” call for service within minutes and contained the Victim. The Respondent and his partner responded to the incident, established a perimeter position, and were designated by the on-scene incident commander as lethal cover officers.

After approximately 13 minutes of de-escalation efforts, the Victim stood up and took four slow steps forward and then stopped. This movement triggered LAPD’s deployment of a less-lethal projectile, which struck Victim in the hip. Nearly contemporaneously (.382 seconds after the less-lethal deployment), from a distance of approximately 25 feet and behind the cover of a police vehicle, Respondent's partner fired three rounds from his service pistol, striking the Victim. Approximately .322 seconds after Respondent's partner discharged his third round, Respondent fired a single round from his service pistol, from a distance of approximately 28 feet and behind the cover of his police vehicle. The Victim was detained but ultimately succumbed to the injuries sustained from the use of force.

LAPD’s Force Investigation Division (FID) investigated the Officer Involved Shooting and found that the Respondent's actions were not objectively reasonable, proportional, or necessary. Ultimately, Respondent received a 5-day suspension with loss of pay and benefits. In July of 2025, the City of Los Angeles settled the resulting wrongful death suit filed by the Victim’s family in the U.S. District Court for the Central District of California and paid the family $8,000,000.

As of April 2026, the Los Angeles County District Attorney’s Office’s Justice System Integrity Division has not reached a charging decision and continues to review the incident with the assistance of an independent police oversight firm. Based on an analysis of the results of the LAPD Force Investigation Division (FID) and Complaint Investigations, recommendations of the Use of Force Review Board (UOFRB) and the Chief of Police (COP), and a detailed review of multiple Body Worn Video (BWV) perspectives of the Officer Involved Shooting (OIS), the Division determined that the Respondent engaged in serious misconduct as defined in California Penal Code § 13510.8(b)(3) and Commission Regulation § 1205(a)(3) - physical abuse, including, but not limited to, the excessive or

unreasonable use of force.

Video Evidence Links:

- **BR14 POST2311373 Quintanilla Julio Attachment M Quintanilla BWC**
- **BR15 POST2311373 Quintanilla Julio Attachment N Zavala BWC**
- **BR16 POST2311373 Quintanilla Julio Attachment O Officer 1 BWC**

ANALYSIS:

The Division determined there was clear and convincing evidence that Respondent engaged in serious misconduct as defined in California Penal Code § 13510.8(b)(3) and Commission Regulation § 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force. This misconduct is evidenced by Respondent's discharge of one round at the Victim, who posed a danger only to himself and did not present an imminent threat to the Respondent or others. Respondent's actions demonstrated a disregard for public safety and were inconsistent with the duties and responsibilities of a peace officer. Accordingly, the Division finds that Respondent's conduct constitutes serious misconduct, warranting revocation or suspension of his POST peace officer certification. On April 15, 2026, POSAAB voted to decertify Respondent.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01_POST2311373_Quintanilla_Julio_ISF_Redacted.pdf
BR02_POST2311373_Quintanilla_Julio_Executive_Review_and_Division_Recommendation.p
BR03_POST2311373_Quintanilla_Julio_POSTProfile_Redacted.pdf

BR04_POST2311373_Quintanilla_Julio_Attachment_C_-_LAPD_Report_Redacted.pdf
BR05_POST2311373_Quintanilla_Julio_Attachment_D_-_COP_IntradeptMemo_Redacted.pdf
BR06_POST2311373_Quintanilla_Julio_Attachment_E_-_22-003418_LOT_Redacted.pdf
BR07_POST2311373_Quintanilla_Julio_Attachment_F_-_22-003757_LOT_Redacted.pdf
BR08_POST2311370_Quintanilla Julio_Attachment G - LA City Council_Motion to Settle_Redacted.pdf
BR09_POST2311373_Quintanilla_Julio_Attachment_H_-_Federal_Civil_Complaint_Redacted.pdf
BR10_POST2311373_Quintanilla_Julio_Attachment_I_-_Respondent_Interview_Transcript_Redacted.pdf
BR11_POST2311373_Quintanilla_Julio_Attachment_J_-_SME_Report_Redacted.pdf
BR13_POST2311373_Quintanilla_Julio_Attachment_L_-_LAPD_Use_of_Force_Policy_10.2020_to_08.2022.pdf
BR12_POST2311373_Quintanilla_Julio_Attachment_K_-_LAPD_Edged_Weapons_Policy.pdf
POST2311373_Quintanilla_Julio_April_2026_POSAAB_Agenda_Record.pdf
POST2311373_Quintanilla_Julio_Board_Recommendation_Signed.pdf
POST2311373_Quintanilla_Julio_Transcript_Board_04.15.2026.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Julio QUINTANILLA

POST ID NUMBER: C58-G04

EMPLOYING AGENCY: Los Angeles Police Department (LAPD)

POST CASE NUMBER: POST2311373

WRITTEN BY: LEC Dave Sieber

DATE: 2/12/2026

Contents

I. Executive Summary and Findings 3

II. Investigative Methodology 4

III. Respondent's Background 5

A. Respondent's Peace Officer Certificates and Employment 5

B. Respondent's Service Record 5

IV. Factual Background 13

A. Does the alleged conduct violate Commission Regulation 1205(a)(3)? 18

B. Summary of Findings 23

V. Supporting Evidence 23

I. Executive Summary and Findings[1]

On December 18, 2021, Victim, hereinafter Victim, walked out of his residence holding a kitchen knife,[2] threatened members of the community, and then sat idle on the steps of a neighboring residence while holding the knife to his neck. Officers assigned to LAPD's Newton Patrol Division (NPD) and Newton Gang Enforcement Detail (GED) responded to the "attempt suicide" call for service within minutes and contained Victim. Officer Julio QUINTANILLA (hereinafter, Respondent)[3] and his partner, Officer Jose ZAVALA, responded to the incident, established a perimeter position to the west of Victim, and were designated by the on-scene incident commander, Sergeant, as lethal cover officers.

After approximately 13 minutes of de-escalation efforts, Victim stood up and took four slow steps forward and then stopped. This movement triggered LAPD's deployment of a less-lethal projectile, which struck Victim in the hip. Nearly contemporaneously (.382 seconds after the less-lethal deployment), from a distance of approximately 25 feet and behind the cover of a police vehicle, ZAVALA fired three rounds from his service pistol, striking Victim. Approximately .322 seconds after ZAVALA discharged his third round, Respondent, from a distance of approximately 28 feet and behind the cover of a police vehicle, fired a single round from his service pistol. Victim was detained but ultimately succumbed to the injuries sustained from the use of force.

LAPD's Force Investigation Division (FID) investigated the Officer Involved Shooting (OIS) and the results were conveyed to the LAPD Use of Force Review Board (UOFRB). The UOFRB was critical of Respondent's and ZAVALA's perception of an "immediate threat" and found that their actions were not objectively reasonable, proportional, or necessary. A subsequent Department-initiated Complaint Investigation reached a SUSTAINED finding of "Out of Policy – Administrative Disapproval" regarding Respondent's and ZAVALA's use of force. The incident was not referred to LAPD's Board of Rights (BOR), as the Chief of Police (COP) did not seek Respondent's and ZAVALA's termination. Ultimately, Respondent received a 5-day suspension and ZAVALA received a 10-day suspension with loss of pay and benefits.

Later, on February 3, 2023, the Victim's family filed a complaint, which initiated a second Complaint Investigation, alleging Respondent's and ZAVALA's excessive use of force. The investigation ultimately reached the finding of UNFOUNDED. In July of 2025,

[1] Attachment A (Executive Review and Division Recommendation)

[2] The first officer to arrive on scene described the knife as a *"big butcher knife type meat clever."* LAPD's FID Investigative report described the knife as a "meat clever" with a 6.5-inch blade and a 5.25-inch black plastic handle.

[3] Attachment B (Respondent's EDI Profile).

Victim's family was awarded an $8,000,000 settlement, in connection with a wrongful death lawsuit in the U.S. District Court for the Central District of California.

As of November 2025, the Los Angeles County District Attorney's Office's (LADA's) Justice System Integrity Division (JSID) has not reached a charging decision and continues to review the incident with the assistance of independent police oversight firm, OIR Group.

Based on an analysis of the results of the LAPD FID and Complaint Investigations, recommendations of the UOFRB and COP, and a detailed review of multiple Body Worn Video (BWV) perspectives of the OIS, the Division assesses that Respondent engaged in serious misconduct as defined in California Penal Code section 13510.8(b)(3) and Commission Regulation 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force. The Division arrived at this assessment because Victim:

- was contained;
- posed a danger only to himself;
- did not pose an imminent threat to officers or others;
- did not possess a demeanor that was particularly threatening;
- was unresponsive to verbal and less-lethal force, signaling a potential mental or physical health condition, cognitive deficiency, or influence of a controlled substance.

Distance and cover were effectively utilized to create time, in conjunction with de-escalation measures; however, Respondent initiated deadly force before exhausting other less-lethal options.

II. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. The investigation was conducted in accordance with the regulations and policies of the Commission on Peace Officer Standards and Training (POST). The investigation included a detailed review of LAPD's FID, Complaint Investigations, BWV data and supporting documents, which included interviews of subject and witness officers.

The Division analyzed the information in this investigation using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. However, it does

contain reference to that evidence that the Division believes establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

III. Respondent's Background

A. Respondent's Peace Officer Certificates and Employment

The following table sets forth Respondent's employment history:

Dates	***Rank***	***Agency***
February 22, 2016	Trainee	Los Angeles Police Department
August 7, 2016	Police Officer	Los Angeles Police Department

Respondent is assigned POST ID **C58-G04**. He received the following peace officer certificates from POST:

Certificate Type	***Certificate Number***	***Date Issued***
Basic	188151	September 27, 2017
Intermediate	145040	September 23, 2020

B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and California Regulation section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

California Penal Code section 13510.8(c)(5) provides that the Commission "shall consider the peace officer's prior conduct and service record, and any instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation."

Service Record

Respondent's employment with LAPD began on February 22, 2016, as a full-time Trainee. On August 5, 2016, Respondent completed the Basic Course and on August 7, 2016, his Peace Officer powers were conveyed. On September 27, 2017, Respondent received his Basic Course certification and on September 23, 2020, he received his Intermediate Course certification. Respondent continues to serve as an LAPD Police Officer today. Respondent does not have any prior law enforcement appointments in the state of California.

Relevant Training

Respondent's POST Electronic Data Interchange (EDI) profile indicates Respondent completed 28 courses prior to the captioned incident, including the following relevant topics:

Date	***Course Title***
October 26, 2021	Firearms/Tactical-Advanced
October 14, 2021	Electronic Weapons
July 22, 2021	Less Lethal/Munitions
July 30, 2020	De-escalation & Tactical Communication
January 16, 2019	Ballistic Shield Operator
November 5, 2018	Firearms/Tactical-Advanced
November 1, 2017	Crowd Control
August 4, 2017	Mental Health Intervention Training

Prior Complaints/Discipline

Respondent is the subject of the following 20 allegations of serious misconduct with POST:

POST Case ID	***Allegation***	***POST Status***	***Disposition***
POST2305162	Abuse of Power	POST (Priority 4) - NFA	Complaint of excessive force on February 26, 2020, when Respondent and his partner conducted a traffic stop and detained Complainant. Complainant alleged that she was unlawfully detained. LAPD's Complaint Investigation resulted in a finding of EXONERATED. POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action. Additionally, the reported incident occurred before January 1, 2022, and therefore was not actionable by POST. (See Pen. Code § 13510.8(g)(1)(A).)

POST2305274	Abuse of Power/Bias	POST (Priority 4) - NFA	Complaint of abuse of power and bias on March 15, 2020, when Respondent and his partner contacted Complainant for a California Vehicle Code violation. LAPD's Complaint Investigation determined that all six allegations were UNFOUNDED. POST determined that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action. Additionally, the reported incident occurred before January 1, 2022, and therefore was not actionable by POST. (See Pen. Code § 13510.8(g)(1)(A).)
POST2311373	Use of Force	POST (Priority 1) **CAPTIONED MATTER**	Complaint of use of force on December 18, 2021, when Respondent and his partner used lethal force, resulting in the death of Victim. LAPD's Complaint Investigation SUSTAINED allegations regarding the Use of Force. A second Complaint Investigation found the Officer's Use of Excessive Force UNFOUNDED. The LADA's JSID has not reached a charging decision in this matter. POST seeks to advance this matter to the POST Board and Commission.
POST2311060	Use of Force	POST (Priority 1) **DUPLICATE**	Complaint of use of force, consolidated with POST2311373.
POST2308740	Use of Force	POST (Priority 3) - NFA **DUPLICATE**	Complaint of use of force on December 13, 2022, when a claim for civil damages, associated with POST2311370, was filed by Victim's ([redacted]) family. On June 26, 2025, POST closed the matter with No Further Action.
POST2307765	Abuse of Power	POST (Priority 3) - NFA	Complaint of abuse of power on April 26, 2023, when Respondent

			and his partner contacted Complainant for a violation of California's Vehicle Code. Complainant alleged that officers conducted an illegal search. LAPD's Complaint Investigation EXONERATED Respondent and his partner of all allegations. POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2308807	Bias/Use of Force	POST (Priority 3) - NFA	Complaint of bias and use of force on May 7, 2023, when Respondent and his partner responded to a traffic collision involving a DUI driver that had collided with three parked vehicles. Based on a review of BWV data, the investigating supervisor recommended the allegations be adjudicated as DEMONSTRABLY FALSE. POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2309695	Bias	POST (Priority 3) - NFA	Complaint of bias on May 26, 2023, when Respondent and his partner conducted a traffic stop on Complainant for California Vehicle Code violations. An LAPD supervisory review of Digital In-Car Video of the incident determined that the allegation was DEMONSTRABLY FALSE. POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2402627	Abuse of Power	POST (Priority 3) - NFA	Complaint of abuse of power between May 1, 2023, and May 10, 2023, when Respondent and his partner conducted a traffic stop

			and detained the driver. The complainant alleged that he was unlawfully detained. LAPD's Complaint Investigation determined that the allegation was UNFOUNDED. POST assessed the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2314501	Bias	POST (Priority 3) - NFA	Complaint of bias on June 21, 2023, when Respondent and his partner initiated a traffic stop on Complainant for failing to stop at a red light. Complainant alleged that the officers were racist. An LAPD supervisor's review of the Digital In-Car Video and Body Worn Video (BWV) refuted Complainant's allegations. As a result, the complaint was classified as NON-DISCIPLINARY/DEMONSTRABLY FALSE. POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2401555	Use of Force	POST (Priority 3) – NFA	Complaint of use of force on July 19, 2023, when LAPD officers conducted a traffic stop of a vehicle for California Vehicle Code violations. Officers observed evidence consistent with the sale of controlled substances. The Complainant alleged biased policing and refused to exit his vehicle. Respondent and seven officers removed Complainant from his vehicle. LAPD's Complaint Investigation determined that all allegations were UNFOUNDED. POST assessed that the allegations did not rise to the level of serious

			misconduct and closed the matter with No Further Action.
POST2317588	Bias	POST (Priority 3) - NFA	Complaint of bias on August 29, 2023, when Respondent and his partner conducted a traffic stop. One of the occupants (hereinafter, Complainant), believed he was stopped because of his race. An LAPD supervisory review determined that the complaint was DEMONSTRABLY FALSE. POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2319339	Bias	POST (Priority 3) - NFA	Complaint of bias on October 12, 2023, when Respondent and his partner observed Complainant violating California Vehicle Code sections. Complainant alleged the officers were biased. LAPD adjudicated the allegation as UNFOUNDED. POST assessed that the allegation did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2319379	Bias	POST (Priority 3) - NFA	Complaint of bias on October 6, 2023, when Respondent and his partner conducted a traffic stop on Complainant for California Vehicle Code violations. Complainant stated he was stopped due to his race. LAPD found that the allegation of bias was DEMONSTRABLY FALSE. POST assessed that the allegation did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2321769	Bias	POST (Priority 3) - NFA	Complaint of bias on April 1, 2025, when Respondent and his partner conducted a traffic stop on

			Complainant. Complainant alleged the officers stopped him because of his race. LAPD's review of associated BWV data refuted the allegation, and the complaint was found to be DEMONSTRABLY FALSE. POST assessed that the allegation did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2322387	Bias	POST (Priority 3) - NFA	Complaint of bias on December 8, 2023, when Respondent and his partner conducted a traffic stop on Complainant for California Vehicle Code violations. Complainant alleged he was subjected to biased policing. LAPD adjudicated the allegation as NON-DISCIPLINARY/ DEMONSTRABLY FALSE. POST assessed that the allegation did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2408637	Use of Force	POST (Priority 3) - NFA	Complaint of use of force on March 22, 2024, when Respondent and his partner observed occupants in a vehicle inhaling nitrous oxide. Respondent attempted to remove the Complainant; however, she resisted, struck him and spit in his face. Respondent struck Complainant to neutralize her attacks and requested backup. Complainant was detained and booked for a violation of California Penal Code §243(b) – battery on a peace officer. LAPD's Complaint Investigation identified 12 allegations of misconduct by Respondent and his partner. Ultimately, four of the allegations were adjudicated as UNFOUNDED, two were

			EXONERATED and six were determined to be DEMONSTRABLY FALSE. POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2404452	Abuse of Power	POST (Priority 3) - NFA	Complaint of abuse of power on May 22, 2024, when Respondent and his partner conducted a vehicle stop and the Driver/Complainant was found to be driving under the influence (DUI). The Complainant alleged that he was detained without cause. LAPD's Complaint Investigation was adjudicated as UNFOUNDED. POST assessed that the allegation did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2405373	Bias	POST (Priority 3) - NFA	Complaint of bias on June 26, 2024, when Complainant contacted the LAPD Complaint Hotline and alleged that LAPD officers cursed at him, made fun of him, and addressed him with racial slurs. LAPD adjudicated the allegations as UNFOUNDED. POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.
POST2409215	Abuse of Power	POST (Priority 3) - NFA	Complaint of abuse of power on October 30, 2024, when Respondent and his partner conducted a vehicle stop for California Vehicle Code violations. The Complainant alleged that he was searched without cause. LAPD's Complaint Investigation adjudicated the allegations as UNFOUNDED.

			POST assessed that the allegations did not rise to the level of serious misconduct and closed the matter with No Further Action.

In addition to the above-detailed 20 allegations of serious misconduct with POST, LAPD conducted a review of Respondent's "TEAMS II" personnel report. The report indicated Respondent had one sustained complaint:

- CF NO. 21-002558: July 6, 2021 – Out of Policy Pursuit (SUSTAINED) with a penalty of "ADMONISHMENT"

In addition to the captioned Categorical Use of Force, Respondent has been involved in 13 Non-Categorical Uses of Force (NCUOF), all of which were adjudicated as "IN POLICY."

Respondent has been involved in seven vehicle pursuits, six were adjudicated as IN-POLICY and the seventh, detailed above (CF NO. 21-002558), resulted in a SUSTAINED finding and penalty of ADMONISHMENT.

Lastly, Respondent has been involved in the following two preventable traffic collisions:

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

IV. Factual Background

On December 18, 2021, at 1654 hours, Reporting Party 1 called Communications Division (CD) and reported that her brother, Victim (Victim),[4] walked out of their residence, located at Home Address, armed with a 6.5-inch kitchen knife. At approximately 1656 hours, an "Ambulance Attempt Suicide" radio call was generated for the Newton Patrol Division (NPD). According to Reporting Party 2, his son (Victim) had been drinking alcohol and using narcotics since he was 18 years-old, causing what he described as *"an altered state of mind."* NPD Officers 1 and 2, along with Sergeant[5] responded "Code 3"[6] to the radio call. Newton

[4] Victim was a 22-year-old Hispanic male, 4'9" tall, weighing approximately 98 pounds. Victim's family claimed that Victim was going through a mental health crisis at the time of the incident.

[5] Sergeant Sergeant assumed On Scene Command (OSC) upon arrival at the incident.

[6] "Code 3" indicates an emergency response requiring the activation of vehicle lights and siren.

Gang Detail (GED) Officers Julio QUINTANILLA (hereinafter, "Respondent") and Jose ZAVALA responded "Code 2"[7] to the radio call.

At approximately 1654 hours, another bystander called CD reporting Victim was walking near Street 1 gazing at him angrily while swinging a knife in the air. At 1656 hours, RP 1 informed CD that Victim tried to hit someone and was going to attack a person with the knife. At 1657 hours, CD broadcast, "*additional on your attempt suicide,* Home Address*, the subject is now chasing people with the knife in front of* Home Address [8]

As Sergeant arrived on Street 2, a male and female directed Sergeant's attention to Victim. As Sergeant exited his patrol vehicle, Victim sat idle on the steps in front of the apartment building located at Incident Location, holding a knife in his right hand with the blade pressed against his neck. Sergeant attempted to communicate with Victim but failed to obtain compliance. At 1702:05 hours, Respondent and ZAVALA arrived and took positions to the west of Victim, behind their patrol vehicle doors, and unholstered their service pistols. Respondent gave commands to Victim to drop the knife and ZAVALA requested backup for a "*415 man with a knife*." ZAVALA also requested a rescue ambulance to stage near Street 2 and Street 1.

At 1702:22 hours, Officers 1 and 2 arrived on scene. In his role as OSC, Sergeant directed O-1 to retrieve his 40mm Less-Lethal Launcher (LLL). O-1 complied and took a position of cover behind the driver's side door, east of Sergeant's patrol vehicle. As depicted on Sergeant's BWV, at 1702:24 hours, Victim held the knife in front of his body at shoulder level, repeatedly moving the blade from side to side. Sergeant directed O-2 to take a position of cover behind the passenger side door, west of his patrol vehicle while unholstering his service pistol and designating Respondent and ZAVALA as "lethal cover officers." Sergeant also informed Respondent and ZAVALA of O-1's role as the "less-lethal officer" with the LLL.

At 1702:59 hours, as depicted on ZAVALA's BWV, ZAVALA told Respondent that he was going to attempt to communicate with Victim in Spanish. At 1703:02 hours, Victim placed the knife's blade against the side of his throat, prompting multiple officers to yell "*Don't do it!*" Sergeant directed O-1 to deploy the LLL; however, before O-1 could comply, Sergeant withdrew his command. Officer 3, from LAPD's Rampart Patrol Division, arrived on scene in his patrol vehicle. Sergeant directed O-3 to join O-2 as part of the arrest team.

At 1703:35 hours, Sergeant retrieved a ballistic shield from his patrol vehicle and gave it to O-3. Sergeant yelled to Respondent and ZAVALA, *"You still got lethal coverage right*

---

[7] "Code 2" indicates urgency but not to the level requiring the activation of vehicle lights and sirens.

[8] LAPD's Force Investigation Division (FID) investigation determined that the CD Radio Transmission Officer (RTO) embellished RP 1's statement that Victim was going to attack someone and broadcast *"the subject is now chasing people with a knife,"* when Victim was not in fact chasing anyone.

here." For the next several minutes, Respondent, ZAVALA and Sergeant alternated communicating with Victim. Moments later, Victim stood, held the knife to his throat and gestured the sign of the crucifix across his chest with his left hand. Sergeant directed O-1 to deploy the LLL by announcing, "*Forty stand by!*" At 1704:06 hours, O-1 discharged one 40mm round from his LLL at Victim from a distance of approximately 30 feet. The round struck Victim in the abdomen but did not appear to have any effect. Victim walked down a small flight of steps towards officers and then sat idle on the bottom step while holding the knife to his throat.

At 1705:36 hours, BWV recordings captured officers alerting one another that a bystander was attempting to exit the apartment building behind Victim. Sergeant yelled, *"Hey stay right there, do not come out."* Additional officers warned the bystander to stay inside and to move away from the windows. The bystander complied with the officers' orders and remained inside the building with the door closed. Victim appeared oblivious to the presence of the bystander in the building behind him (south of his position).

Newton GED Officers Meraz and Officer 4 arrived on scene. Meraz deployed a shotgun, positioning himself as a lethal cover officer alongside O-1. O-4 deployed a less-lethal "Beanbag" shotgun and was directed by Sergeant to move to the west side of the containment perimeter, to provide less-lethal cover for ZAVALA. Sergeant and ZAVALA continued alternating commands to Victim. Sergeant utilized the patrol vehicle's public address (PA) system to communicate his commands. Sergeant directed Officer 3 to re-position his vehicle to the southeast corner of Street 2 and Street 1 to block pedestrian traffic. At 1709:44 hours, Sergeant continued to use the PA system to communicate with Victim.

At 1710:17 hours, Victim stood up, removed his hat while holding the knife above his shoulders and looked east toward his family members who were standing behind the containment perimeter. Sergeant announced, *"Get ready,"* while transitioning from the passenger side of his patrol vehicle to the driver's side where O-1 had taken cover. Sergeant announced, *"Forty forty up."* Victim took four slow steps forward, turned to his left (west) and stopped. Contemporaneously, O-1 announced, *"Forty standby,"* as Sergeant instructed O-1 to fire the LLL. O-1 fired one 40mm round from a distance of approximately 22 feet, impacting the lower right side of Victim's torso. Approximately .382 seconds later, ZAVALA discharged the first of three rounds from his service pistol, from a distance of approximately 25 feet and behind the cover of his police vehicle, striking the Victim. Approximately .322 seconds after ZAVALA discharged his third round, Respondent fired a single round from his service pistol, from a distance of approximately 28 feet and behind the cover of his police vehicle. Victim fell to the ground and was subsequently detained. Victim was provided medical aid and transported to the hospital where he succumbed to his injuries.

On December 21, 2021, the Los Angeles County Coroner's Office performed a post-mortem examination of Victim.[9] The report indicated that Victim sustained three gunshot wounds, two to the torso and one to the neck. The coroner concluded that Victim's death was a result of a gunshot wound to the torso.

On December 18, 2021, in response to the Officer Involved Shooting (OIS) involving Respondent and ZAVALA, LAPD's Force Investigation Division (FID) initiated case FID NO.064-21.[10]

On September 12, 2022, the results of FID NO.064-21 were presented to LAPD's Use of Force Review Board (UOFRB). The UOFRB was critical of Respondent's and ZAVALA's perception of an "immediate threat" and found that their actions were not objectively reasonable, proportional, or necessary. Ultimately, the UOFRB arrived at the following findings:

- **Tactics:** Respondent, ZAVALA and O-1 - Tactical Debrief
  Sergeant - Administrative Disapproval
- **Drawing/Exhibiting:** Respondent, ZAVALA and O-2 – In Policy (No Further Action)
- **Less-Lethal Use of Force:** O-1 - In Policy (No Further Action)
- **Lethal Use of Force:** Respondent and ZAVALA - Out of Policy - Administrative Disapproval

On October 5, 2022, LAPD's COP informed the Honorable Board of Police Commissioners that he adopted the above-referenced recommendations of the UOFRB.[11]

On November 8, 2022, an LAPD-initiated Complaint Investigation (CF No. 22-003418)[12] reached a SUSTAINED finding of Out of Policy – Administrative Disapproval regarding Respondent's and ZAVALA's use of force; however, the incident was not referred to LAPD's Board of Rights, as the COP did not seek to terminate Respondent or ZAVALA. As a result, ZAVALA received a 10-day suspension with loss of pay and benefits and Respondent received a 5-day suspension with loss of pay and benefits.

[9] On March 25, 2022, a Forensic Science Laboratories Report was approved by Department of Medical Examiner-Coroner, Los Angeles County. The blood analysis results identified the presence of Benzodiazepines, Cannabinoids and Ethanol in Victim's blood.

[10] Attachment C (LAPD Report FID NO.064-21-Redacted).

[11] Attachment D (COP Intradepartmental Communication).

[12] Attachment E (CF No. 22-003418 Letter of Transmittal).

Later, in February of 2023, Victim's family filed a complaint with LAPD which initiated a second Complaint Investigation (CF No. 22-003757)[13] alleging Respondent's and ZAVALA's Excessive Use of Force; however, the investigation ultimately reached the finding of UNFOUNDED.

In July of 2025, the Victim's family was awarded an $8,000,000 settlement,[14] in connection with a federal wrongful death suit in the U.S. District Court for the Central District of California.[15]

As of February 2026, the LADA Office's Justice System Integrity Division (JSID) has not reached a charging decision, despite the fact that they have a completed independent review of the incident from police oversight firm, OIR Group.

Post OIS Statements

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."*

Respondent 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."* Respondent 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.[16] So he could have caused serious bodily injury or death to them if I didn't do that. I had to do it."*

[13] Attachment F (CF No. 22-003757 Letter of Transmittal).

[14] Attachment G (Los Angeles City Council (Item No. 34) Motion to Settle).

[15] Attachment H (Federal Civil Complaint, Case No. 2:22-cv-07534-FLA-MAA).

[16] Based on a review of crime scene diagrams from the LAPD FID report and multiple BWV perspectives, it does not appear that any civilians were positioned inside the LAPD perimeter, nor were any civilians positioned between officers and Victim.

V. Analysis and Findings

Timeline:

On December 18, 2021, the captioned OIS occurred.

On December 18, 2021, LAPD's Force Investigation Division (FID) initiated an OIS investigation.

On November 8, 2022, an LAPD-initiated Complaint Investigation resulted in a SUSTAINED finding regarding Respondent's and ZAVALA's Use of Lethal Force.

On February 3, 2023, a Victim-family-driven Complaint Investigation resulted in an UNFOUNDED finding regarding Respondent's and ZAVALA's Use of Excessive Force.

On June 17, 2023, LAPD reported the incident to POST's Professional Conduct Bureau (PCB), alleging a violation of Commission Regulation 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force.

In July of 2025, Victim's family was awarded an $8,000,000 wrongful death settlement.

On February 6, 2026, Trichief Consulting Services completed an independent review of the incident.

As of February 10, 2026, the LADA's JSID has not reached a charging decision.

A. Does the alleged conduct violate Commission Regulation 1205(a)(3)?

Did Respondent use excessive force when he fired one round at Victim? According to Commission Regulation 1205(a)(3), excessive force is defined as:

> Physical abuse, including, but not limited to, the excessive or unreasonable use of force.

The United States Supreme Court recently addressed the issue of a police officer's use of deadly force in *Barnes v. Felix* (2025) 605 U.S. 73, and unanimously reaffirmed that a "police officer's use of deadly force violates the Fourth Amendment when it is not 'objectively reasonable.'"[17] The Court also reaffirmed that an "inquiry into reasonableness…requires assessing the 'totality of the circumstances.'"[18]

In issuing its ruling, the Court rejected the "so-called moment-of-threat rule" adopted by lower courts, which "looks only to the circumstances existing at the precise time an officer perceived the threat inducing him to shoot."[19] Rather, the Court reiterated that

---

[17] *Barnes v. Felix* (2025) 605 U.S. 73, 76 (*"Felix"*), citing *Graham v. Connor* (1989) 490 U.S. 386, 397 ("*Graham v. Connor*") [internal citations omitted].

[18] *Id.*, citing *Graham* at 396.

[19] *Id.*

"all the relevant circumstances, including facts and events leading up to the climactic moment…" must be considered when determining "whether a peace officer acted reasonably in using force."[20]

The *Felix* opinion is consistent with California law. Under Penal Code section 835a, peace officers may use deadly force "only when necessary in defense of human life."[21] Further, although peace officers may use "objectively reasonable force to effect arrest…," prevent escape, or overcome resistance, deadly force is only justified "when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary…" to: 1) "defend against an imminent threat of death or serious bodily injury to the officer or another person…;" or 2) "apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended."[22] However, a "peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person."[23]

In reviewing Respondent's statements regarding his decision to use deadly force, his decision was based primarily on the moments immediately preceding the application of deadly force without appearing to consider all relevant circumstances leading up to that moment. When applying the "totality of the circumstances" as required under *Felix, Graham v. Connor,* and Penal Code section 835a, however,[24] the Division concluded that Respondent failed to leverage reasonable and available less-lethal alternatives at the time deadly force was utilized. Accordingly, Respondent's use of deadly force was both unreasonable and excessive.

Under California Penal Code section 835a(a)(2), "peace officers use deadly force only when necessary, in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Here, ZAVALA requested an ambulance upon arrival at the incident but neither ZAVALA nor Respondent requested support from LAPD's Mental Evaluation Unit (MEU), despite having both previously completed "Mental Health Intervention" training. Prior to ZAVALA's and Respondent's

---

[20] *Id.*

[21] Pen. Code § 835a, subd. (a)(1).

[22] Pen. Code § 835a, subd. (c)(1)(A)-(B).

[23] Pen. Code § 835a, subd. (c)(2).

[24] Under Penal Code section 835a(a)(2), "in determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer."

use of deadly force, officers fired two rounds from a LLL device, hardly exhausting its potential benefit, and the on scene commander (OSC) had not readied or directed the deployment of other available less-lethal options such as the "Bean Bag" shotgun, Conducted Energy Devices (CED) "taser," or a ballistic shield team equipped with CEDs and/or Oleoresin Capsicum (OC) "pepper" spray. Respondent's use of force did not result from an order from the OSC to employ lethal force. More importantly, the absence of the OSC's order to deploy other less-lethal options does not necessarily mean that the OSC wasn't considering them, nor did it render the threat posed by the Victim more imminent.

During his LAPD Complaint interview, ZAVALA stated he was afraid Victim was going to come at him with the butcher knife and harm him or his partner. To protect himself, his partner and nearby citizens from imminent serious bodily injury, ZAVALA said he fired "two to three rounds" to stop the threat. LAPD's Personnel Complaint Investigation SUSTAINED that ZAVALA's and Respondent's use of lethal force was unreasonable. The subsequent Complaint Investigation initiated by the Victim's family, alleging ZAVALA's and Respondent's use of excessive force, reached a contradictory finding of UNFOUNDED; however, this investigation also appeared to focus on the moment ZAVALA and Respondent used deadly force and did not consider the following relevant circumstances:

- Victim was contained - never closer than approximately 22 feet to any officer;
- Officers were positioned behind the cover of police vehicles;
- Victim only appeared to pose a danger to himself;[25]
- Once contained, Victim did not exhibit a demeanor that was particularly threatening, nor did he exhibit an intent to injure officers/others;
- State of Victim's mental/physical health, cognitive function and/or influence from alcohol or controlled substances;
- OSC's rationale for delaying the deployment of other readily available less-lethal options.

During his LAPD Complaint interview,[26] Respondent stated that he was scared when Victim walked towards officers, and that's when he decided the threat was imminent and he had to use deadly force. He further stated that Victim was going to cause death and that civilians were in harm's way. The Division opines that Respondent's statements were not supported by the collective facts at the time he utilized deadly force, nor were they supported in any showing in the FID investigation or subsequent Complaint Investigations. Again, LAPD's investigations collectively failed to consider all the

[25] California Penal Code section 835a(c)(2) states that "a peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person."

[26] Attachment I (Respondent's Interview Transcript)

relevant circumstances, starting with the Victim leaving his residence approximately 18 minutes before ZAVALA and Respondent used deadly force.

At the moment ZAVALA and Respondent chose to use deadly force, Victim was contained and had not exhibited an intent to harm bystanders or officers, attempted to avoid officers by entering the apartment building, nor had he used the knife to meaningfully injure himself. Approximately 13 minutes after responding to the incident, Victim stood up, took a few steps and then stopped. Victim was stationary, yet Respondent felt the threat was most imminent and required the use of deadly force. Respondent's use of deadly force appeared to be a sympathetic reaction to ZAVALA's initial use of deadly force.

Independent Subject Matter Expert Opinion

At the request of POST Executive Management, Rob Handy of Trichief Consulting Services was retained to provide an independent Subject Matter Expert (SME) opinion regarding the UOF incident involving LAPD Officers ZAVALA and QUINTANILLA. Handy is a policing executive with more than 35 years of comprehensive law enforcement experience, currently serving as the Director of Public Security for Grand Canyon University (GCU) in Phoenix, Arizona. Prior to that role, he served as the Chief of Police for the city of San Bernardino, California from December 28, 2011, to December 6, 2013, and the Chief of Police for the city of Huntington Beach, California from December 7, 2013, to October 16, 2020. In addition to reviewing thousands of UOF cases and hundreds of police shooting cases during his policing career, Handy has been retained as a SME to review police UOF incidents and policing practices and procedures nationwide.

On February 12, 2026,[27] based on a review of the reports, documents, audio recordings, photos and other evidence listed in the supporting-evidence section of this report, Handy concluded that given the totality of circumstances, the lethal force used by Officers Zavala and Quintanilla in this incident was not consistent with the requirements for use of deadly force in the California Penal Code, nor police officer training and standards in California. He further opined that the Victim's change in direction toward the two officers did not significantly change the circumstances to warrant a lethal response, and that the use of deadly force did not appear to be in response to an imminent threat as defined by the California Penal Code.

[27] Attachment J (Trichief Consulting Service's Independent SME Report)

Summary of Findings

Based on a careful review of Respondent's, ZAVALA's, and other officer's BWV data, LAPD's Tactical Concept No. 11[28] (Edged Weapons), LAPD's Use of Force Policy,[29] an evaluation of crime scene documentation, and a review of various sections of California Penal Code section 835a, Commission Regulation 1205(a)(3), in conjunction with recent case law, the Division assesses that both Respondent's and ZAVALA's belief that the Victim posed an imminent threat was not reasonable and that their application of deadly force was based solely on a perceived or future threat. BWV recordings depict the Victim standing up, taking four slow steps forward, turning, and then stopping. At no point did the Victim vocalize an intent to harm officer or others, attempt to leave the scene, conceal himself from officers, lunge, rapidly advance, or make any sudden or furtive movements towards officers or others that necessitated the use of deadly force.

While Victim certainly posed a threat to the community when he initially left his residence armed with a kitchen knife, the Division carefully considered all of the relevant circumstances during the approximately 18-minute incident and concluded that the threat was not imminent at the moment deadly force was utilized because the Victim was quickly contained, did not possess a particularly threatening demeanor and/or intent to cause injury to officers or others, and only posed a danger to himself. Officers were positioned between 22 and 30 feet from Victim and behind the cover of police vehicles during the incident. There were no bystanders positioned closer to the Victim than any officer and the occupants located inside the apartment building at [Incident Location] (behind Victim) had complied with officer's orders to remain inside the building with the door closed. Therefore, Respondent and ZAVALA failed to meet the standard set forth under California Penal Code section 835a(c)(2). Specifically, Respondent and ZAVALA's use of deadly force against the Victim was based on the danger the Victim posed to himself, not on an objectively reasonable belief that the Victim posed an imminent threat of death or serious bodily injury to themselves or another person.

Based on the totality of the evidence, the Division finds that reasonable grounds exist to refer this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of certificate revocation or suspension pursuant to California Penal Code section 13510.8.

[28] Attachment J (LAPD's Tactical Concept No. 11 - Edged Weapons)
[29] Attachment L (LAPD's Use of Force Policy - 10/2020 to 8/2022)

V. Supporting Evidence

Evidence	Attachment
Executive Review and Division Recommendation	A
Respondent's EDI Profile	B
LAPD Report FID NO.064-21-Redacted	C
LAPD Intradepartmental Correspondence	D
CF No. 22-003418 Letter of Transmittal	E
CF No. 22-003757 Letter of Transmittal	F
Los Angeles City Council (Item No. 34) Motion to Settle	G
Federal Civil Complaint (Case No. 2:22-cv-07534-FLA-MAA)	H
Respondent's Interview Transcript	I
Trichief Consulting Service's Independent SME Report	J
LAPD's Tactical Concept No. 11 - Edged Weapons	K
LAPD's Use of Force Policy (10/2020 to 8/2022)	L

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: 11/25/2025

CASE #: POST2311373

PEACE OFFICER: Julio QUINTANILLA

POST ID#: C58-G04

AGENCY: Los Angeles Police Department

POST CONSULTANT / BC: LEC Dave Sieber / BC Christine Ford

ALLEGATION(S):

California Code of Regulations Title 11 § 1205(a)(3) – Abuse of power/Excessive or Unreasonable Use of Force

On December 18, 2021, LAPD Officers Jose ZAVALA and Julio QUINTANILLA, responded to an "attempt suicide" call for service. The victim was armed with a 6.5-inch kitchen knife. After approximately 13 minutes of de-escalation efforts, the victim stood up and took four slow steps forward and then stopped. This movement triggered the deployment of a less-lethal projectile, which struck victim. Nearly contemporaneously, from behind the cover of a police vehicle, ZAVALA fired three rounds from his service pistol, striking the victim. Approximately .322 seconds after ZAVALA discharged his third round, QUINTANILLA, from behind the cover of a police vehicle, fired a single round from his service pistol. The victim was detained but ultimately succumbed to the injuries sustained from the use of force. LAPD's Force Investigation Division investigated the Officer Involved Shooting and the results were conveyed to the LAPD Use of Force Review Board (UOFRB). The UOFRB was critical of ZAVALA's and QUINTANILLA's perception of an "immediate threat" and found that their actions were not objectively reasonable, proportional, or necessary. A subsequent Department-initiated Complaint Investigation reached a SUSTAINED finding of "Out of Policy – Administrative Disapproval" regarding both officer's use of force. The incident was not referred to LAPD's Board of Rights. Ultimately, ZAVALA received a 10-day suspension and QUINTANILLA received a 5-day suspension with loss of pay and benefits.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent committed serious misconduct as defined in Penal Code §13510.8(b)(3) and Title 11, California Code of Regulations 1205(a)(3) - Physical abuse when he used excessive or unreasonable force resulting in the death of the Victim.

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

William Darden Chief Legal Counsel	 Signature	2/11/26 Date
Annemarie Del Mugnaio Assistant Executive Director	 Signature	2-11-2026 Date
Manny Alvarez Executive Director	 Signature	02/17/2026 Date

cc: Bureau Chief Christine Ford

cc: Jason Morlock

cc: Chandler Knapp

cc:

POST PROFILE NAME:

QUINTANILLA, JULIO DANIEL

AKA: ZAMORA

DATE: 08/20/2025

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C58-G04	LOS ANGELES PD	[redacted]		[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
188151	B	09/27/2017		45.60	0.00	
145040	I	09/23/2020	77.00	45.60	7.80	[redacted]

Total Number of Certificates: 2

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
02/22/2016	08/07/2016	6	TRN	02/22/2016	19420	LOS ANGELES PD	F	P	
08/07/2016			PO	08/07/2016	19420	LOS ANGELES PD	F	P	

***Reason for Separation: 6 = Other**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
05/03/2016	K	1850-31777-15-013	8	X	Y	19420	LAPD		WMD L. E. PROTECTIVE MEASURES (LEPM)
05/04/2016	K	4890-23272-15-074	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE (MOT ONLY)
07/28/2016	K	1850-31771-16-001	8	X	Y	19420	LAPD		WMD L.E. RESPONSE ACTIONS (LERA)
08/05/2016	A	1850-00100-15-009	912	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
07/30/2017	K	1850-29000-17-248	2	X	Y	19420	LAPD		POST TRAUMATIC STRESS DISORDER & TRAUMATIC BI
07/30/2017	K	1850-29000-17-264	2	X	Y	19420	LAPD		HOMELESSNESS AND POLICING: A COLLABORATIVE APPROAC
08/04/2017	K	1850-20911-17-002	36	R	Y	19420	LAPD	*	MENTAL HEALTH INTERVENTION TRAINING
09/19/2017	K	1850-20268-17-045	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
09/19/2017	K	1850-29303-17-044	4	X	Y	19420	LAPD		BELOW 100
10/05/2017	K	1850-20662-17-004	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
11/01/2017	K	1850-21954-17-014	9	X	Y	19420	LAPD	*	CROWD CONTROL
03/08/2018	K	1850-29502-17-070	4	X	Y	19420	LAPD	*	DRIVING(PSP)
06/30/2018	K	1850-20167-17-020	6	X	Y	19420	LAPD		MAC TAC UPDATE
07/20/2018	K	9180-25586-18-020	8	X	Y	19420	POST		FIRST AID/CPR/AED (WEB)
08/19/2018	K	1270-20272-18-005	16	X	Y	19420	CHP		ADVANCED ROADSIDE IMPAIRED DRIVER ENFORCEMENT
10/16/2018	K	9180-25587-18-108	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
11/05/2018	K	1850-21647-18-033	10	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/16/2019	K	1850-10207-18-055	3	X	Y	19420	LAPD		BALLISTIC SHIELD OPERATOR
03/28/2019	K	1850-32592-18-006	8	X	Y	19420	LAPD		UNDERCOVER OPS/TACTICAL RESP.
12/04/2019	K	9180-25587-19-157	2	X	Y	19420	POST		VEHICLE PURSUIT POLICY (WEB)
03/11/2020	K	1850-29502-19-099	4		Y	19420	LAPD	*	DRIVING(PSP)
07/30/2020	K	1850-20799-20-016	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION
03/17/2021	K	1850-32063-20-010	8	X	Y	19420	LAPD		FIREARMS - SIGHTING SYSTEMS
06/17/2021	K	1850-22405-20-008	32		Y	19420	LAPD	*	OFFICER SAFETY/FIELD TACTICS UPDATE

POST PROFILE NAME:

QUINTANILLA, JULIO DANIEL

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: ZAMORA

DATE: 08/20/2025

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
06/23/2021	K	1850-23216-20-006	8	X	Y	19420	LAPD		GANG INTERVENTION, INTRO
07/22/2021	K	1850-30986-21-011	4		Y	19420	LAPD		LESS LETHAL/MUNITIONS
10/14/2021	K	1850-23090-21-335	4	X	Y	19420	LAPD		ELECTRONIC WEAPONS
10/26/2021	K	1850-21647-21-043	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/23/2022	K	1850-29502-21-091	4		Y	19420	LAPD	*	DRIVING(PSP)
08/31/2022	K	1850-33886-22-005	6	X	Y	19420	LAPD	*	USE OF FORCE AND DE-ESCALATION
10/05/2022	K	9180-25586-22-097	8	X	Y	19420	POST		FIRST AID/CPR/AED (WEB)
11/22/2022	K	9180-25595-22-145	4	X	Y	19420	POST		BEYOND BIAS:RACIAL & ID PROFILING UPD- SELF PACED
12/08/2022	K	1850-22405-22-003	32		Y	19420	LAPD	*	OFFICER SAFETY/FIELD TACTICS UPDATE
02/15/2023	K	1850-28008-22-025	8	X	Y	19420	LAPD	*	MASS-VIOLENCE TACTICAL RESPONSE
05/10/2023	K	1850-31809-22-009	30	X	Y	19420	LAPD	*	FIREARMS SEMI-AUTO PISTOL 1911
06/12/2023	K	1850-21647-22-091	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
06/30/2023	K	1850-33886-22-051	6	X	Y	19420	LAPD	*	USE OF FORCE AND DE-ESCALATION
08/11/2023	K	1850-10738-23-023	8	X	Y	19420	LAPD		ACTIVE BYSTANDER FOR LAW ENFORCEMENT
01/22/2024	K	1850-21954-23-024	8	X	Y	19420	LAPD	*	CROWD CONTROL
04/12/2024	K	1850-31725-23-009	40		Y	19420	LAPD		FIELD TRAINING OFFICER
05/02/2024	H	8870-10221-23-005	32	X	Y	19420	LAPPL		LEADERSHIP DEV TRACK I
05/11/2024	K	1850-10738-23-246	8	X	Y	19420	LAPD		ACTIVE BYSTANDER FOR LAW ENFORCEMENT
07/18/2024	K	1850-29502-24-003	4		Y	19420	LAPD	*	DRIVING(PSP)
07/18/2024	K	1850-29503-24-013	4		Y	19420	LAPD	*	ARSTCTL(PSP)
02/22/2025	K	1487-29580-24-237	4		Y	19420	PLI	*	USE OF FORCE (PSP)
04/17/2025	K	1378-21772-24-017	8		Y	19420	ST		TACTICAL EMERG. FIRST AID/TRAUMA CARE

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

CONFIDENTIAL REPORT

THE CHIEF OF POLICE CONSIDERS THIS REPORT CONFIDENTIAL. ADMINISTRATIVE USE IS LIMITED TO CONCERNED STAFF AND COMMAND PERSONNEL OF THE LOS ANGELES POLICE DEPARTMENT. THIS REPORT CONTAINS INFORMATION OBTAINED FROM COMPELLED STATEMENTS. ANY OTHER USE OF THIS REPORT IS FORBIDDEN BY THE LOS ANGELES CITY ATTORNEY.

THIS REPORT IS NOT TO BE REPRODUCED OR COPIED

FORCE INVESTIGATION DIVISION REPORT NUMBER

F064-21

DO NOT RETURN THIS REPORT TO FORCE INVESTIGATION DIVISION. WHEN FINISHED, PLEASE ENSURE THIS REPORT IS SHREDDED.

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**

CONFIDENTIAL

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]

---

[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.

---

[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,

---

[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.

---

[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]

---

[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]

---

[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.

---

[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*

---

[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*

---

[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]

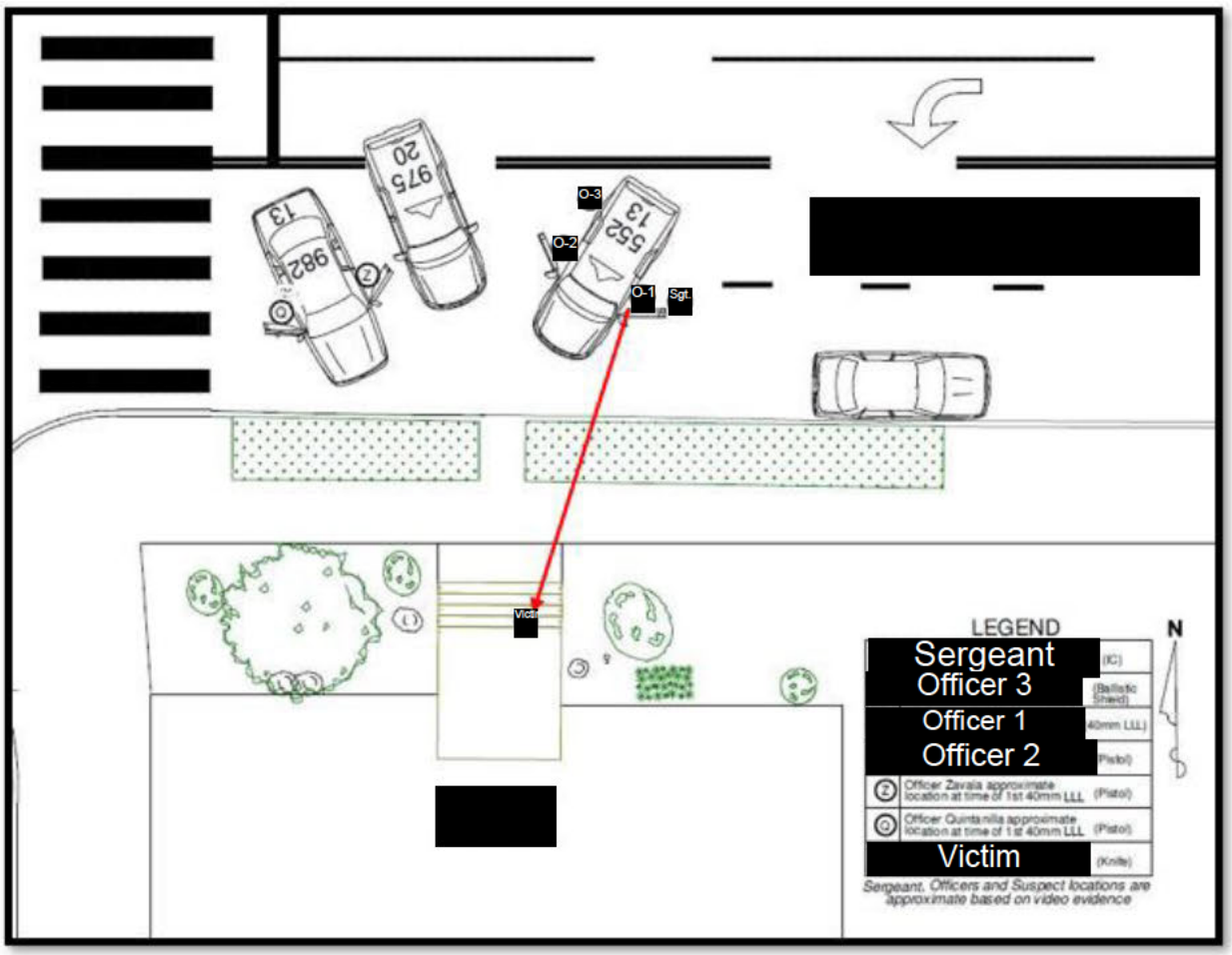
According to Officer 1 [redacted] he did not give a warning that he was going to fire the 40mm LLL because Sergeant [redacted] had already *"gave it for me."*[61]

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]

This space intentionally left blank

---

[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]

---

[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]

---

[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.

---

[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.

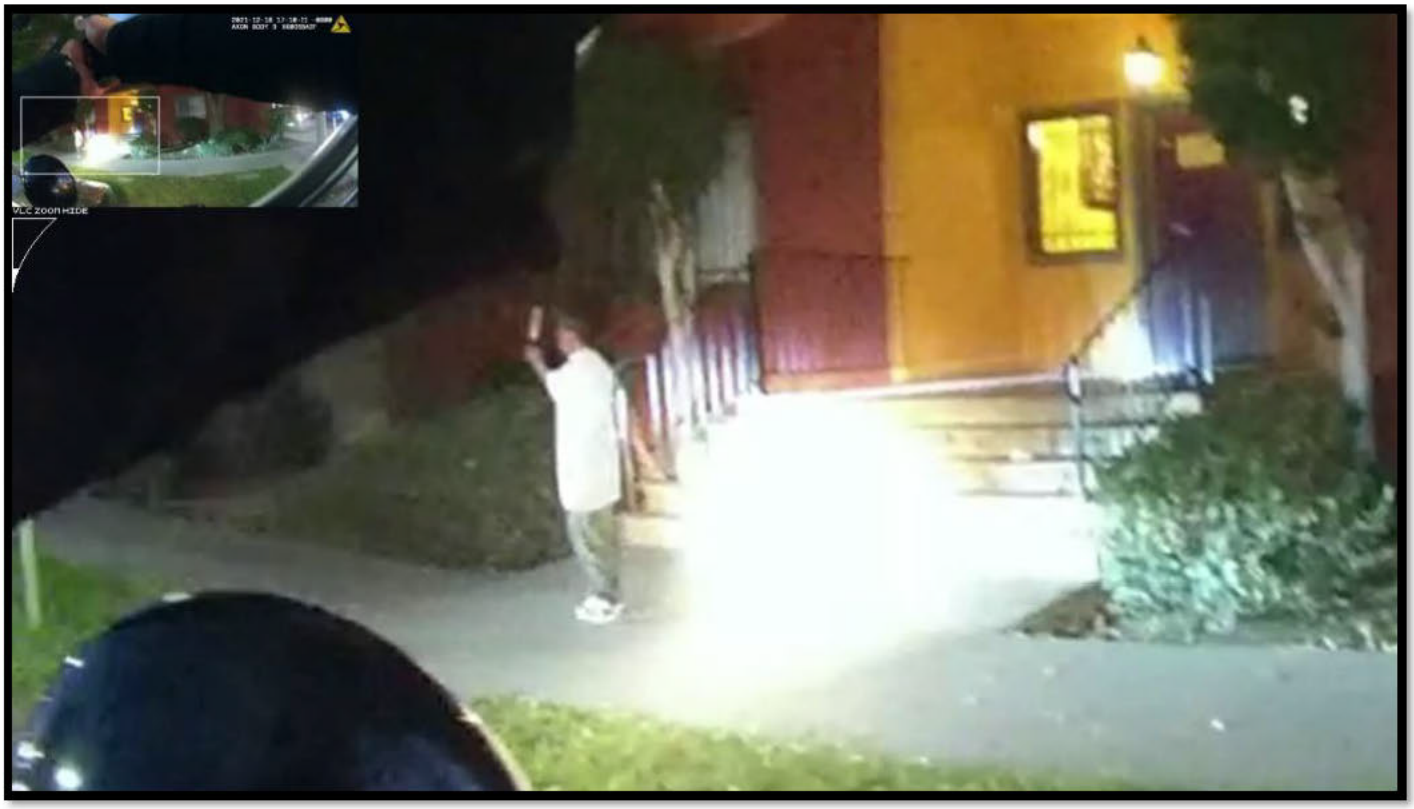
According to Sergeant 's BWV, at 1709:41 hours, he announced to the officers *"I got it, I got it!"* as he again utilized the PA speaker in his vehicle and resumed his attempts to talk to Victim . Sergeant directed Officer 2 to move his vehicle between the two police vehicles in front of Victim and then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

This space intentionally left blank

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



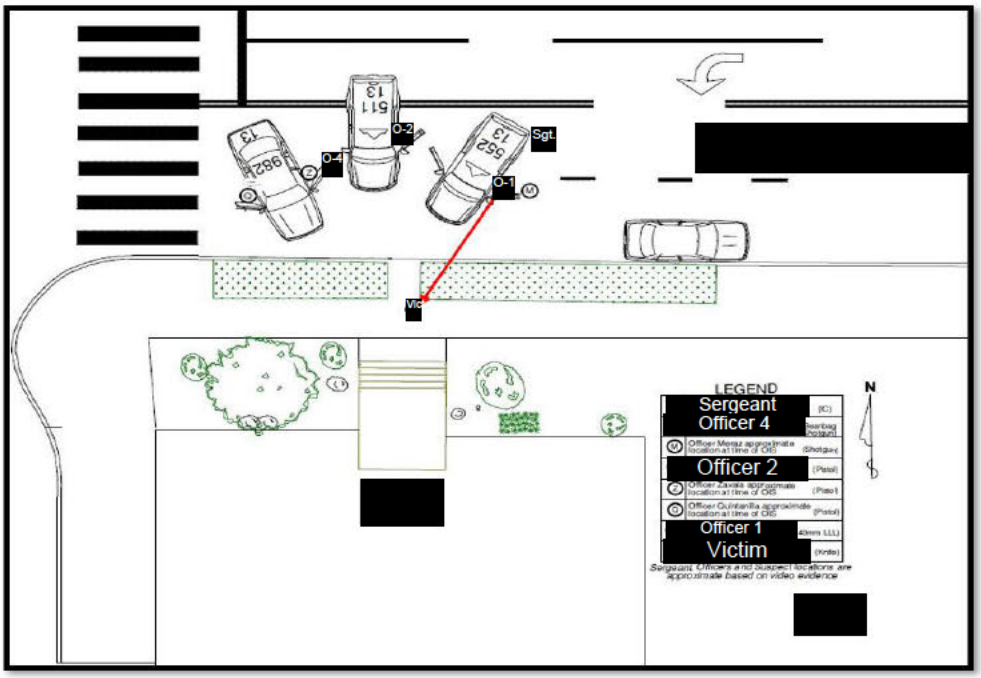
(Enlarged still frame photograph from Officer Quintanilla's BWV)

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]

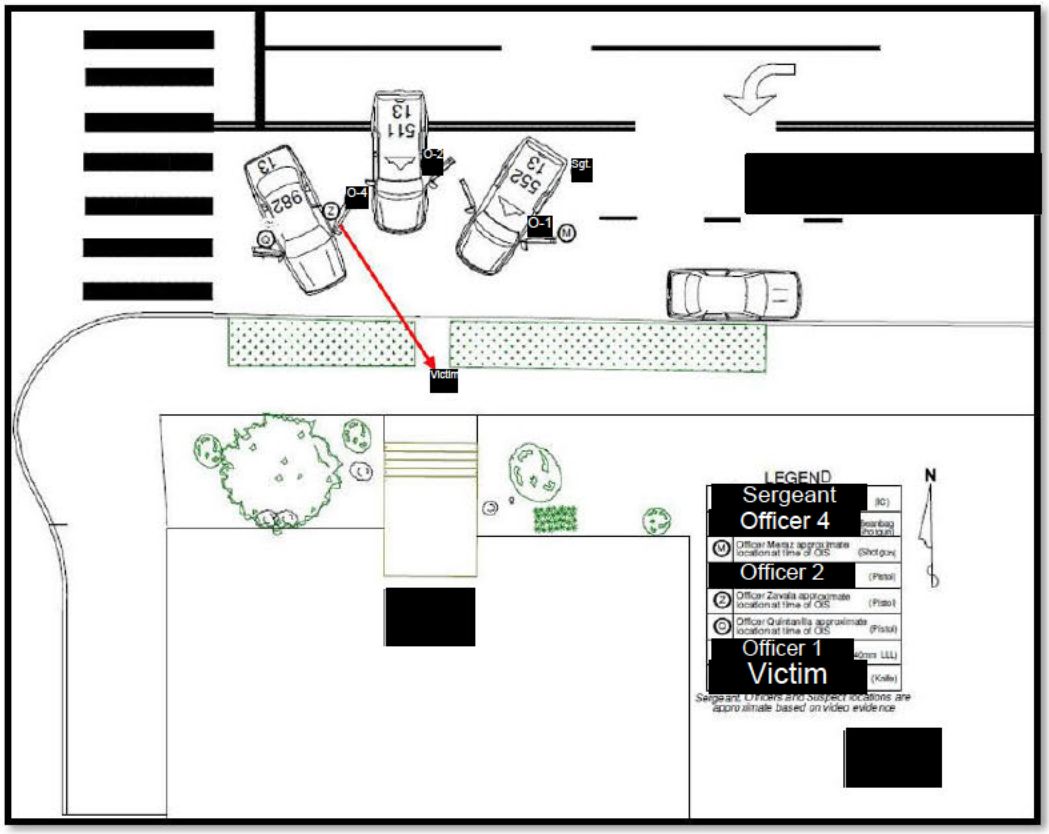
According to Officer Zavala's BWV, Victim turned to his left and Officer Zavala yelled the command to *"Stop, stop, stop!"* followed by the sound of Officer 1 firing the 40mm LLL in the back ground.

---

[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).

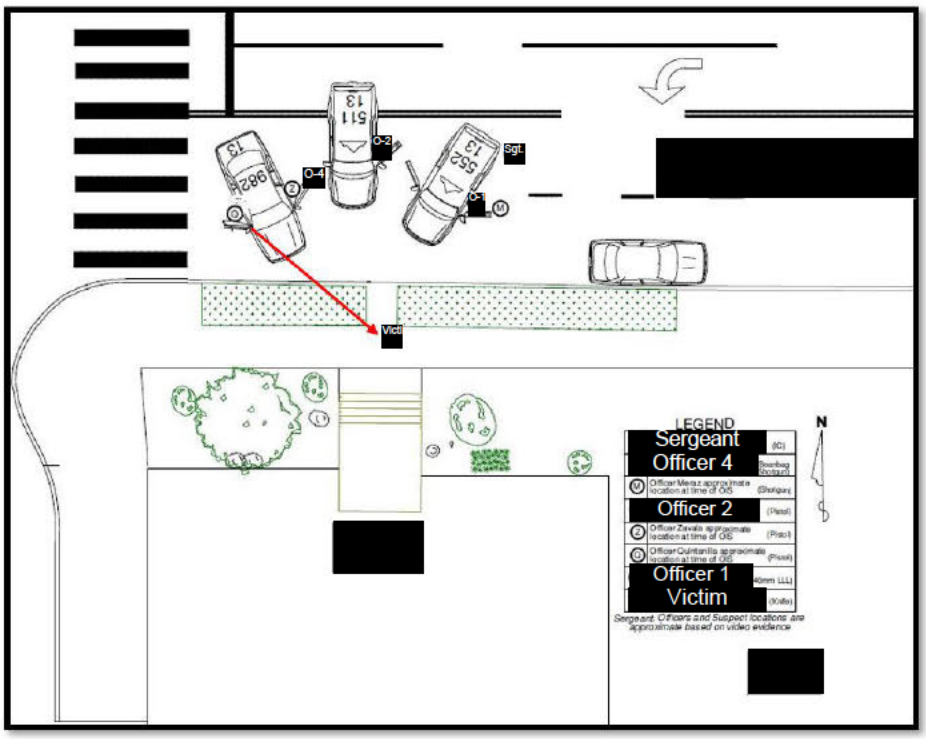
According to Officer Quintanilla, he aligned his sights on Victim' chest, when he fired. Officer Quintanilla told investigators the reason he fired was because, *"When he came down, we kept giving him commands and once he hit the sidewalk, I mean, I was scared and he ended up walking towards us -- towards 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.

---

[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]

---

[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.

---

[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.

---

[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).

---

[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

INTRADEPARTMENTAL CORRESPONDENCE

RECEIVED
POLICE COMMISSION
2022 OCT 10 AM 11:00

October 5, 2022
3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER-INVOLVED SHOOTING, FID NO. 064-21

Honorable Members:

The following is my review, analysis, and findings for an Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 064-21. On September 12, 2022, this case was presented to the Use of Force Review Board (UOFRB). In this case, the recommended findings were not unanimous, with a minority opinion rendered regarding the Tactics findings for Sergeant [redacted], Serial No. [redacted] Newton Area, Gang Enforcement Detail.

I have carefully weighed each opinion, considered the case in its entirety, and adopted the recommendations of the UOFRB Minority for the Tactics findings for this incident. I hereby submit my findings per Police Commission policy.

SUMMARY[1]

On December 18, 2021, at 1654 hours, Reporting Party 1 called Communications Division (CD) and reported that her brother, Victim [redacted], was suicidal and had walked out of their house, located at Home Address [redacted], armed with a knife.[2] At approximately 1656 hours, an "Ambulance Attempt Suicide" radio call was generated for Newton Patrol Division. According to RP 1, when Victim [redacted] walked away from their residence, he removed the knife from his pocket and held it in his hand. According to witness Reporting Party 2, his son had begun to drink beer and smoke drugs when he turned 18 years old.[3] Reporting Party 2 further stated that his son was a "very hyper boy" and that when drank, he was in an "altered state of mind" because of the beer and the drugs.[4]

Officers Officer 1 Serial No. [redacted], and Officer 2 Serial No. [redacted] Newton Patrol Division, and Sergeant [redacted] Serial No. [redacted] Newton Area Gang Enforcement Detail (GED), responded Code Three to the aforementioned radio call. Officers J. Zavala, Serial No. 40197, and J. Quintanilla, Serial No. 42454, Newton Area GED, responded Code Two to the radio call.

---

[1] The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.
[2] For clarity, RP 1 and Victim [redacted] will be referred to by their first names.
[3] For clarity, Reporting Party 2 will be referred to as Reporting Party 2
[4] A blood analysis identified the presence of Benzodiazepines, Cannabinoids, and Ethanol in Victim [redacted] blood.

At approximately 1654 hours, Witness 1 called CD and reported that Victim had a large knife. According to Witness 1, he was walking near Street 2 and Street 1 when he saw Victim looking at him and walking toward him while holding a knife. Witness 1 stated that Victim looked angry and he was swinging the knife in the air, which caused him to be scared. At approximately 1656 hours, on the CD 911 call recording, RP 1 was heard telling the RTO that Victim tried to hit someone and was going to attack a person with the knife. At 1657 hours, CD broadcast, "additional on your attempt suicide, Home Address the subject is now chasing people with the knife in front of Home Address."

As Sergeant drove on Street 2 a male and a female flagged him down and pointed to Victim. As Sergeant exited his police vehicle, Victim was sitting on the exterior stairs of the apartment building located at Incident Location holding a knife in his right hand with the blade pressed against his neck.[5] Sergeant attempted to communicate with Victim and gain his compliance with negative results. Sergeant subsequently unholstered his service pistol. At 1702:05 hours, Officers Zavala and Quintanilla arrived at the scene taking cover behind their police vehicle's doors and unholstered their service pistols.

While Officer Quintanilla was giving Victim commands to drop the knife, Officer Zavala requested a backup on a "415 man with a knife." Officer Zavala also requested that a Rescue Ambulance (RA) respond to and stage at Street 2 and Street 1.

At 1702:22 hours, Officers 1 and 2 arrived on the scene. Sergeant directed them to retrieve their 40mm Less Lethal-Launcher (LLL). Officer 1 retrieved the 40mm LLL and took a position of cover behind the driver's side door of Sergeant 's police vehicle. According to Sergeant s Body Worn Video (BWV), at 1702:24 hours, Victim held the knife in front of himself at shoulder level, repeatedly rotating the blade back and forth, from left to right. Sergeant directed Officer 2 to take cover behind the passenger side door of his Sergeant s) police vehicle. Sergeant holstered his service pistol and assigned the role of lethal cover to Officers Quintanilla and Zavala, advising them of Officer 1 's role as the less-lethal officer.

After a Code Four was broadcast for an unrelated backup in Newton Division, Sergeant advised CD that he was Code Six on the 415 man with a knife call and requested additional units to respond for traffic control. According to Officer Zavala's BWV, at 1702:59 hours, Officer Zavala told Officer Quintanilla that he was going to talk to Victim in Spanish. Officer Zavala then took over communications from Officer Quintanilla. At 1703:02 hours, Victim placed the knife's blade against his left palm and again began making a cutting motion. Victim then placed the blade against the side of his throat; multiple officers yelled, "Don't do it!"[6] Sergeant directed Officer 1 to deploy the 40mm LLL. Sergeant abruptly told Officer 1 to "wait, hold on, hold on," as Officer 3 Serial No. , Rampart Patrol Division,

[5] Victim was armed with a meat cleaver type knife with a 6 ½-inch blade and a 5 ¼-inch black plastic handle.
[6] The Coroner's report did not identify any injuries to Victim hands or throat consistent with an edged weapon.

arrived in his police vehicle. Sergeant directed Officer 3 to join Officer 2 and assigned them to be an arrest team.

Victim stood up holding the knife to his throat and gestured the sign of the crucifix across his chest with his left hand. Sergeant directed Officer 1 to fire the 40mm LLL and announced, "Forty stand by!" At 1704:06 hours, Officer 1 discharged one 40mm round at Victim from approximately 30 feet. The 40mm round struck Victim in the abdomen area but did not appear to affect him. Victim walked down the steps while holding the knife to his throat and took a seat at the bottom step.

At 1704:35 hours, Sergeant retrieved a ballistic shield from his police vehicle and assigned it to Officer 3 if they needed to approach Victim. Sergeant yelled to Officers Quintanilla and Zavala, "You still got lethal coverage right here." Sergeant walked back to the driver's door of his vehicle and stood next to Officer 1. For the next several minutes, Officers Zavala, Quintanilla, and Sergeant alternated communicating with Victim. 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.

During the incident, Officers E. Meraz, Serial No. 41215, and Officer 4, Serial No. [redacted], Newton Area GED, arrived on the scene. Officer Meraz deployed the shotgun and positioned himself as a lethal cover officer alongside Officer 1. Officer 4 deployed the Beanbag Shotgun and was ultimately directed by Sergeant to move to the west side of the containment with Officer Zavala to provide less-lethal cover at that position. Sergeant and Officer Zavala continued to alternate giving commands to Victim. Sergeant used the police vehicle's Public Address (PA) system to communicate. Sergeant directed Officer 3 to reposition his (Officer 3) police vehicle to the southeast corner of Street 2 [redacted] and Street 1 to block pedestrian traffic.

Sergeant directed Officer 2 to reposition his (Officer 2's) police vehicle between his (Sergeant's) and Officer Zavala's police vehicles. At 1709:44 hours, Officer 2 returned to his police vehicle and Sergeant continued to use the PA system to communicate with Victim. As Officer 2 parked his police vehicle between Sergeant [redacted] and Officer Zavala's police vehicles, Victim stood up holding the knife in front of himself at head level. Victim looked toward his family members gathered in their front yard approximately 35 feet east of his location in front of the apartment building. Sergeant announced, "Get ready!" as he simultaneously ran around the back of his police vehicle toward Officer 1's position and announced, "Forty, forty up."

At 1710:17 hours, Victim was sitting on the bottom step with the knife positioned between his legs and his head down. Suddenly, Victim used his left hand to knock his hat off his head and stood up holding the knife in front of himself at head level. At 1710:19 hours, Victim took four steps forward in a northerly direction toward Officer 1, then turned to his left in a westerly direction. At that moment, Officer 1 announced, "Forty, standby" as Sergeant

directed him to fire the 40mm LLL. Officer 1 fired one 40mm round from approximately 22 feet impacting the lower right side of Victim s torso. Approximately .382 seconds later, Officer Zavala discharged his first of three rounds from his service pistol from approximately 25 feet, striking Victim [7] Approximately .322 seconds after Officer Zavala discharged his third round, Officer Quintanilla discharged one round from his service pistol at Victim from approximately 28 feet. Victim fell to the ground, onto his back, and the knife fell from his hand coming to rest on the sidewalk.

Sergeant broadcast a "shots fired, officer needs help" call and began organizing an arrest team assigning Officers O-2 and Quintanilla as the "hands-on" officers. Officers approached Victim handcuffed him, and placed him in a recovery position. Officer Quintanilla then directed Officer 2 to retrieve a medical kit from his police vehicle. While Officer 2 was searching for the medical kit, Los Angeles Fire Department (LAFD) RA No. 1, staffed by Firefighter/Paramedics (FF/PM) C. Shubsda and M. Farris, arrived on the scene. They began treatment and ultimately transported Victim to Los Angeles County University of Southern California Medical Center (LAC+USCMC).

Sergeant separated Officers Quintanilla and Zavala and directed them to sit in separate police vehicles until the arrival of additional supervisors. Due to an ongoing tactical situation involving a hostile crowd, Sergeant directed Officers Quintanilla and Zavala to keep their BWV cameras activated. According to Officer 1 a male Hispanic spat on his face and uniform, as he attempted to block the family's approach. After the tactical incident became manageable, Sergeant G. Gaxiola, Serial No. 35056, Newton Area Gang Enforcement Detail, initiated the monitoring of Sergeant Burke. Sergeant V. Cruz, Serial No. 38632, Newton Patrol Division assisted in monitoring Officers Quintanilla and Zavala. Sergeant P. Scallon, Serial No. 35240, 77th Street Patrol Division, monitored Officers 1 and 2 and O-3

FINDINGS

Tactics – Tactical Debrief, Officers Zavala, Quintanilla, and O-1. Administrative Disapproval, Sergeant .

Drawing/Exhibiting – In Policy, No Further Action, Sergeant Officers Zavala, Quintanilla, and O-2.

Less-Lethal Use of Force – In Policy, No Further Action, Officer 1

Lethal Use of Force – Out of Policy, Administrative Disapproval, Officers Zavala and Quintanilla.

[7] Per FID, Officer Zavala discharged his second round .381 seconds after his first round and his third round .514 seconds after his second round.

ANALYSIS[8]

Detention

Officers responded to a radio call of "attempt suicide" involving Victim The comments of the call indicated that Victim was armed with a knife. While responding to the scene, officers were advised that Victim was chasing people with the knife. Arriving at the scene, Sergeant located Victim sitting on the front steps of Incident Location a multi-unit apartment building. Victim was armed with a meat cleaver type knife. Sergeant and responding officers attempted to communicate with Victim to gain his compliance; however, he refused to drop the knife. At various points during the encounter, Victim placed the knife against his neck and palm, ostensibly self-mutilating. Based on the totality of the circumstances, officers had reasonable suspicion to detain Victim

Tactics

Department policy relative to a Tactical Debrief is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."

Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation[9]

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

---

[8] The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

[9] Los Angeles Police Department, Use of Force Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016.

*Tactical De-Escalation Techniques: **P**lanning, **A**ssessment: **T**ime; **R**edeployment and/or Containment; **O**ther Resources; and, **L**ines of Communication.*

Planning – Officers Zavala, Quintanilla, and Sergeant were assigned to the Newton Gang Enforcement Detail. 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 that he and the officers assigned to GED regularly discuss tactics and how to handle different scenarios. Officers Zavala and Quintanilla have worked on and off as partners in GED for approximately one and half years and advised they have had tactical discussions before and during their shifts. Before the OIS, Sergeant developed and communicated a plan to contain and communicate with Victim in an attempt to de-escalate the situation and take him into custody. Sergeant designated two containment teams on each side of Victim consisting of lethal and less-lethal roles, in addition to an arrest team, in case the situation required them to approach Victim At one point, Sergeant retrieved and assigned a ballistic shield to an arrest team member.

Assessment – Sergeant was aware that the edged-weapon protocol required a sergeant to respond to the ambulance attempt suicide radio. As he was the only supervisor available in the field, Sergeant assessed the need to respond. Hearing the updated information that Victim was chasing people with a knife, Sergeant knew the situation was "serious." Arriving at the scene, Sergeant and Officers Zavala and Quintanilla continually assessed the situation as Victim failed to comply with their orders to drop the knife. Sergeant and Officers Zavala and Quintanilla coordinated efforts to speak to Victim In case there was a language barrier, officers also spoke to him in Spanish. Sergeant obtained Victim s name from his family and used it to build rapport. Sergeant also used the PA system of his police vehicle to enhance communication. Sergeant assessed his resources and requested additional units to respond to control vehicle and pedestrian traffic. Sergeant assessed Victim s actions of gesturing the sign of the crucifix and opined he could attempt "suicide by cop." During the incident, Officer 1 assessed Victim s actions and determined he was using the knife to harm himself. Wanting to stop the threat to himself, Officer 1 fired a round from the 40mm LLL.

After the OIS, Sergeant assessed that Victim was on the ground in a semi-conscious state and that the knife was no longer in his possession. Observing that a group of people was gathering who may try to approach Victim Sergeant formed a contact/arrest team and apprehended him.

Time – Sergeant and his officers maintained their distance as they attempted to communicate with Victim Using the police vehicles as cover while maintaining distance allowed Sergeant and the officers time to communicate with Victim to de-escalate the incident and gain his compliance.

Redeployment and/or Containment – Sergeant positioned the police vehicles to contain Victim in front of the apartment building and requested additional units for traffic control. As additional officers arrived, he ensured a containment team was positioned on each side of

Victim and that each team had a lethal and less-lethal officer assigned. Sergeant later directed Officer 3 to reposition his police vehicle to the southeast corner to block pedestrian and vehicle traffic. Furthermore, Sergeant directed Officer 2 to reposition his police vehicle between his and Officer Zavala's police vehicle to provide better containment of the scene.

Other Resources – Sergeant assessed the need for less-lethal options and directed the deployment of a 40mm LLL and a Beanbag Shotgun officer. Sergeant assessed his resources and requested additional units to respond to control vehicle and pedestrian traffic. He retrieved a ballistic shield from his police vehicle and assigned it to an arrest team member. Officer Zavala requested an RA unit to respond and to stage near the radio call location before the OIS.

Lines of Communication – Sergeant was the first unit to arrive and repeatedly asked Victim to drop the knife. Shortly after arriving at the scene, Officer Zavala requested backup units for a man with a knife, providing his location and Victim's description. Sergeant assessed his resources and requested additional units to respond to control vehicle and pedestrian traffic. After Victim failed to comply, Officers Zavala, Quintanilla, and Sergeant alternated communicating with him in English and Spanish, using a PA system to enhance communication and Victim's first name to build rapport. Before and after the OIS, Sergeant communicated his plan and their assignments to the officers at the scene.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Code Six

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call (Los Angeles Police Department Manual, Volume 4, Section 120.40).

Due to an unrelated backup request in the division, Sergeant did not advise CD that he was Code Six when he arrived at the scene. Sergeant broadcast his Code Six status immediately after the unrelated backup request was declared a Code Four, indicating that no further assistance was needed.

The UOFRB evaluated Sergeant's decision to delay broadcasting his Code Six status. The Board noted that as Sergeant was responding to the ambulance attempt suicide radio call, the unrelated backup request was broadcast by officers who were Code Six on armed robbery suspects. Sergeant was aware that multiple units were responding to the backup request and did not want to "tie up the air." To keep the frequency clear for those officers, Sergeant did not advise CD that he had arrived at the scene until the officers broadcast a Code Four.

The UOFRB Majority noted that Sergeant advised CD that he was responding to the ambulance attempt suicide radio call. The Majority also noted that Sergeant was aware

that two other units were responding with him to the call and that Officers Zavala and Quintanilla arrived at the scene within 30 seconds of his arrival. The Board further noted that within seven seconds of their arrival, Officers Zavala and Quintanilla broadcast a request for backup units which included their location.[10] Immediately after the unrelated backup request was declared a Code Four (approximately one minute and forty seconds after Officers Zavala and Quintanilla's broadcast) Sergeant advised CD that he was at the scene.

The Majority noted that the Code Six policy's intent is to advise CD of an officer's location so that other units will be able to locate them if assistance is needed. Based on the totality of the circumstances, the Majority opined that had Sergeant needed assistance, other units would have located him. Also, due to the nature of the unrelated backup request, the Majority opined that it was reasonable for Sergeant to delay his Code Six broadcast to keep the frequency clear for officers dealing with armed robbery suspects. Therefore, the Majority determined that the tactics employed by Sergeant were a substantial deviation, with justification, from Department-approved tactical training.

The UOFRB Minority was critical of Sergeant 's decision to delay going Code Six. The minority noted that because Sergeant advised CD he was responding to the call, it would have appeared on his Mobile Data Computer (MDC). As such, the Minority opined that he could have shown himself at the scene and kept the frequency clear for officers on the unrelated backup by using his MDC. The Minority also noted that upon arrival, Sergeant was confronted by a suspect armed with a knife; however, he did not request backup units despite the situation meeting the criteria. The Minority opined that by delaying the backup request, Sergeant further exposed himself to unnecessary risk.

The Minority opined that placing himself Code Six upon arrival, and before engaging an armed suspect was crucial to Sergeant 's safety, and in not doing so, he exposed himself to unnecessary risk. Had Sergeant required assistance or help it could have been substantially delayed due to CD being unaware of his current location. Therefore, the Minority determined that the tactics employed by Sergeant were a substantial deviation, without justification, from Department-approved tactical training.

Based on the totality of the circumstances, the UOFRB Majority determined, and I concur, that the tactics employed by Sergeant were a substantial deviation, with justification, from Department-approved tactical training. To enhance future performance, I will direct this to be a topic of discussion during the tactical debrief.

During the review of this incident, the following Additional Debriefing Topics were noted:

[10] As it pertains to Officers Zavala and Quintanilla, the UOFRB determined that this broadcast satisfied the Code Six policy's intent.

Additional Tactical Debrief Topics

Crime Scene Preservation – Approaching Victim to apprehend him, Officer Zavala slid the knife away from him. Alternatively, Officers could have moved Victim away from the knife.[11] To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Less-Lethal Use of Force Warning – Officer 1 did not provide a verbal use of force warning and may have mistaken a preemptive command to standby as a warning. Sergeant articulated that it was a tactical decision not to provide a verbal use of force warning; he believed that Victim would flee and escalate the situation if one were given. Alternatively, Sergeant or Officer 1 could have provided a use of force warning before deploying the first 40mm round. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Profanity – Officer Quintanilla yelled at an officer to get out of the "fucking car" to address a citizen that refused to leave the area near the suspect. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Personal Protective Equipment (Gloves) – Officers Quintanilla and O-2 were not wearing protective gloves while apprehending and searching Victim.[12] Alternatively, they could have donned protective gloves before approaching him. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Beanbag Shotgun Manipulations – Officer 4 advised that he disengaged the safety of his Beanbag Shotgun at different times during the tactical portion of the incident; however, it was unclear if this occurred save the one instance where his sights were aligned on his target and he intended to shoot. Officer 4 assessed that the suspect was no longer a threat and decided not to discharge an impact round. As firearms safety is always a worthy discussion, I will direct that this be a topic during the Tactical Debrief.

Non-Medical Face Coverings – Officers Zavala, Quintanilla, O-1 and Sergeant were not wearing non-medical face coverings at the scene, as directed by me in May 2020. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief. Additional personnel at the scene were not wearing non-medical face coverings and will be addressed at the divisional level.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create

[11] At the time of this incident, Victim was 4 feet 9 inches tall and weighed approximately 98 pounds.
[12] As Officer 2 was not identified as substantially involved, any issue will be addressed at the divisional level.

conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (LAPD, Training Bulletin, Volume XLVII Issue 4, July 2018).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Based on the Department's edged-weapons protocol and the fact that he was the only Newton Division supervisor in the field, Sergeant responded to the ambulance attempt suicide radio call. For the same reason, he continued his response when the unrelated backup was broadcast. According to Sergeant he believed that Victim may be a danger to the community and the public based on the updated information which indicated that he was chasing people with the knife. Sergeant was the first unit and the first supervisor to arrive at the scene. He established contact with Victim and attempted to persuade him to drop the knife. Once additional resources arrived, Sergeant established command and control by assigning lethal and less-lethal roles, an officer with a ballistic shield, and an arrest team. He made updated broadcasts and requested units to assist with vehicular and pedestrian traffic. Throughout the incident, Sergeant ensured that commands were given to Victim to get him to drop the knife. To enhance communication with Victim Sergeant used a police vehicle's PA system. After the OIS, he formed a contact/arrest team and apprehended Victim He implemented crime scene management, established skirmish lines, coordinated traffic control, declared himself as the Incident Commander (IC), and requested additional supervisors to the scene. Sergeant initiated the separation and monitoring protocols of all involved personnel and ensured their continued monitoring by additional responding supervisors.

Sergeants Gaxiola and Cruz responded to the incident after the OIS and were briefed by Sergeant Sergeant Gaxiola took over the management of the tactical incident by monitoring the skirmish line. After the tactical incident became stable, Sergeant Gaxiola initiated the monitoring of Sergeant Sergeant Cruz assumed monitoring of Officers Quintanilla and Zavala and obtained Officer Quintanilla's Public Safety Statement (PSS). Sergeant A. Castellanos, Serial No. 40202, Central Patrol Division, responded to the incident, assumed

monitoring of Officer Zavala, and obtained his PSS. Sergeant Scallon monitored Officers O-1 O-2 and O-3 Sergeant J. Lee, Serial No. 38328, 77th Street Patrol Division, monitored Officers O-4 and Meraz. The overall actions of Sergeants Gaxiola, Cruz, Castellanos, Scallon, and Lee were consistent with Department training and my expectations of supervisors during a critical incident.

As it pertains to Sergeant the UOFRB Minority was critical of his overall command and control. The Minority noted that while he gave orders in a manner that may have indirectly implied he was the IC, he did not declare himself as such. The Minority also noted that Sergeant involved himself in the efforts to communicate with Victim. As Sergeant was the only supervisor at the scene, the minority opined that he should have delegated this role to a subordinate, allowing Sergeant to maintain oversight of the incident and ensure everyone was aware of the potential plan of action. The Minority also opined that Sergeant should have directed an officer to retrieve the ballistic shield instead of doing it himself.

The Minority noted that Sergeant did not request assistance from other supervisors and did not use available resources, such as the Mental Evaluation Unit or the Crisis Negotiation Team. Additionally, the Minority opined that he confused officers by taking on the role of negotiator and formulating a deficient plan to take the suspect into custody. Although Sergeant s direction to use the 40 mm LLL may have been reasonable, the minority opined his plan was deficient because he did not communicate it or his intent to the officers, nor did he direct them to place themselves in a position that would have created a sufficient amount of distance and cover.

The Minority was also critical of Sergeant s decision not to provide a less-lethal warning. The Minority noted that Sergeant stated he did not recall if he issued a use of force warning; however, he also articulated a plan to deploy less-lethal munitions and use the element of surprise to take the suspect into custody. The Minority also noted that Sergeant stated he had time on his side, but opined that his actions of using the element of surprise contradicted this statement. The Minority also opined that yelling "40-millimeter standby" confused Officer 1 as to whether a use of force warning had been given. The UOFRB minority determined that the tactics employed by Sergeant were a substantial deviation, without justification, from Department-approved tactical training.

The UOFRB Majority noted that Sergeant took the initiative to respond to the ambulance attempt suicide call when he recognized the need for a supervisor. Arriving at the scene, Sergeant attempted to de-escalate the situation and convince Victim to drop the knife. As additional units arrived, Sergeant implemented command and control by designating roles and developing a tactical plan using the available resources. While he did not declare himself as the IC before the OIS, he was the only supervisor at the scene and there was no confusion as to his being in command of the incident. Recognizing the need for additional resources, Sergeant obtained a ballistic shield from the trunk of his police vehicle and requested units for traffic control. The Majority opined that Sergeant continuously assessed the situation and made necessary adjustments. Sergeant also ensured that his officers maintained their distance and used cover while attempting to obtain Victim s surrender.

As the only supervisor at the scene, Sergeant was forced to simultaneously perform multiple tasks. While he could have delegated some of his tasks, such as acquiring the ballistic shield, and he could have refrained from communicating with Victim once additional units arrived, the Majority opined that Sergeant was able to oversee and direct the officers at the scene without compromising his supervisory oversight.

As it pertains to Sergeant 's direction to Officer 1 to discharge his first impact round, the Majority noted that Victim had stood up while holding the knife to his throat and made the sign of the crucifix leading Sergeant to believe he may attempt suicide by cop or run toward his family. The Majority also noted that Sergeant was concerned Victim may harm civilians. Per Sergeant , there were crowds of people on Street 2 , west and east of the apartment building, as well as an individual who almost exited the building behind Victim . According to Sergeant , the comments of the radio call had indicated that Victim was chasing people down the street and Sergeant believed "one-hundred percent" that Victim was a threat to the community. Sergeant hoped that officers could use the 40mm LLL to bring the situation to an end. The Board also noted that before directing Officer 1 to discharge the 40mm LLL, he announced "Forty stand by!" to alert officers that less lethal was being used and to prevent the contagious use of lethal force. Sergeant then directed Officer 1 to discharge the 40mm LLL, stating, "Hit 'em!" Based on his articulation, the Majority opined that Sergeant reasonably believed that Victim posed an immediate threat to the safety of others.

Sergeant recalled,

> *"That's the point where I directed Officer 1 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.*[13]
>
> *Again, based off the comments of the call, he's already chased people down the street with a knife. I believed that he was going to attempt to do something like that again. I wanted to stop it before it happened. My concern was for the community out there. I didn't want this guy to start hacking at -- hacking away at people.*[14]
>
> *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.*[15]

---

[13] Sergeant 's transcript, Page 12, Lines 2-8.
[14] Sergeant 's transcript, Page 29, Lines 11-17.
[15] Sergeant 's transcript, Pages 29-30, Lines 21-6.

Regarding Sergeant s decision to forgo the use of force warning, the Majority noted that per Tactics Directive No. 17.1, a use of force warning is not required if a tactical plan requires the element of surprise to stabilize a situation. While the Majority would have preferred that Sergeant had ensured a warning was provided before directing Officer 1 to discharge the 40mm LLL, they understood he intended to use the element of surprise to prevent Victim from running toward and potentially harming others. Additionally, based on his transcribed statement, the Majority opined there was no conflict in Sergeant 's explanation for forgoing the use of force warning and that his statement regarding time being on his side pertained to not prematurely approaching Victim.

Sergeant recalled,

> *DETECTIVE GOLAN: And I think we can hear it in your body-worn video, but did you provide or did anybody else provide a warning prior to use of force?*
> Sergeant *I believe I said, "40 stand by. 40 stand by," to our officers. I don't know. I don't know if I gave him a warning. I don't believe I did. 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. But I did notify our guys that we were going to fire the 40.*[16]

In reviewing this case, I noted that Sergeant elected to perform several tasks he should have assigned to the officers at the scene, specifically communicating with Victim and retrieving the ballistic shield. As stated above, command and control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. During an incident of this nature, a critical component of command and control is the delegation of duties. If a supervisor feels an officer is having difficulty performing a specific task, he or she should rotate another officer in, not assume the task themselves. While I commend Sergeant for his initiative, I would have preferred he had delegated more of the tasks that he chose to perform. Had he done so, he would have been afforded the ability to focus solely on maintaining supervisory oversight.

For these reasons, I find that the tactics employed by Sergeant were a substantial deviation, without justification, from Department-approved tactical training. To enhance future performance, I will direct this to be a topic of discussion during the tactical debrief.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB Minority determined, and I concur, that Sergeant 's actions were a substantial deviation, without justification, from Department-approved tactical training. The UOFRB also determined, and I concur, that the actions of Officers Zavala, Quintanilla, and O-1 were not a deviation from Department-approved tactical training.

---

[16] Sergeant s transcript, Page 30, Lines 7-19.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Officer 4 would not receive formal findings, the UOFRB determined, and I concur, that he would benefit from attending the Tactical Debrief.

Therefore, to enhance future performance, I will direct Officers Zavala, Quintanilla, O-1 O-4 and Sergeant to attend a Tactical Debrief and that the identified topics be discussed.

General Training Update (GTU)

Officers Zavala, Quintanilla, O-1 and Sergeant attended a GTU on December 28, 2021. All required topics were covered.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: "Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms."

During a special meeting on September 29, 1977, the Board of Police Commissioners adopted the following as a valid interpretation of this Section: "Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Sergeant

As Sergeant exited his police vehicle, Victim was sitting on the exterior stairs of the apartment building holding a knife in his right hand with the blade pressed against his neck. Sergeant told Victim, "Just drop that, you're going to be good! Drop the knife all right, hey bro, just drop the knife!" Victim did not appear to respond to or acknowledge Sergeant Believing that the situation could escalate to the use of deadly force, Sergeant unholstered his service pistol. Sergeant holstered his service pistol when he was comfortable with the number of officers that had arrived at the scene.

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.[17]

DETECTIVE GOLAN: And why did you decide to holster when you did?
Sergeant *I was comfortable with the resources that arrived with the officers and at that point it's my duty -- you know, now I got to start -- you know, I got to command and control it, you know?*[18]

Officer Quintanilla

According to Officer Quintanilla, he received information that Victim was armed with a knife and chasing people. Believing the situation could escalate to the use of deadly force, Officer Quintanilla unholstered his service pistol upon his arrival.

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.[19]

Officer Zavala

According to Officer Zavala, arriving at the scene, he observed Victim armed with a knife and pedestrians nearby. Sergeant assigned Officer Zavala as the lethal officer role. Believing the situation could escalate to the use of deadly force, Officer Zavala unholstered his service pistol.

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.[20]

Based on the tactical situation, I had reason to believe that it may escalate to the point where deadly force may be justified.[21]

The UOFRB assessed Officers Zavala, Quintanilla, and Sergeant 's drawing and exhibiting of their service pistols. The Board noted that they responded to an ambulance attempt suicide radio call. While they were responding, CD broadcast that the suspect was chasing people with a knife. Arriving at the scene, Officers Zavala, Quintanilla, and Sergeant observed Victim sitting on the front steps of an apartment building armed with a meat cleaver style knife, which he refused to drop. Additionally, Officers Zavala and Quintanilla were designated

[17] Sergeant 's transcript, Page 9, Lines 7-12.
[18] Sergeant 's transcript, Page 26, Lines 12-19.
[19] Officer Quintanilla's transcript, Pages 9-10, Lines 21 2.
[20] Officer Zavala's transcript, Page 12, Lines 11-14.
[21] Officer Zavala's transcript, Page 20, Lines 5-7.

as lethal cover officers. As such, the Board opined that it was reasonable for Officers Zavala and Quintanilla, and Sergeant to believe that they may have to use lethal force.

Based on the totality of the circumstances the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Zavala and Quintanilla, and Sergeant while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Zavala and Quintanilla, and Sergeant s Drawing/Exhibiting to be In-Policy, No Further Action.

Policy on the Use of Force[22]

Use of De-Escalation Techniques

It is the policy of this Department that, whenever feasible, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings

Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.

Proportionality

Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Use of Force–Non-Deadly

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*

[22] Office of the Chief of Police (OCOP), Special Order No. 23, "Policy on the Use of Force – Revised," and LAPD Manual, Volume 1, Section 556.10.

- *Overcome resistance.*

Factors Used to Determine Objective Reasonableness

Pursuant to the opinion issued by the United States Supreme Court in Graham v. Connor, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;*
- *The environmental factors and/or other exigent circumstances; and,*
- *Whether a person is a member of a vulnerable population.*

Rendering Aid

After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force and fellow officers:

- *To the extent of the officer's training and experience in first aid/CPR/AED; and,*
- *To the level of equipment available to an officer at the time assistance is needed.*

Requirement to Intercede

An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer

under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Less-Lethal Use of Force

An officer may use the 40mm LLL as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.[23]

Officer 1 - 40mm LLL, two rounds

First Round – One eXact iMpact Sponge Round from approximately 30 feet.

Victim stood up, holding the knife to his throat. Victim then gestured the sign of the crucifix across his chest with his left hand.[24] Sergeant directed Officer 1 to fire the 40mm LLL. Officer 1 believed Victim was attempting or was going to attempt to cut himself. In response, Officer 1 discharged one 40mm LLL round at Victim

Officer 1 recalled,

So I go up and -- to Sergeant *s vehicle. He tells me to stay at the driver side door. 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. He stands up at one point and I'm aiming at his navel area with the 40-millimeter, and* Sergeant *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.*[25]

So I was behind the driver side door of Sergeant *s shop, approximately 20 to 25 feet away from the subject, and he stood up and he still had the knife in his hands. That's when I fired at his navel area in hopes to get him to drop the knife, so he stops cutting himself or potentially cutting himself.*[26]

He didn't make any, like pain gestures, like grabbing his navel area. He just sat back down. He continued to put the knife back up to his neck.[27]

Second Round – One eXact iMpact Sponge Round from approximately 22 feet.

---

[23] LAPD Tactics Directive No. 17.1, October 2021, 40mm Less-Lethal Launcher.
[24] See Page 9 of the FID report.
[25] Officer 1 's transcript, Page 8, Lines 18-22.
[26] Officer 1 's transcript, Page 21, Lines 7-13.
[27] Officer 1 's transcript, Page 22, Lines 19-20.

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.[28] 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.[29] According to Officer 1 he believed Victim was walking toward his partners and feared that he was going to attack "us." In response, Officer 1 discharged one 40mm sponge round at Victim.

Officer 1 recalled,

DETECTIVE GOLAN: Okay. So when did you decide to use the 40 a second time?
Officer 1 *When he started -- began approaching officers.*
DETECTIVE GOLAN: As he's walking down the stairs?
Officer 1 *Yes, sir.*
DETECTIVE GOLAN: Okay. So, again, approximately how far away from him were you?
Officer 1 *Still 20 to 25 feet, sir.*
DETECTIVE GOLAN: Okay. And what were you aiming at?
Officer 1 *His navel area.*[30]

DETECTIVE GOLAN: ...So when the subject is walking down the stairs holding that knife and you decide to deploy the 40-millimeter for the second time, tell us what was going on in your head. What were you thinking?
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.*[31]

DETECTIVE GOLAN: Just based on where you were and where he was, you said 20 to 25 feet, he has a knife, he's walking toward you, how did you feel about it at that time?
DETECTIVE YOON: Can I clarify something?
DETECTIVE GOLAN: Yeah, go for it.
DETECTIVE YOON: Was he walking towards you or was he walking towards another set of officers?
Officer 1 *I think it was the other officers. It was the other officers, the ones that were to my right.*
DETECTIVE YOON: And were they closer to him?
Officer 1 *Yes. They were closer to him.*

DETECTIVE YOON: Okay. And I'm not putting words in your mouth. What were you thinking? What were you in fear of?

---

[28] See Page 15 of the FID report.
[29] See Page 16 of the FID report.
[30] Officer 1's transcript, Page 26, Lines 1-13.
[31] Officer 1's transcript, Pages 27-28, Lines 17-1.

Officer 1 *Him attacking my partners.*[32]

The UOFRB assessed Officer 1's use of less-lethal force. As it pertains to his first round, the Board noted that per Tactics Directive 17.1, officers who encounter an armed self-mutilating or suicidal individual shall not use a 40mm LLL against that person, unless the officers reasonably believe the use of the 40mm LLL would not place the officers in a position which could escalate the situation to the use of lethal force. Per the directive, if officers choose to use a 40mm LLL in these situations, they should utilize distance and cover to avoid placing themselves in a vulnerable position. The Board noted that Officer 1 observed Victim holding the knife against his neck and his palm. Based on Victim's actions, Officer 1 opined that he was attempting or was going to attempt to cut himself with the knife. To prevent Victim from self-mutilating, Officer 1 discharged one round from his 40mm LLL, striking Victim While the impact round did not seem to cause Victim any pain, the Board noted that he sat on the steps allowing officers several more minutes to attempt to de-escalate the situation. As indicated above, the UOFRB Majority opined that all of the officers had sufficient cover and distance when Officer 1 discharged his first impact round. Based on the totality, the Board opined that Officer 1's first use of the 40mm LLL conformed to Department policy.

Regarding Officer 1's second round, the Board noted that Victim had knocked the hat off his head, quickly stood holding the knife in the air, and looked toward his family members gathered in their front yard. According to the BWV footage, Victim took four steps toward Officer 1 and then turned to his left. At that moment, Officer 1 announced, "Forty, standby" as Sergeant announced "Forty, forty up!"[33] In response, Officer 1 fired a second round from the 40mm LLL at Victim to prevent him from attacking officers. According to Officer 1, he believed that Victim was going to attempt suicide by cop and he was going to try to attack officers with the knife. Based on Victim's actions, the UOFRB opined that it was reasonable for Officer 1 to believe he posed an immediate threat to officers' safety when he discharged his second impact round.

In terms of the less-lethal warning, the Board noted that Officer 1 was not sure if one was given; however, he was aware that Sergeant had given the "40 stand by" command. Based on the totality of the circumstances, the Board opined that Officer 1 was confused as to whether a use of force warning had been given and may have mistaken the "40 stand by" command as a warning. The Board also opined that this issue could be addressed during the tactical debrief and that his use of less-lethal force was within policy.

Officer 1 recalled,

DETECTIVE GOLAN: Do you know if any use of force warning was given?
Officer 1 *I'm not sure.*[34]

---

[32] Officer 1's transcript, Page 28, Lines 21-24.
[33] Per the FID report, Sergeant directed Officer 1 to fire the 40mm LLL (second round). Based on Sergeant's BWV footage and statement to FID, the Board determined that he did not direct Officer 1's second discharge.
[34] Officer 1's transcript, Pages 20-21, Lines 25-2.

I did not give the 40 stand by, because Sergeant *gave it for me.*[35]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer 1 would reasonably believe that the use of less-lethal force was proportional and objectively reasonable.

Therefore, I find Officer 1's Use of Less-Lethal Force, all rounds, to be In Policy, No Further Action.

Lethal Use of Force

It is the policy of this Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or,*
- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.*

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.

Note: *Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.*[36]

The Department's Evaluation of Deadly Force

The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.

Officer Zavala –Glock Model 17, 9mm, three rounds in a southeasterly direction from approximately 25 feet.

---

[35] Officer 1's transcript, Page 8, Lines 24-25.
[36] Office of the Chief of Police (OCOP), Special Order No. 23, "Policy on the Use of Force – Revised," and LAPD Manual, Volume 1, Section 556.10.

Background – According to Officer Zavala, at the time of the OIS, his background consisted of the front steps of Incident Location. According to Officer Zavala, while there were pedestrians in the area, there was "nobody" in the background when he discharged his service pistol.

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.[37] 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.[38] In fear for his partner's life, his life, and nearby pedestrians, Officer Zavala discharged three rounds at Victim to stop the threat of serious bodily injury or death.

Officer Zavala recalled,

> *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.*[39]
>
> *So the second time he rapidly got up, sir, holding the knife in front of him. He took approximately five, six steps towards the office -- towards the officers and myself, sir, turning his torso towards me in a threatening manner and that's when we fired to stop the threat, sir.*[40]
>
> *Oh, sir, I was afraid that the suspect was going to stab me, sir. I was afraid of my life. I was afraid of my partner's life and the other officers that were to the left of me. Not only that, sir, I was afraid of the pedestrians that were nearby.*[41]

---

[37] See Page 15 of the FID report.
[38] See Page 16 of the FID report.
[39] Officer Zavala's transcript, Pages 12-13, Lines 8-1.
[40] Officer Zavala's transcript, Page 26, Lines 19-24.
[41] Officer Zavala's transcript, Page 27, Lines 2-7.

His demeanor, his cutting his hand, attempting to cut his throat, standing up, took a deep breath, tensed up, and boom, took these five, six steps towards us. I was afraid of my life, sir.[42]

So when I fired two, three shots, that's when I assess. He was already on the ground.[43]

Sir, I believe it was necessary to stop this deadly threat, so that's why I fired approximately two to three rounds, sir.[44]

Officer Quintanilla – Smith & Wesson Model M&P, 9mm, one round in a southeasterly direction from approximately 28 feet.

Background – According to Officer Quintanilla, at the time of the OIS, his background consisted of the front steps of Incident Location According to Officer Quintanilla, the apartment was elevated from street level, and Margarito was standing on the sidewalk. Officer Quintanilla indicated there was no one directly in his background when he discharged his service pistol.

According to Officer Quintanilla's BWV, Victim stood up and walked in a northerly direction. Members of Victim s family 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.[45] Officer Quintanilla stated that once Victim reached the sidewalk and turned toward him and his partner, it was necessary to use deadly force. Officer Quintanilla was scared Victim would use the knife against himself, his partners, or a civilian in the area. Officer Quintanilla stated that once Victim turned toward him and made an "advance motion," he discharged his firearm at Victim[46]

Officer Quintanilla recalled,

So 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. It was necessary for me to use it, because I felt that he was going to -- at the time I felt that he was going to either cut me with the knife, cut my partner, or there was -- there was a civilian right there just right next to him, maybe like a few feet away from him on the sidewalk. And I felt that if he would have got to the citizen, he

---

[42] Officer Zavala's transcript, Page 27, Lines 10-13.
[43] Officer Zavala's transcript, Pages 28-29, Lines 24-1.
[44] Officer Zavala's transcript, Page 27, Lines 16-18.
[45] See Page 19 of the FID report.
[46] During his FID interview, 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.

probably -- probably would have hurt him too. So I felt that at the time that I had to do it. You know, it was necessary for me to use deadly force on him. [47]

At the time, you know, again, I was just scared the whole time. You know, I really felt that he was going to -- he was going to hurt me.[48]

Once he comes down the sidewalk, he faces towards my partner and I direction and he advances at us. He makes an advance motion at us and I deploy my firearm.[49]

I deployed it because I had -- you know, it was -- I had to use -- I had to stop him. 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.[50]

We used a 40, which is very effective in most cases, and that didn't work. And it was just necessary for me to do it. I had to do it. If not, one of us probably would have been killed today.[51]

Real time the suspect was facing us and advancing forward with the butcher knife on his hand, and that's when I engaged him to just stop him from -- from killing myself or my partners or people around there.[52]

DETECTIVE BROWN: Okay. And when you fired, can you give us a little more detail on sequence of your fire? Did you -- how many times did you fire? Was there a pause or an assessment?
POLICE OFFICER QUINTANILLA: At the time I thought I fired two rounds.
DETECTIVE BROWN: Okay.
POLICE OFFICER QUINTANILLA: And when he went down, I stopped shooting. I stopped. You know, the threat was down, so I stopped and I assessed and that's when -- that's when Sergeant *came and we went and did the arrest circle -- the arrest approach. when he went down, I stopped shooting. I stopped.*[53]

The UOFRB assessed Officers Zavala's and Quintanilla's use of lethal force. As it pertains to Officer Zavala, the Board was critical of the perceived threat posed by Victim According to Officer Zavala, Victim had advanced toward the officers and then turned toward him and his partner. Based on Victim s actions, Officer Zavalla believed he was going to approach him (Officer Zavala) with the knife. Officer Zavalla feared for his life, his partner's life, and the lives

[47] Officer Quintanilla's transcript, Page 13, Lines 11-25.
[48] Officer Quintanilla's transcript, Page 15, Lines 5-8.
[49] Officer Quintanilla's transcript, Page 29, Lines 22-25.
[50] Officer Quintanilla's transcript, Page 30, Lines 2-10.
[51] Officer Quintanilla's transcript, Page 32, Lines 19-23.
[52] Officer Quintanilla's transcript, Page 47, Lines 13-17.
[53] Officer Quintanilla's transcript, Page 31, Lines 6-17.

of the citizens nearby. While the Board considered Officer Zavala's perception, they noted that the investigation did not support his belief of the imminent deadly threat posed by Victim. Although Officer Zavala may have feared for his life, his partner's life, and the lives of the citizens, the Board opined that his fear was predicated on the likelihood of future harm, not an imminent deadly threat. Based on the BWV footage, the Board opined that Victim did not have the apparent intent to harm Officer Zavala when the OIS occurred. The Board also opined that he did not have the apparent intent or the opportunity to harm the citizens as officers were controlling pedestrian traffic. Based on the totality of the circumstances, the Board opined that Officer Zavala's use of lethal force, all three rounds, was not objectively reasonable, proportional, or necessary.

Regarding Officer Quintanilla, the Board was again critical of the perceived threat posed by Victim and opined that the investigation did not support his assertion of an imminent deadly threat. Although Officer Quintanilla may have feared for his life, his partner's life, and the lives of the citizens, they believed his fear was also predicated on the likelihood of future harm, not an imminent deadly threat. Based on the BWV footage, the Board opined that Victim did not have the apparent intent to harm Officer Quintanilla when the OIS occurred. While the Board considered Officer Quintanilla's statements regarding the imminent threat Victim posed to his family and pedestrians, the Board opined that he did not have the apparent intent or the opportunity to harm them as officers were controlling pedestrian traffic and Victim 's family was east of his location. Based on the totality of the circumstances, the Board opined that Officer Quintanilla's use of lethal force was not objectively reasonable, proportional, or necessary.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Zavala and Quintanilla would not reasonably believe that the use of lethal force was proportional, objectively reasonable, or necessary.

Therefore, I find Officer Zavala and Quintanilla's Use of Lethal Force, all rounds, to be Out of Policy, Administrative Disapproval.

Medical Treatment/Rendering Aid – At approximately 1711:15 hours, the arrest team approached Victim and took him into custody. At approximately 1711:33 hours, officers handcuffed Victim , placed him on his right side, and checked him for injuries; Sergeant broadcast a Code Four and requested the response of the RA unit. At approximately 1712:15 hours, Officer Quintanilla directed Officer 2 to retrieve his medical kit from the trunk of his vehicle. As Officer 2 attempted to locate the medical kit in the trunk, FF/PM C. Shubsda and M. Farris, arrived at the scene. Officer Quintanilla advised paramedics that Victim had gunshot wounds, directing their attention to his chest. Victim was treated at the scene and transported to LAC+USCMC where he was treated by Doctor B. Knipp for gunshot wounds to the neck, chest, and torso. At 1809 hours, Victim succumbed to his injuries and was pronounced deceased.

Requirement to Intercede

Based on my review of this incident, I determined that the incident unfolded quickly and in a manner that did not afford an officer time to intercede.

Additional/Equipment[54]

Communications Division Protocols – According to the FID investigation, RP 1 advised Radio Telephone Operator (RTO) L. Gates, Serial No. N2995, CD, that Victim "tried to hit someone and was going to attack a person with the knife." Witness 1 had also called CD and reported that Victim was looking and walking toward him while holding a knife. Witness 1 stated that Victim looked angry and he was swinging the knife in the air, which caused him to be scared. In response, CD broadcast an update that Victim was "chasing people" with the knife. The Office of Support Services and CD determined there was no deviation from policy or procedure and I concur.

Body Worn Video				
Sworn Employee	Issue	Inspection Date Range	Inspection Results	Disposition
Officer Zavala	Late Activation	11/19/22 – 12/18/22	8 of 8, 100%	Notice to Correct
Officer Quintanilla	Late Activation	11/19/22 – 12/18/22	7 of 8, 88%	Notice to Correct
Officer 3	Late Activation	8/14/22 - 9/13/22	7 of 8, 88%	Notice to Correct

Digital In-Car Video System		
Sworn Employee	Issue	Disposition
Officer Zavala	Late Activation	Notice to Correct
Officer Quintanilla	Late Activation	Notice to Correct

Required Equipment

Officers O-3 Quintanilla, Zavala, O-1 O-2 and Sergeant did not have a baton on their persons during the incident. Officers O-3 Zavala, and Quintanilla did not have their Hobble Restraint Devices on their persons. Officer 3 was not equipped with a TASER. As these issues were addressed through Formal Training with Office of Operations (OO) and Operations Central Bureau (OCB) concurrence, I deem no further action necessary.

Loading Standards – Officer Zavala was carrying a Glock manufactured 17-round magazine with an attached base plate that increased the magazine capacity to 19 rounds. As this issue was

[54] In determining the disposition for the deviation from Department policy, a review of the severity of the discrepancy in concert with prior discrepancies was taken into consideration.

addressed through a Notice to Correct Deficiencies with OO and OCB concurrence, I deem no further action necessary.

Crime Scene Preservation – After the OIS, Officer Quintanilla picked up Victim's hat from the stairs and the expended sponge from the sidewalk. Sergeant directed Officer Quintanilla to leave the items where they were. As this issue was addressed through Formal Training with OO and OCB concurrence, I deem no further action necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – There were three DICVS videos related to this incident. 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.

- Sergeant's BWV captures his Code Three response, arrival at the scene, drawing and exhibiting, tactical planning, tactics, the OIS, and post OIS activity.
- Officer Zavala's BWV captured the officers' arrival, contact with Victim, drawing and exhibiting, tactics, the OIS, and post OIS activity.
- Officer Quintanilla's BWV captured the officers' arrival, contact with Victim drawing and exhibiting, the OIS and post OIS activity, and handcuffing.
- Officer 1's BWV captured the officers' Code Three response, his arrival at the scene, the contact with Victim, drawing and exhibiting, the OIS, and post OIS activity.
- Officer 2's BWV captured the officers' Code Three response, his arrival at the scene, the contact with Victim drawing and exhibiting, the OIS, and post OIS activity.
- Officer 4's BWV captured the officers' Code Three response, the arrival at the scene, the contact with Victim drawing and exhibiting, the OIS, and post OIS activity.
- Officer Meraz' BWV captured the officers' Code Three response, the arrival at the scene, the contact with Victim drawing and exhibiting, the OIS, and post OIS activity.
- Officer 3's BWV captured his response, his arrival, tactics, the OIS, and post OIS activity.

Social Media – Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information, or witnesses were identified via social media.

Other Department Video – None.

Outside Video – Force Investigation Division investigators canvassed Incident Location for security cameras. Cameras were located that provided a view of the exterior of the entry door of the apartment building. The video captured Victim seated on the stairs, the officers' arrival, tactics, and the OIS. Force Investigation Division investigators also recovered

security camera video from Location 1. There were two exterior cameras, which provide a view of the intersection of Street 2 and Street 1, and an east-facing view toward Incident Location. The video captures images of Victim walking north on Street 1 and east on Street 2, the officers' arrival, and post OIS tactics.

Respectfully,

MICHEL R. MOORE
Chief of Police

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

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

ADJUDICATION

Complainant: Department Los Angeles, Ca.

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

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

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

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

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

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

CLASSIFICATION

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

RATIONALE

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

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

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

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

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

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

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

ADMINISTRATIVE INSIGHT FOR OFFICER ZAVALA

Employee Development Plan

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

Penalty

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

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

Work History Analysis

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

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

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

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

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

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

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

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

Officer Zavala has been involved in one preventable traffic collision

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

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

ADMINISTRATIVE INSIGHT FOR OFFICER QUINTANILLA

Employee Development Plan

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

Penalty

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

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

Work History Analysis

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

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

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

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

He has been involved in two preventable traffic collisions.

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

Work Permit Review

None.

Relief from Duty Considerations

None.

Actions Taken

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

This letter of transmittal was written by:

JOSEPH SCIDA, Sergeant I
Newton Complaint Unit
Newton Area

Date: 11·15·22.

APPROVED BY:

ALEX BAEZ, Captain
Commanding Officer
Newton Area

Date: 11/15/22

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

PETTY F. SANTOS
INTERIM CITY CLERK

VACANT
EXECUTIVE OFFICER

City of Los Angeles

CALIFORNIA

KAREN BASS
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213) 978-1040

PATRICE Y. LATTIMORE
DIVISION MANAGER
CLERK.LACITY.GOV

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 24-1508

Council Meeting Date: March 18, 2025

Agenda Item No.: 34

Agenda Description: The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Victim [redacted], et al. v. City of Los Angeles, et al., United States District Court Case No. 2:22-cv-07534-FLA-MAAx.

Council Action: MOTION (YAROSLAVSKY – BLUMENFIELD) - ADOPTED IN OPEN SESSION

Council Vote:

ABSENT	Blumenfield	YES	Harris-Dawson	YES	Hernandez
YES	Hutt	YES	Jurado	ABSENT	Lee
YES	McOsker	YES	Nazarian	YES	Padilla
YES	Park	YES	Price Jr.	YES	Raman
ABSENT	Rodriguez	YES	Soto-Martínez	YES	Yaroslavsky

PETTY F. SANTOS
INTERIM CITY CLERK

Pursuant to Charter/Los Angeles Administrative Code Section(s): 341

FILE SENT TO MAYOR	03-19-2025
LAST DAY FOR MAYOR TO ACT	04-01-2025

3/29/2025

DATE SIGNED

Adopted Report(s)Title
Motion (Yaroslavsky - Blumenfield) dated 3-4-25

AGENDA

LOS ANGELES CITY COUNCIL

Tuesday, March 18, 2025

10:00 AM
JOHN FERRARO COUNCIL CHAMBER
ROOM 340, CITY HALL
200 NORTH SPRING STREET, LOS ANGELES, CA 90012

Submit written comment at
LACouncilComment.com

President
MARQUEECE HARRIS-DAWSON, Eighth District

President Pro Tempore
BOB BLUMENFIELD, Third District

Assistant President Pro Tempore
NITHYA RAMAN, Fourth District

EUNISSES HERNANDEZ, First District
ADRIN NAZARIAN, Second District
KATY YAROSLAVSKY, Fifth District
IMELDA PADILLA, Sixth District
MONICA RODRIGUEZ, Seventh District
CURREN D. PRICE, JR., Ninth District
HEATHER HUTT, Tenth District
TRACI PARK, Eleventh District
JOHN S. LEE, Twelfth District
HUGO SOTO-MARTÍNEZ, Thirteenth District
YSABEL JURADO, Fourteenth District
TIM McOSKER, Fifteenth District

PUBLIC COMMENT AND LIVE BROADCAST

The Council meetings will be broadcast live on Cable Television Channel 35, on the internet at https://clerk.lacity.gov/calendar, and on YouTube. The live audio of the hearing will be available via telephone at: (213) 621-CITY (Metro), (818) 904-9450 (Valley), (310) 471-CITY (Westside), and (310) 547-CITY (San Pedro Area). If the live video or audio is unavailable via one of these channels, members of the public should try another channel.

Written public comment may be submitted at LACouncilComment.com.

Requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act can be made by contacting the City Clerk's Office at (213) 978-1133. For Telecommunication Relay Services for the hearing impaired, please see the information below.

Telecommunication Relay Services

Telephone communication is one of the most important forms of communication in society today. Due to advancements in technology, telephone devices have evolved with new services and capabilities. Individuals who are deaf and hard of hearing, and individuals with a speech disability are following these trends and are rapidly migrating to more advanced telecommunications methods, both for peer-to-peer and third-party telecommunications relay service (TRS) communications. Telecommunications Relay Service is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long distance calls. TRS providers - generally telephone companies - are compensated for the costs of providing TRS from either a state or a federal fund. There is no cost to the TRS user.

What forms of TRS are available? There are several forms of TRS, depending on the particular needs of the user and the equipment available: TRS includes: Text to Voice TIY-Based TRS; Speech-to-Speech Relay Service; Shared Non-English Language Relay Service; Captioned Telephone Relay Service; Internet Protocol Relay Service; and Video Relay Service. Please visit this site for detail descriptions, https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.

Don't hang up! Some people hang up on TRS calls because they think the CA is a telemarketer. If you hear, "Hello. This is the relay service .. . " when you pick up the phone, please don't hang up! You are about to talk, through a TRS provider, to a person who is deaf, hard-of-hearing, or has a speech disability.

For more information about FCC programs to promote access to telecommunications services for people with disabilities, visit the FCC's Disability Rights Office website.

SE OFRECE UN SERVICIO DE TRADUCCION AL ESPANOL EN TODAS LAS REUNIONES DEL CONSEJO MUNICIPAL

Spanish language interpretation is available at all Council and Committee meetings. Interpretation services in additional languages are available upon request, at no cost. Please submit your request to clerk.interpretation@lacity.org as soon as possible to allow time for scheduling. You will receive a confirmation reply if an interpreter is available.

BASIC CITY COUNCIL MEETING RULES

AGENDAS - The City Council meets Tuesday, Wednesday and Friday at 10:00 A.M. The agendas for City Council meetings contain a brief general description of those items to be considered at the meetings. Council Agendas are available in the Office of the City Clerk, Council and Public Services Division, Room 395, City Hall, 200 North Spring Street, Los Angeles, CA 90012, and on the City's website at lacity.gov or lacouncilcalendar.com.

Ten (10) members of the Council constitute a quorum for the transaction of business. The Council may consider an item not listed on the agenda only if it is determined by a two-thirds (10) vote that the need for action arose after the posting of an Agenda. Some items on the agenda may be approved without any discussion, however, any item may be called "special" by a Councilmember. If an item is called "special" it will be "held" until the remainder of the items on the Council agenda have been acted on by the Council. An item may also be called "special" if a member of the public has requested to speak on the item and a public hearing was not previously held.

The City Clerk will announce the items to be considered by the Council, however items will be grouped. For example, all items for which required public hearings have not previously been held are listed in one section on the printed agenda. The Council President will ask if any Councilmember or member or the public wishes to speak on one or more of these items. If anyone wishes to speak on an item, it will be called "special". The remaining items in this section will be voted on by Council with one roll call vote.

PUBLIC INPUT AT CITY COUNCIL MEETINGS - An opportunity for the public to address the Council on agenda items for which public hearings have not been held will be provided at the time the item is considered or during the Multiple Agenda Item Comment period. Members of the public who wish to speak on items shall be allowed to speak for up to one minute per item up to a total of three minutes per meeting. The Council has determined that a cumulative total of 20 minutes is a reasonable minimum amount of time for the Multiple Agenda Item segment of each regular meeting.

The Council will also provide an opportunity for the public to speak on public interest items. Each speaker shall be limited to one minute of general public comment each regular meeting for a cumulative total of ten (10) minutes. The Council shall not discuss or take action relative to any general public comment.

If you wish to provide documents to the full Council for consideration on an item, please present the Sergeant-At-Arms with 35 copies. Otherwise, your materials will simply be added to the official record.

NOTICE TO PAID REPRESENTATIVES - If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.

COUNCIL DISCUSSION AND TIME LIMITS - Councilmembers requesting to address the Council will be recognized by the Council President in the order requested. For any item, the Chairperson of the Committee, or the maker of the original motion, or the member calling a matter "special" shall have up to six (6) minutes to discuss the item. All other Councilmembers may speak up to three (3) minutes each on the matter. After all members desiring to speak on a question have had an opportunity to be heard once, the time for each Member desiring to speak again shall be limited to a maximum of three (3) minutes.

A motion calling the "previous question" may be introduced by any member during a Council debate. If adopted, this motion will terminate debate on a matter and the Chair will instruct the Clerk to call the roll on the matter.

VOTING AND DISPOSITION OF ITEMS - Most items require a majority vote of the entire membership of the Council (8 members). Items which have not been discussed in a Council Committee and have been placed directly on the agenda will require 10 votes to consider. Once considered, these items will normally require eight (8) affirmative votes to be adopted. Ordinances require a unanimous vote (at least 12 members must be present) in order to be adopted on first consideration. If an ordinance does not receive the necessary unanimous vote, it is laid over one calendar week. The votes required for approval on second consideration vary and depend upon the type of ordinance, but a typical ordinance requires eight (8) affirmative votes upon second consideration.

When debate on an item is completed, the Chair will instruct the Clerk to "call the roll". Every member present must vote for or against each item; abstentions are not permitted. The Clerk will announce the votes on each item. Any member of Council may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Council of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the agenda number, Council file number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of eight (8) members of the Council.

When the Council has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the item is continued to the next regular meeting for the purpose of allowing the Council to again vote on the matter.

The City Council rules provide that all items adopted by the Council will not be presented to the Mayor, or other designated officer by the City Clerk until the adjournment of the regular Council meeting following the date of the Council action. A motion to send an item "forthwith" if adopted by ten (10) votes, suspends these rules and requires the City Clerk to forward the matter to the Mayor, or other officer, without delay.

RULE 16 MOTIONS - Council Rule No. 16, in part, allows a member to send an item directly to the Council without it having to go to a Council Committee first, by giving the City Clerk a motion (seconded by an additional member) during a Council session to be placed on the next regular available Council agenda.

(BOARD) relative to a non-monetary donation valued at $45,000 to help fund the Los Angeles Women Police Officers and Associates (LAWPOA) 29th Annual Symposium 2025.

Recommendation for Council action:

ACCEPT a non-monetary donation valued at $45,000, from the Los Angeles Police Foundation, to help fund the LAWPOA 29th Annual Symposium 2025; and THANK the donor for this generous donation.

Fiscal Impact Statement: None submitted by the Board. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted

(Public Safety Committee waived consideration of the above matter)

Items Called Special

Motions for Posting and Referral

Council Members' Requests for Excuse from Attendance at Council Meetings

Closed Session

(32) **24-1393**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Adam Hollands v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC684154. (This matter arises from alleged disability discrimination and failure to accommodate and engage in the interactive process that occurred between 2007 to 2017 within the Los Angeles Police Department, and retaliation for reporting the allegations to management.)

(Budget and Finance Committee considered this matter on March 4, 2025.)

(33) **24-0903**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Stephanie Hernandez v. City of Los Angeles, et al., Los Angeles Superior Court Case No. 23STCV02640. (This matter arises from an incident involving a member of the Los Angeles Fire Department that occurred on May 22, 2021.)

(Budget and Finance Committee considered this matter in Closed Session on March 4, 2025.)

(34) **24-1508**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Victim [redacted], et al. v. City of Los Angeles, et al., United States District Court Case No. 2:22-cv-07534-FLA-MAAx. (This matter arises from an officer-involved shooting which occurred on December 18, 2021, in the Los Angeles Police Department Newton Division of the City of Los Angeles.)

(Budget and Finance Committee considered this matter on March 4, 2025.)

(35) **25-0133**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Andrea R. Naaktgeboren v. City of Los Angeles, et al., Los Angeles Superior Court Case No. 23STCV20386. (This matter arises from a vehicle versus vehicle collision that occurred on January 24, 2023, at the intersection of 1st Street and South Beaudry Avenue, in Los Angeles, California.)

(Budget and Finance Committee considered this matter on March 4, 2025.)

(36) **25-0131**

The City Council shall recess to Closed Session, pursuant to Government Code Section No. 54956.9(d)(1), to confer with its legal counsel relative to the case entitled Dartanyan Wallace v. City of Los Angeles, et al., Los Angeles Superior Court Case No. 23STCV10324. (This matter arises from a June 2, 2022, automobile accident near the intersection of Cassil Place

and Sunset Boulevard, in the City of Los Angeles.

(Budget and Finance Committee considered this matter on March 4, 2025.)

Adjourning Motions

Council Adjournment

EXHAUSTION OF ADMINISTRATIVE REMEDIES - If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at or prior to, the public hearing. Any written correspondence delivered to the City Clerk before the City Council's final action on a matter will become a part of the administrative record.

CODE OF CIVIL PROCEDURE SECTION 1094.5 - If a Council action is subject to judicial challenge pursuant to Code of Civil Procedure Section 1094.5, be advised that the time to file a lawsuit challenging a final action by the City Council is limited by Code of Civil Procedure Section 1094.6 which provides that the lawsuit must be filed no later than the 90th day following the date on which the Council's action becomes final.

Materials relative to items on this agenda can be obtained from the Office of the City Clerk's Council File Management System, at lacouncilfile.com by entering the Council File number listed immediately following the item number (e.g., 00-0000).

ITEM NO. 34

3/18/25 Council – Regular Meeting Agenda
Closed Session

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations in order to effect settlement in the case entitled Victim [redacted], et al. v. City of Los Angeles, et al., United States District Court Case No. 2:22-cv-07534-FLA-MAAx. (This matter arises from an officer-involved shooting which occurred on December 18, 2021, in the Los Angeles Police Department Newton Division of the City of Los Angeles.), **SUBJECT TO THE APPROVAL OF THE MAYOR**:

1. AUTHORIZE the City Attorney's Office to expend up to **$8,000,000** in settlement of the above-entitled matter.

2. AUTHORIZE the Controller to transfer **$8,000,000** from the Liability Claims Fund No. 100/59, Account No. 009798, Miscellaneous Liability Payouts, to Fund No. 100/59, Account No. 009792, Police Liability Payouts.

3. AUTHORIZE the City Attorney to draw a demand from Fund No. 100/59, Account No. 009792, Police Liability Payouts, as follows: Law Offices of Dale K. Galipo, Client Trust Account in the amount of **$8,000,000.**

4. AUTHORIZE the City Attorney, or designee, to make necessary technical adjustments, subject to the approval of the City Administrative Officer; and, AUTHORIZE the Controller to implement the instructions.

This matter was recommended for approval by the Budget and Finance Committee (Yaroslavsky – Blumenfield – Hutt – Hernandez: "Yes; McOsker "Absent") at its meeting held on March 4, 2025, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY_____
KATY YAROSLAVSKY
Councilmember, 5th District

SECONDED BY _____
BOB BLUMENFIELD
Councilmember, 3rd District

MM 3-4-25
CF 24-1508

LUIS A. CARRILLO (SBN 70398)
MICHAEL S. CARRILLO (SBN 258878)
CARRILLO LAW FIRM, LLP
1499 Huntington Drive, Suite 402
South Pasadena, CA 91030
Tel: (626) 799-9375
Fax: (626) 799-9380

Dale K. Galipo, Esq. Bar No. 144074
LAW OFFICES OF DALE K. GALIPO
21800 Burbank Blvd., Suite 310
Woodland Hills, CA 91367
Tel: (818)347-3333
Email: dalekgalipo@yahoo.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

[redacted], Plaintiff 1, Plaintiff 2, Plaintiff 3, Plaintiff 4, [redacted],

PLAINTIFFS,

v.

CITY OF LOS ANGELES, JOSE ZAVALA, JULIO QUINTANILLA, AND DOES 1 THROUGH 10, INCLUSIVE

DEFENDANTS.

CASE NO: 2:22-cv-7534

COMPLAINT FOR DAMAGES:

1. Fourth Amendment – Excessive Force (42 U.S.C. § 1983)
2. Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)
3. Fourteenth Amendment--Substantive Due Process-Interference with Familial Relationships (42 U.S.C. § 1983)
4. Substantive Due Process Deliberate Indifference to Serious Medical Needs (42 U.S.C. § 1983)
5. Municipal Liability – Ratification (42 U.S.C. § 1983)
6. Municipal Liability – Failure to Train (42 U.S.C. § 1983)

7. Municipal Liability – Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
8. Negligence (Wrongful Death)
9. Battery (Wrongful Death/Survival)
10. Negligent Infliction of Emotional Distress, Bystander
11. Violation of Bane Act (Cal. Civil Code § 52.1)

[DEMAND FOR JURY TRIAL]

COMPLAINT FOR DAMAGES

PLAINTIFFS [redacted], [redacted] **and** [redacted], [redacted], in each case individually and as to [redacted], as a successor-in-interest to the DECEDENT, [redacted] (collectively, "PLAINTIFFS"), for their Complaint against the **CITY OF LOS ANGELES, JOSE ZAVALA, JULIO QUINTANILLA,** and **DOES 1 THROUGH 10**, inclusive, (collectively, "DEFENDANTS") hereby allege as follows:

JURISDICTION AND VENUE

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4) because PLAINTIFFS assert claims arising under the laws of the United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States Constitution.

2. This Court has supplemental jurisdiction over PLAINTIFFS' claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

3. Venue is proper in this Court under 28 U.S.C. § 1391(b) because DEFENDANTS reside in the Central District of California, and all incidents, events, and occurrences giving rise to this action occurred in the Central District.

INTRODUCTION

4. This civil rights and state tort action seeks compensatory damages from DEFENDANTS for violating various rights under the United States Constitution, the Federal Tort Claims Act, and state law in connection with the fatal deputy-involved shooting of PLAINTIFFS', son, and brother, [redacted], on December 18, 2021. PLAINTIFFS allege that [redacted]'s death was a result of the excessive use of deadly force of DEFENDANTS DOES 1-10; and was also a result of DEFENDANTS' failure to provide reasonable medical care to DECEDENT despite DECEDENT's serious mental health condition; and was a result of DEFENDANTS' deliberate indifference to DECEDENT'S serious mental health needs and medical emergency.

5. The policies and customs behind shootings of civilians such as [redacted], and failure to provide reasonable medical care, are fundamentally unconstitutional and have violated the civil rights of residents of the CITY, such as Plaintiffs and DECEDENT. Accordingly, PLAINTIFFS herein seek by means of this civil rights action to hold accountable those responsible for the death of [redacted], and to challenge the unconstitutional policies and practices of the CITY and all DEFEDANTS.

PARTIES

6. At all relevant times, [redacted] ("DECEDENT") was an individual residing in the CITY of LOS ANGELES, California.

7. At all relevant times, [redacted]. ("[redacted]"), was and is an individual residing in the CITY of LOS ANGELES, State of California. [redacted] is the father of DECEDENT. [redacted] sues both in his individual capacity for wrongful death damages as the father of DECEDENT and in a representative capacity as DECEDENT's successor-in-interest pursuant to California Code

of Civil Procedure § 377.60. Plaintiff 1 seeks wrongful death damages under federal and state law.

8. At all relevant times, Plaintiff 2 was and is an individual residing in the CITY of LOS ANGELES, State of California. Plaintiff 2 is the biological sister of DECEDENT.

9. At all relevant times, Plaintiff 3 was and is an individual residing in the CITY of LOS ANGELES, State of California. Plaintiff 3 is the biological brother of DECEDENT.

10. At all relevant times, Plaintiff 4, was and is an individual residing in the CITY of LOS ANGELES, State of California. Plaintiff 4 is the biological sister of DECEDENT.

11. The **CITY OF LOS ANGELES** ("CITY") is, a municipal corporation existing under the laws of the State of California. CITY is a chartered subdivision of the State of California with the capacity to be sued. CITY is responsible for the actions, omissions, policies, procedures, practices, and customs of its various agents and agencies, including the Los Angeles Police Department and its agents and employees.

12. Defendant City of Los Angeles Police **OFFICER JOSE ZAVALA,** is a residents of Los Angeles County, and at all times mentioned herein was acting under color of law, to wit, under the color of the statutes, ordinances, regulations, policies, and customs, of the Los Angeles Police Department, and under the color of the statutes, regulations, and laws of the state of California. Defendant Officer Jose Zavala was acting within his capacity as employee, agent, representative, and servant of the Defendant CITY.

13. Defendant City of Los Angeles Police **OFFICER JULIO QUINTANILLA,** is a residents of Los Angeles County, and at all times mentioned herein was acting under color of law, to wit, under the color of the statutes, ordinances, regulations, policies, and customs, of the Los Angeles Police Department, and under the color of the statutes,

regulations, and laws of the state of California. Defendant Officer Jose Zavala was acting within his capacity as employee, agent, representative, and servant of the Defendant CITY.

14. DEFENDANTS, **DOES 1-5 ("DOE OFFICERS")** are police officers employed by the LAPD. DOE OFFICERS were acting under color of law and within the course and scope of their employment as officers for the LAPD. DOE OFFICERS were acting with the complete authority and ratification of their principal, Defendant CITY.

15. Defendants DOES 6-8 are supervisory officers for the LAPD who were acting under color of law and within the course and scope of their employment as police officers for the LAPD. DOES 6-8 were acting with the complete authority and ratification of their principal, Defendant CITY.

16. Defendants DOES 9-10 are managerial, supervisorial, and policymaking employees of CITY, who were acting under color of law and within the course and scope of their duties as managerial, supervisorial, and policymaking employees of CITY. DOES 9-10 were acting with the complete authority and ratification of their principal, Defendant CITY.

17. On information and belief, Defendants DOES 1-10 were residents of the City of Los Angeles.

18. In doing the acts and failing and omitting to act as hereinafter described, Defendants DOE OFFICERS were acting on the implied and actual permission and consent of Defendants CITY and DOES 6-10.

19. In doing the acts and failing and omitting to act as hereinafter described, Defendants DOES 1-10 were acting on the implied and actual permission and consent of the CITY.

20. The true names and capacities, whether individual, corporate, association or otherwise of Defendants DOES 1-10, inclusive, are unknown to Plaintiffs, who as a result sues these Defendants by such fictitious names. Plaintiffs will seek leave to amend this complaint to allege the true names and capacities of these Defendants when they have been

ascertained. Each of the fictitiously-named Defendants is responsible in some manner for the conduct or liabilities alleged herein

21. The true names and capacities, whether individual, corporate, association or otherwise of DEFENDANTS DOES 1-10, inclusive, are unknown to PLAINTIFFS, who otherwise sues these DEFENDANTS by such fictitious names. PLAINTIFFS will seek leave to amend their complaint to show the true names and capacity of these DEFENDANTS when they have been ascertained. Each of the fictitiously named DEFENDANTS is responsible in some manner for the conduct or liabilities alleged herein.

22. At all times mentioned herein, each and every DEFENDANT was the agent of each and every other DEFENDANT. All of the acts complained of herein by PLAINTIFF against DEFENDANTS were done and performed by said DEFENDANTS by and through their authorized agents, servants, and/or employees, all of whom at all relevant times herein were acting within the course, purpose, and scope of said agency, service, and/or employment CITY. Moreover, DEFENDANTS and their agents ratified all of the acts complained of herein.

23. Defendants DOES 1-10 are sued in their individual capacities.

24. On or about April 7, 2022, PLAINTIFFS filed comprehensive and timely claims for damages with the CITY pursuant to applicable sections of the California Government Code.

25. On or about April 26, 2022, the CITY rejected PLAINTIFFS' claim for damages pursuant to Government Code § 913 and § 915.4. PLAINTIFFS have therefore exhausted all administrative remedies.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

26. PLAINTIFFS repeat and re-allege each and every allegation in paragraphs 1 through 25 of this Complaint with the same force and effect as if fully set forth herein.

27. This incident occurred on Tuesday, December 18, 2021, around 7:00 p.m. at the family home where DECEDENT resided, located at Home Address in Los Angeles, California.

28. In response to the 911 call, from PLAINTIFF Plaintiff 2 stating her brother was "going to commit suicide", DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 arrived at Home Address in Los Angeles, California at approximately 7:00 p.m. officers pointed a spotlight at DECEDENT from their patrol vehicle and yelled at him to drop the knife. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 parked their patrol vehicles facing the Home Address location and were a safe distance away from DECEDENT at the time they made contact with him and started shouting at him.

29. After about two minutes of officers shouting at DECEDENT and escalating the situation, DECEDENT stood up and then officers fired a less-than-lethal round at DECEDENT. DEFENDANTS JOSE ZAVALA and JULIO QUINTANILLA, as well as DOE OFFICERS continued shouting at DECEDENT with their weapons drawn at him while DECEDENT sat silently at the bottom step of the staircase on the porch. DECEDENT stood up again and started to turn around when he was simultaneously struck by less-lethal and then multiple rounds from Defendants ZAVALA and QUINTANILLA's firearms, as well as from DOE OFFICERS.

30. In spite of the fact that DECEDENT's sister had called 911 because DECEDENT was having a mental health crisis, DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5 did not investigate whether DECEDENT was in fact having suicidal ideations, or whether DECEDENT was having a mental crisis. Worse, DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5 did not notify the Crisis Response Support Section ("CRSS"), Mental Evaluation Unit ("MEU") or Systemwide Mental Assessment Response Team ("SMART"). DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5 did not properly assess the situation regarding

DECEDENT's mental state; did not notify supervisors of the situation; did not employ tactics to de-escalate the situation; did not give DECEDENT sufficient time to comprehend the presence of Los Angeles Police Officers at the family home; did not develop a tactical plan regarding DECEDENT's suicidal ideation; did not speak to DECEDENT in a sensitive and non-threatening manner; and did not give DECEDENT the opportunity to cooperate with the instructions of Los Angeles Police Department Officers.

31. DECEDENT never threatened any of the DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5; DECEDENT made no aggressive movements toward any of the DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5; DECEDENT did not lunge toward any of the DEFENDANTS; DECEDENT did not move toward any of the DEFENDANTS; DECEDENT did not step forward toward any of the DEFENDANTS; DECEDENT did not attempt to harm any member of the community and was not at risk of harming anyone. DECEDENT did not make any furtive gestures that would suggest to the DEFENDANTS that DECEDENT was attempting, or intending to inflict harm on any of the DEFENDANTS, DOES 1-5 or any member of the community.

32. Despite the foregoing facts, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOE OFFICERS fired their guns at DECEDENT multiple times, and DECEDENT was struck with multiple bullets and was killed by DEFENDANTS. All DEFENDANTS participated in the use of deadly force against DECEDENT by either directly using force against DECEDENT, ordering another DEFENDANT to use force against DECEDENT, or by failing to intervene in the unjustified use of deadly force. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 failed to order any other DEFENDANT not to use deadly force against the DECEDENT, and failed to intervene to stop the use of force against DECEDENT.

33. MICHEL R. MOORE ("CHIEF MOORE") was and is a duly elected Chief of the LOS ANGELES POLICE DEPARTMENT and authorized to speak on behalf of Defendant CITY. CHIEF MOORE admitted that the mental health team should have been

sent to the scene where DECEDENT was shot and killed by Defendants. Specifically he stated, "[Those resources] should have been dispatched because [DECEDENT] had an edged weapon and those protocols should have dispatched such a resource."

34. As a result of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 negligence and excessive use of deadly force, DECEDENT died. The use of force against DECEDENT was excessive and objectively unreasonable under the circumstances, particularly because DEFENDANTS were aware that DECEDENT was suffering from a mental illness, was going through a potential mental health crisis, and because DECEDENT had not harmed anyone and did not pose a threat to any person. DEFENDANTS were aware that he had not committed a crime, and that he was in need of medical assistance, and did not pose an immediate threat of death or serious bodily injury to anyone at any time immediately prior to or during the use of force. Further, DEFENDANTS determined that DECEDENT did not pose an immediate threat of death or serious bodily injury to anyone at any time immediately prior to the use of deadly force.

35. PLAINTIFF Plaintiff 1 is DECEDENT's successor-in-interest as defined in Section 377.11 of the California Code of Civil Procedure and succeeds to DECEDENT's interest in this action.

FIRST CLAIM FOR RELIEF

Fourth Amendment – Excessive Force (42 U.S.C. § 1983)

By PLAINTIFF Plaintiff 1 Against Defendants JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5

36. PLAINTIFF repeats and re-alleges each and every allegation contained in paragraphs 1 through 35 of this complaint with the same force and effect as if fully set forth herein.

37. The Fourth Amendment to the United States Constitution, and applied to state actors by the Fourteenth Amendment, provides citizens the right to be secure in their person against unreasonable searches and seizures, including the use of excessive deadly force.

38. The excessive and unreasonable use of deadly force against DECEDENT deprived him of his right to be secure against unreasonable searches and seizures as guaranteed by the Fourth Amendment to the United States Constitution and made applicable to state actors by the Fourteenth Amendment. Because of the unlawful excessive and unreasonable force purposefully utilized against DECEDENT, he suffered serious injuries resulting in death.

39. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 did not investigate whether DECEDENT was in fact having suicidal ideations, or whether DECEDENT was having a mental crises. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 did not notify the Crisis Response Support Section ("CRSS"), Mental Evaluation Unit ("MEU") or the Systemwide Mental Assessment Response Team ("SMART"). DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 did not properly assess the situation regarding DECEDENT's mental state; did not notify supervisors of the situation; did not employ tactics to de-escalate the situation; did not give DECEDENT sufficient time to comprehend the presence of Los Angeles Police Officers at the family home; did not develop a tactical plan regarding DECEDENT's suicidal ideation; did not speak to DECEDENT in a sensitive and non-threatening manner; and did not give DECEDENT the opportunity to cooperate with the instructions of Los Angeles Police Officers.

40. DECEDENT never threatened any of the DEFENDANTS; DECEDENT made no aggressive movements toward any of the DEFENDANTS nor did he threaten the safety and well-being of any member of the community; DECEDENT never lunged toward any of the DEFENDANTS nor did he move toward any of the DEFENDANTS. DECEDENT did not make any furtive gestures that would suggest to the DEFENDANTS that DECEDENT was attempting, or intending to inflict harm on any of the DEFENDANTS or any other person.

41. DEFENDANTS ZAVALA, QUINTANILLA AND DOE DEFENDANTS 1-5 did not employ tactics to de-escalate the scenario, failed to give DECEDENT time and space to understand the officers' presence, failed to give DECEDENT time and space to accept their presence, failed to approach and speak to DECEDENT in a non-threatening manner, and failed to give DECEDENT the opportunity to consent to and cooperate with Los Angeles Police Department Officers instructions.

42. DECEDENT lived at the family home and was not an immediate threat to anyone at the time the DEFENDANTS shot and killed DECEDENT. As can be seen on the video released by the LAPD, at no time prior to DEFENDANTS ZAVALA, QUINTANILLA and DOES 1-5 discharging their weapons, no Police Officer was facing an imminent threat of serious physical injury; or that no Police Officer was incapable of neutralizing and/or effectuating the seizure of DECEDENT using any of a variety of readily available less-than-lethal means or strategies. The force used by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DEFENDANTS DOES 1-5 was unnecessary, excessive, and unreasonable under the totality of the circumstances.

43. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DEFENDANTS DOES 1-5, was willful, wanton, malicious, and done with a deliberate indifference for the rights and safety of DECEDENT and therefore warrants the award of exemplary and punitive damages against DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DEFENDANTS DOES 1-5. All the DEFENDANTS, under 42 U.S.C. § 1983, are liable to the Plaintiff for compensatory, including general and special, damages.

44. As a result of their excessive use of deadly force which caused constitutional injuries to Plaintiff, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOE DEFENDANTS 1-5 are liable for DECEDENT's injuries, either because they were integral participants in the wrongful use of excessive deadly force, or because they failed to intervene to prevent these constitutional violations.

45. Plaintiff bring this claim as successor-in-interest to the DECEDENT and seeks wrongful death damages for the violation of Plaintiff's and DECEDENT's rights. Plaintiff also seeks attorneys' fees pursuant to 42 U.S.C. § 1988(b).

SECOND CLAIM FOR RELIEF

Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)

Plaintiff Plaintiff 1 **Against the DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOE DEFENDANTS 1-5**

46. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 45 of this complaint with the same force and effect as if fully set forth herein.

47. The Fourth Amendment to the United States Constitution, as applied to state actors by the Fourteenth Amendment, provides the right of all persons to reasonable medical care during the course of a seizure and/or when in the custody of Los Angeles Police Department Officers. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, failed to provide reasonable medical care to DECEDENT despite DECEDENT'S serious mental health condition; and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 manifested deliberate indifference to DECEDENT'S serious mental health condition of suicidal ideations and mental illness.

48. DEFENDANTS ZAVALA, QUINTANILLA, and DOES 1-5 did not provide reasonable medical care for DECEDENT even after DEFENDANTS were informed by Plaintiff Plaintiff 2 that DECEDENT was having suicidal ideations, and that DECEDENT was having a mental crisis.

49. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DEFENDANTS 1-5 used excessive deadly force against DECEDENT thereby causing his death.

50. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOE DEFENDANTS 1-5 knew that DECEDENT was suffering from suicidal ideation, and

DEFENDANTS increased the danger by failing to provide mental health professionals for DECEDENT despite the fact that Plaintiff 2 had informed dispatch, who then informed DEFENDANTS ZAVALA, QUINTANILLA and DOES 1-5 about DECEDENT's suicidal ideation and failed to respond to the requests for assistance for DECEDENT, who was having a severe mental crises, and was mentally ill. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 knew that failure to provide timely medical treatment for DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, and refused to permit medical care givers to access and care for DECEDENT at the scene prior to and after the incident.

51. In so doing the aforementioned acts before, during and after the use of force, the conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5 were willful, wanton, malicious, and done with deliberate indifference for the rights and safety of DECEDENT and therefore warrants the imposition of exemplary and punitive damages as to the individual DEFENDANTS.

52. As a result of their misconduct, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5 are liable for DECEDENT's injuries, either because they were integral participants in the use of force, or because they failed to intervene to prevent these violations. DEFENDANTS, under 42 U.S.C. § 1983, are liable to the Plaintiff for compensatory, including general and special, damages.

53. PLAINTIFF brings this claim as successor-in-interest to the DECEDENT, and seeks wrongful death damages for the violation of DECEDENT's rights. PLAINTIFF also seeks attorney's fees pursuant to 42 U.S.C. § 1988(b).

THIRD CLAIM FOR RELIEF

Fourteenth Amendment--Substantive and Procedural Due Process----Interference with Familial Relationships (42 U.S.C. § 1983)

By Plaintiff Plaintiff 1 against DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOE DEFENDANTS 1-10

54. PLAINTIFF incorporates by reference each and every allegation in paragraphs 1 through 53 as if fully set forth herein.

55. PLAINTIFF had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of life, liberty, or property in such a manner as to shock the conscience, including but not limited to unwarranted state interference in the familial relationship with his son.

56. The actions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, including the unjustified shooting of DECEDENT, along with other conduct of constitutional violations, shock the conscience, in that they acted with deliberate indifference to the constitutional rights of the DECEDENT and PLAINTIFF, and with purpose to harm unrelated to any legitimate law enforcement objective.

57. On December 18, 2021, DECEDENT was shot and killed by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, who shot DECEDENT multiple times causing his death.

58. DEFENDANTS violated the PLAINTIFF'S rights under the Fourth Amendment when DECEDENT was shot and killed; and violated the PLAINTIFF'S rights under the Fourteenth Amendment to substantive and procedural due process because DEFENDANTS caused an unwarranted state interference in the PLAINTIFF'S familial relationship with DECEDENT.

59. Despite the foregoing facts, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 shot at DECEDENT multiple times, and DECEDENT was struck and was killed by DEFENDANTS. All DEFENDANTS participated in the use of force against DECEDENT by either directly using deadly force against DECEDENT, or ordering another DEFENDANT to use deadly force against DECEDENT. DEFENDANTS failed to order any other DEFENDANT not to use deadly force against the DECEDENT, failed to intervene to stop the use of deadly force against DECEDENT.

60. Plaintiff 1, had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive his of life, liberty, or property in such a manner as to shock the conscience, including but not limited to unwarranted state interference in Plaintiff 1's familial relationship with his son, DECEDENT.

61. The aforementioned acts and omissions of DEFENDANTS shock the conscience, in that the DEFENDANTS acted with deliberate indifference to the constitutional rights of DECEDENT and PLAINTIFF, and with purpose to harm unrelated to any legitimate law enforcement objective.

62. DEFENDANTS also thus violated the substantive and procedural due process right of DECEDENT to be free from state actions that deprive life, liberty, or property in such a manner as to shock the conscience, including actions that constitute violations of Constitutional rights.

63. As a direct and proximate cause of the acts of DEFENDANTS, PLAINTIFF has suffered emotional distress. PLAINTIFF has also been deprived of the life-long love, companionship, comfort, support, guidance society, care, and moral support of DECEDENT, and will continue to be so deprived for the remainder of his natural life.

64. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 was willful, wanton, malicious, and done with deliberate indifference for the rights and safety of DECEDENT and PLAINTIFF and therefore warrants the imposition of

exemplary and punitive damages as to DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5.

65. PLAINTIFF Plaintiff 1 seeks wrongful death damages under this claim in his individual capacity, and as successor-in-interest, for the violations of civil rights, including the interference with his familial relationship with DECEDENT. PLAINTIFF also seeks attorney's fees pursuant to 42 U.S.C. § 1988(b).

FOURTH CLAIM FOR RELIEF

Substantive and Procedural Due Process, Deliberate Indifference to Serious Medical Needs (42 U.S.C. § 1983)

By Plaintiff Plaintiff 1 Against DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOE DEFENDANTS 1-10

66. PLAINTIFF incorporates by reference each and every allegation in paragraphs 1 through 65 as if fully set forth herein.

67. PLAINTIFF had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of life, liberty, or property in such a manner as to shock the conscience.

68. The actions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, including the unjustified shooting of DECEDENT, along with other conduct of constitutional violations, shock the conscience, in that they acted with deliberate indifference to the constitutional rights of the DECEDENT and PLAINTIFF, and with purpose to harm unrelated to any legitimate law enforcement objective.

69. On December 18, 2021, DECEDENT was shot and killed by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, who shot DECEDENT multiple times causing his death. At all times herein mentioned DECEDENT was denied reasonable medical care for his immediate mental and medical needs, by the acts and omissions of DEFENDANTS.

70. DEFENDANTS violated the PLAINTIFF'S rights under the Fourth Amendment when DECEDENT was shot and killed; and violated the PLAINTIFF'S rights under the Fourteenth Amendment to substantive and procedural due process because DEFENDANTS put DECEDENT in a position of danger by their actions, including by failing to provide medical care to DECEDENT despite DECEDENT's objectively serious mental health crisis. DEFENDANTS manifested deliberate indifference to DECEDENT'S mental health condition; and to the constitutional rights of PLAINTIFF; and by acts and omissions of DEFENDANTS who failed to provide proper care for a mentally ill man going through a crisis.

71. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 knew that DECEDENT was suffering from a mental health crisis, and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 increased the danger by failing to provide mental health professionals for DECEDENT despite the fact that Plaintiff 2 [redacted] had informed ***all*** DEFENDANTS about DECEDENT's suicidal ideation; and failed to respond to Plaintiffs' requests for medical assistance for DECEDENT, who was having a severe mental crises, and was mentally ill. DEFENDANTS knew that failure to provide timely medical treatment for DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, and also refused to permit medical care givers to access and care for DECEDENT at the scene prior to and after the incident.

72. Despite the foregoing facts, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 shot at DECEDENT multiple times, and DECEDENT was struck and was killed by DEFENDANTS. All DEFENDANTS participated in the use of force against DECEDENT by either directly using deadly force against DECEDENT, or ordering another DEFENDANT to use deadly force against DECEDENT. DEFENDANTS failed to order any other DEFENDANT not to use deadly force against the DECEDENT,

failed to intervene to stop the use of deadly force against DECEDENT, and failed to provide medical treatment.

73. DECEDENT had a cognizable interest under the Substantive Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of life, liberty, or property in such a manner as to shock the conscience, including actions that constitute deliberate indifference to serious medical needs, health, and safety, and from state actions that constitute violations of PLAINTIFF'S and DECEDENT'S constitutional right to prompt and adequate medical care. DEFENDANTS violated DECEDENT's constitutional right to prompt and adequate medical care by denying DECEDENT access to medical care and mental health professionals. DEFENDANTS put DECEDENT in a position of danger by their actions, including by impeding access to medical care. DEFENDANTS knew that DECEDENT was suffering from suicidal ideation and increased the danger by failing to respond properly and by escalating the situation in the language and manner in which they spoke to DECEDENT.

74. Plaintiff 1, had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive his of life, liberty, or property in such a manner as to shock the conscience.

75. DEFENDANTS also thus violated the substantive and procedural due process right of DECEDENT to be free from state actions that deprive life, liberty, or property in such a manner as to shock the conscience, including actions that constitute deliberate indifference to serious medical needs, health, and safety, and actions that constitute violations of Constitutional rights to prompt and adequate medical care.

76. As a direct and proximate cause of the acts of DEFENDANTS, PLAINTIFF has suffered emotional distress. PLAINTIFF has also been deprived of the life-long love, companionship, comfort, support, guidance society, care, and moral support of DECEDENT, and will continue to be so deprived for the remainder of his natural life.

77. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 was willful, wanton, malicious, and done with deliberate indifference for the rights and safety of DECEDENT and PLAINTIFF and therefore warrants the imposition of exemplary and punitive damages as to DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5.

78. PLAINTIFF Plaintiff 1 seeks wrongful death damages under this claim in his individual capacity, and as successor-in-interest, for the violations of civil rights. PLAINTIFF also seeks attorney's fees pursuant to 42 U.S.C. § 1988(b).

FIFTH CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

Against Defendant CITY and DOES 6-10

79. PLAINTIFF incorporates by reference each and every allegation in paragraphs 1 through 78 as if fully set forth herein.

80. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 acted under color of law.

81. The acts and omissions DEFENDANTS deprived DECEDENT and PLAINTIFF of their constitutional rights under the United States Constitution.

82. Upon information and belief, DEFENDANT DOES 6-10 are final policymakers and/or supervisory officers, acting under color of law, and who had final policymaking authority concerning the acts of JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-10, and have ***ratified***, and have specifically ***approved***, the acts and omissions of JOSE ZAVALA, JULIO QUINTANILLA and DOE 1-5, and the basis for the acts and omissions. Defendant CITY of LOS ANGELES, and DEFENDANT DOES 6-10, final policymakers, have ***ratified***, and have specifically ***approved***, the acts and omissions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5.

83. Defendant CITY and DOES 6-10, final policymakers and supervisory officers, have determined that the acts and omissions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 were "within policy" of the LOS ANGELES POLICE DEPARTMENT Policy Manual.

84. Because DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, were not disciplined, reprimanded, retrained, suspended, have not suffered any administrative consequences, have not suffered any adverse employment consequences, or otherwise penalized in any way in connection with DECEDENT's death, the Defendant CITY of LOS ANGELES, and DOES 6-10, final policymakers, have ***ratified***, and have specifically ***approved***, of the acts and omissions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5.

85. Defendant CITY of LOS ANGELES, and DEFENDANT DOES 6-10 manifested deliberate indifference with regard to the excessive use of deadly force, and the denial of medical care for DECEDENT, and deliberate indifference to DECEDENT's serious medical needs. PLAINTIFF has suffered the loss of the love, companionship, affection, comfort, care, society, training, guidance, and moral support of DECEDENT.

86. Defendants CITY of LOS ANGELES and DOES 6-10, are each liable to PLAINTIFF for compensatory damages under 42 U.S.C. § 1983.

87. PLAINTIFF seeks wrongful death damages for the violation of PLAINTIFF and DECEDENT's rights under this claim. PLAINTIFF also seeks attorney's fees under this claim pursuant to 42 U.S.C. § 1988(b).

SIXTH CLAIM FOR RELIEF

Municipal Liability – Failure to Train (42 U.S.C. § 1983)

Plaintiff Plaintiff 1 **Against the CITY**

88. PLAINTIFF incorporates by reference each and every allegation in paragraphs 1 through 87 as if fully set forth herein.

89. At all times herein mentioned, Defendants JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 acted under color of law and the acts and omissions of Defendants JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 deprived DECEDENT and PLAINTIFF of their Constitutional rights under the United States Constitution. The training policies of Defendant CITY and Defendant DOES 6-10 were not adequate to properly train Police Department Officers to handle the usual and recurring situations in their interactions with residents, including responding to calls involving mentally ill people, responding to calls and interacting with people who display symptoms of mental illness. The training policies of Defendant CITY were not adequate to properly train Police Department Officers with regard to the use of deadly force, the permissible use of deadly weapons, and protecting the rights of persons to medical care during in the course of detaining individuals.

90. The unjustified and excessive use of deadly force against DECEDENT by JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 was a result of the negligent training by Defendant CITY who failed to train Police Department Officers, such as DOES-10 as to ***proper police tactics***, proper use of force, proper use of deadly force, and proper police tactics in the use of force with respect to mentally ill individuals. Defendant CITY were responsible for the training of Police Department Officers to ensure that the actions, procedures, and practices of JOSE ZAVALA, JULIO QUINTANILLA AND DOES 1-5 complied with Peace Officer Standards and Training (POST) training standards regarding proper police tactics, proper use of force, and proper use of deadly force.

91. Defendant CITY negligently failed to train CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, to comply with POST training standards regarding proper police tactics, proper use of force, proper use of deadly force, and proper police tactics when dealing with mentally ill individuals. POST was established by the California Legislature in 1959 to set minimum training standards for California Los Angeles Police Officers. The training policies of Defendant CITY were not

adequate to train its Los Angeles Police Officers to handle the usual and recurring situations with residents and pretrial detainees that JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5 have contact with.

92. The training policies of Defendant CITY were deficient in the following:

(a) Defendant CITY failed to properly train Los Angeles CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, to ***de-escalate*** interactions with residents or mentally ill individuals, so that Los Angeles Police Officers do not ***escalate*** their interactions with residents, or with mentally ill individuals, and do not overreact and resort to use of deadly force when the use of force was not necessary. Instead, JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 escalated their interactions with DECEDENT who was mentally ill and had suicidal ideation.

(b) Defendant CITY failed to properly train Los Angeles CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, to not permit fear to reach the point of becoming ***unreasonable fear***, and not objectively reasonable, which would result in the use of deadly force by DOES 1-5 and would cause the death of residents, or mentally ill persons such as DECEDENT.

(c) Defendant CITY failed to properly train Los Angeles CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, to properly and ***adequately assess*** the need to use force against persons such as DECEDENT, who have a mental illness.

(d) Defendant CITY failed to properly train CITY Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, in proper police tactics, such as ***situational awareness***, so that Los Angeles Police Officers, such as DOES 1-5, do not utilize negligent tactics, which is what JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 did in this case. Because of this lack of proper training by Defendant JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5 did not use proper police tactics in the handling of their contact and interaction with DECEDENT. JOSE ZAVALA, JULIO

QUINTANILLA and DOES 1-10 used ***defective*** police tactics, including the lack of a ***situational awareness*** by JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5. These training failures by Defendant CITY, and ***defective*** tactics by JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5, resulted in the death of DECEDENT.

(e) Defendant CITY failed to properly train CITY of LOS ANGELES Los Angeles Police Officers, such as JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, the importance of ***effective communication*** between officers prior to using any type of force.

(f) Because of the lack of proper training by CITY of Officers JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, did not use effective communication prior to and during the use of force against DECEDENT. This ***ineffective*** communication of information by JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, prior to and during the incident, resulted in the death of DECEDENT, causing constitutional injuries to DECEDENT and PLAINTIFF.

93. The failure of Defendant CITY to provide proper training to its Police Officers caused the deprivation of PLAINTIFF'S rights by Defendants JOSE ZAVALA, JULIO QUINTANILLA and DOES 1-5. Defendant CITY's failure to train is so closely related to the deprivation of the PLAINTIFF'S rights as to be the moving force that caused the ultimate injuries to PLAINTIFF.

94. The training policies of the CITY were not adequate to train its deputy Sheriff's to handle the usual and recurring situations with which they must deal with, including mentally ill persons, such as DECEDENT herein. Defendant CITY was deliberately indifferent to the obvious consequences of its failure to properly train its

Police officers.

95. The failure of the CITY to provide adequate training to its officers caused the deprivation of PLAINTIFF'S rights by JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5; the CITY'S failure to train is so closely related to the deprivation of

DECEDENT and PLAINTIFF'S rights as to be the moving force that caused the ultimate constitutional injuries to PLAINTIFF.

96. The Defendant CITY failed to train JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5 properly and adequately. Moreover, the CITY failed to properly train its CRSS's, MEU's, SMART and Police Department Officers with respect to the use of excessive force, communication, and improper seizure, and also with respect to handling situations with the mentally ill

97. By reason of the aforementioned acts and omissions of all the Defendants, and Defendant CITY, PLAINTIFF has suffered loss of the love, companionship, affection, comfort, care, society, training, guidance, and moral support of DECEDENT. The aforementioned acts and omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life, and death.

98. Accordingly, Defendants CITY JOSE ZAVALA, JULIO QUINTANILLA and DOES 1 through 5, each are liable to the PLAINTIFFS for compensatory damages under 42 U.S.C. § 1983. PLAINTIFF bring these claims as DECEDENT's successors-in-interest as defined in Section 377.11 of the California Code of Civil Procedure and seek survival damages for the violation of DECEDENT's rights. PLAINTIFFS also seek reasonable attorneys' fees pursuant to 28 U.S.C. § 1988, costs, and interest.

SEVENTH CLAIM FOR RELIEF

Municipal Liability – Unconstitutional Policy, Practice, or Custom

(42 U.S.C. § 1983)

By Plaintiff 1 **Against the CITY of LOS ANGELES and DOES 6-10**

99. PLAINTIFF incorporates by reference each and every allegation contained in paragraphs 1 through 98 as if fully set forth herein.

100. The acts of JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5 that deprived DECEDENT and PLAINTIFF of their constitutional rights under the Fourth and Fourteenth Amendments as set forth above and were done

pursuant to a widespread and longstanding practice or custom of Defendant CITY which condones, ratifies, and acquiesces in the excessive use of deadly force by Los Angeles Police Officers. DOE DEFENDANTS 1-5 caused the deprivation of the Plaintiff's constitutional rights, and Decedent's constitutional rights, pursuant to this longstanding practice or custom of Defendant CITY. The CITY's widespread and longstanding practice or custom is so closely related to the deprivation of the Plaintiff's rights as to be the moving force that caused the Decedent's death.

101. Pursuant to the CITY's widespread and longstanding practice or custom, which condones, ratifies, and acquiesces in the excessive use of deadly force by Los Angeles Police Officers, JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5, were not disciplined, reprimanded, retrained, or suspended, have not suffered any administrative consequences, and have not suffered any adverse employment consequences, or were otherwise penalized in any way in connection with DECEDENT's death.

102. Defendants CITY and DOES 6 through 10, together with other CITY final policymakers and supervisors, maintained, *inter alia*, the following unconstitutional customs, practices, and policies:

(a) The use of excessive force, including excessive deadly force, by CITY Los Angeles Police Officers, when there is no need for deadly force, or where there is no imminent threat to Los Angeles Police Officers.

(b) The CITY's failure to provide adequate training regarding the use of force, and the use of deadly force.

(c) The CITY's employing and retaining as Los Angeles Police Officers and individuals such as Officers JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5, whom the CITY at all times herein knew or reasonably should have known, had dangerous propensities for abusing their authority and for using excessive deadly force.

(d) The CITY's inadequately supervising, training, controlling, assigning, and disciplining CITY OF LOS ANGELES officers, including JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5, whom the CITY knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits.

(e) The CITY's maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining and controlling misconduct by CITY Officers.

(f) The CITY's failures to adequately discipline CITY Los Angeles Police Officers, including JOSE ZAVALA, JULIO QUINTANILLA and DOE DEFENDANTS 1-5, for the above-referenced categories of misconduct, including "slap on the wrist" discipline that is so slight as to be out of proportion to the magnitude of the misconduct, and other inadequate discipline that is tantamount to encouraging misconduct.

(g) The CITY's custom and practice of concluding that acts of excessive use of force are "within policy" including use of deadly force instances that were later determined in court to be unconstitutional, and/or excessive use of force.

(h) Even where a CITY officer use of force is determined in court to be unconstitutional, and/or excessive use of force, the CITY has refused to discipline, terminate, or retrain the Officers involved.

(i) The CITY's custom and practice of accommodating, or facilitating a "code of silence," pursuant to which Los Angeles Police Officers do not report other Officers' errors, misconduct, or crimes. Pursuant to this code of silence, if questioned about an incident of misconduct involving another deputy, while following the code, the deputy being questioned will claim ignorance of the other deputy's wrongdoing.

(j) The CITY's maintaining a policy of inaction and an attitude of indifference towards soaring numbers of instances of use excessive force by Los Angeles Police

Officers, including by failing to discipline, retrain, investigate, terminate, and recommend officers for criminal prosecution who use excessive force against unarmed people.

(k) The CITY's custom and practice of providing inadequate training regarding handling situations with the mentally ill persons and failing to provide adequate training in compliance with Welfare and Institutions Code § 5150 and 5158.

103. Defendants CITY and DOES 6-10, together with various other CITY officials, and final policy makers, had either actual or constructive knowledge of the unconstitutional policies, practices and customs alleged in the paragraphs above. The Defendants CITY and DOES 6-10 acted with deliberate indifference to the foreseeable effects and consequences of these customs and policies with respect to the constitutional rights of DECEDENT, Plaintiff, and other individuals similarly situated.

104. The following are only a few examples of constitutional violations committed by Los Angeles Police Department Officers working for Defendant CITY. These examples demonstrate the unconstitutional customs and practices of using excessive force against unarmed civilians, ratifying that use of deadly force, and/or finding the use of deadly force to be justified or "within policy."

a) (a) In *Contreras v. City of Los Angeles*, case number 2:11-cv-01480-SVW (SHx)), the CITY argued that the use deadly force against Mr. Contreras by LAPD officers was reasonable; a unanimous jury disagreed, awarding Mr. Contreras $5,700,000 after finding that the involved officers used excessive and unreasonable force when they shot an unarmed Mr. Contreras. Police reports confirmed that Mr. Contreras was unarmed. In that case, the involved officers were not disciplined or retrained for their use of deadly force, and the CITY found that the shooting was justified and did not violate any CITY policy.

b) In *P.C., et al. v. City of Los Angeles*, case number CV 07-3413 PLA, the CITY argued that the involved LAPD officers' use of force was reasonable; a unanimous jury disagreed, awarding the plaintiffs a total of $3,215,000 after finding that the involved officers' use of force was excessive and unreasonable. In that case, the involved officers were not disciplined or retrained for their use of deadly force, and the CITY found that the shooting was justified and did not violate any CITY policy.

c) In *Cano, et al. v. City of Los Angeles*, case number 2:15-cv-00333-JAK-E, currently pending in the United States District Court for the Central District of California, the family of an unarmed man (David Martinez) who was shot and killed by LAPD Rampart officers alleges that the force used by the officers was excessive and unreasonable. Police reports confirm that Mr. Martinez was unarmed at the time of the shooting. In that case, the involved officers were not disciplined or retrained for their use of deadly force, and the CITY found that the shooting was justified and did not violate any CITY policy.

105. The aforementioned cases establish a ***pattern*** of excessive use of force by Los Angeles Police Department Officers, and the unconstitutional custom, and practice of the CITY in ***ratifying*** the excessive use of force by Los Angeles Police Department Officers, as evidenced by the number of prior cases involving the use of deadly force by Los Angeles Police Department Officers working for the Police Department.

106. The CITY's longstanding practice or custom caused the deprivation of DECEDENT and PLAINTIFF's rights by DEFENDANTS; that is, the CITY's official policy condoning excessive force against mentally ill people is so closely related to the deprivation of the DECEDENT's and PLAINTIFF'S rights in this case as to be the moving force that caused DECEDENT's death.

107. The CITY, and DOE DEFENDANTS 6-10, together with various other CITY officials with final policy making authority, had either actual or constructive knowledge of the unconstitutional policies, practices and customs alleged in the paragraphs above.

108. The CITY, and DOE DEFENDANTS 6-10, also acted with deliberate indifference to the foreseeable effects and consequences of these policies with respect to the constitutional rights of DECEDENT, PLAINTIFF, and other individuals similarly situated.

109. By perpetrating, sanctioning, and ratifying the unconstitutional violations and other wrongful acts, The CITY, and DOE DEFENDANTS 6-10 acted with deliberate indifference for the life of DECEDENT, and for DECEDENT's and PLAINTIFF'S constitutional rights. Furthermore, the policies, practices, and customs implemented, maintained, by all of the DEFENDANTS were affirmatively linked to and were the driving force for the constitutional injuries of DECEDENT and the PLAINTIFF.

110. By reason of the aforementioned acts and omissions, the Plaintiff has suffered the loss of the love, companionship, affection, comfort, care, society, training, guidance, and moral support of DECEDENT. The aforementioned acts and omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life, and death.

111. Accordingly, each DEFENDANT is liable to PLAINTIFF for compensatory damages under 42 U.S.C. § 1983.

112. PLAINTIFF bring his claim individually and as successors in interest to DECEDENT, and seek wrongful death damages under this claim. PLAINTIFF also seek attorney's fees under this claim pursuant to 42 U.S.C. § 1988(b).

EIGHTH CLAIM FOR RELIEF

Negligence – Wrongful Death

By Plaintiff 1 Against ALL DEFENDANTS

113. PLAINTIFF repeats and re-alleges each and every allegation in paragraphs 1 through 112 of this complaint with the same force and effect as if fully set forth herein.

114. Los Angeles Police Department Officers, including DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, have a duty to use reasonable care to prevent harm or injury to others. This duty includes using appropriate tactics, giving appropriate commands, giving warnings, not using unnecessary force, using less than lethal options, and only using deadly force as a last resort.

115. DEFENDANTS breached this duty of care. The actions and inactions of Defendant DOES 1 through 5 were negligent and reckless.

116. DEFENDANTS CITY and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10 knew that by acting as sworn officers under color of law, they were charged with ensuring the safety and well-being of Decedent. Defendants CITY and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10 had the duty to protect and ensure the safety of residents, such as Decedent, including but not limited to:

(a) the failure to properly and adequately assess the need to detain, arrest, restrain, and use force or deadly force against DECEDENT;

(b) the negligent tactics and handling of the situation with DECEDENT, including negligence occurring immediately prior to the use of force, and negligent tactics in handling a situation with a mentally ill person;

(c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;

(d) the failure to provide prompt medical care to DECEDENT;

(e) the failure to properly train and supervise employees, both professional and non-professional, including DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10;

(f) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the

rights of DECEDENT, including DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10;

(g) the negligent handling of evidence and witnesses; and

(h) the negligent communication of information during the incident.

117. As a direct and proximate result of DEFENDANTS' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT was caused to suffer severe pain and suffering and ultimately died.

118. Also as a direct and proximate result of DEFENDANTS' conduct as alleged above, PLAINTIFF suffered emotional distress and mental anguish. PLAINTIFFS also has been deprived of the life-long love, companionship, comfort, support, society, care and moral support of DECEDENT, and will continue to be so deprived for the remainder of his natural life.

119. The CITY of LOS ANGELES is vicariously liable for the wrongful acts of all the DEFENDANTS pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

120. PLAINTIFF bring this claim both individually and as successor in interest of DECEDENT, and seek wrongful death damages.

NINTH CLAIM FOR RELIEF

Battery – Wrongful Death

By Plaintiff 1 Against ALL DEFENDANTS

121. PLAINTIFF repeats and re-alleges each and every allegation in paragraphs 1 through 120 of this complaint with the same force and effect as if fully set forth herein.

122. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, while working for the LOS ANGELES POLICE DEPARTMENT, and acting within the course and scope of their employment and duties as Los Angeles Police Department Officers, intentionally shot DECEDENT, thereby using unreasonable and excessive force

against him. As a result of the actions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 DECEDENT suffered severe pain and suffering and ultimately died from his injuries. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 had no legal justification for using force against DECEDENT, and their use of force while carrying out their duties as Los Angeles Police Department Officers was an unreasonable and non-privileged use of force.

123. Each of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 integrally participated or failed to intervene in the use of force.

124. As a result of the Officers' excessive use of force, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-10 are liable for DECEDENT's injuries, either because they were integral participants in the wrongful excessive use of force, or because they failed to intervene to prevent these violations.

125. The CITY of LOS ANGELES is vicariously liable for the wrongful acts of all the DEFENDANTS pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

126. As a direct and proximate result of the acts and omissions of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 as alleged above, DECEDENT died and PLAINTIFF has suffered the loss of the love, companionship, affection, comfort, care, society, training, guidance, and moral support of DECEDENT.

127. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of PLAINTIFF and DECEDENT, entitling PLAINTIFF, individually and as successor-in-interest to DECEDENT, to an award of damages as to all DEFENDANTS.

128. PLAINTIFF brings his claim individually and as a successor in interest to DECEDENT, and each also seeks wrongful death damages under this claim.

TENTH CLAIM FOR RELIEF

Negligent Infliction of Emotional Distress

By ALL PLAINTIFFFS Against DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, AND DOES 1-10

129. PLAINTIFFS repeat and re-allege each and every allegation in paragraphs 1 through 128 of this complaint with the same force and effect as if fully set forth herein.

130. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 negligently caused physical injury and death to DECEDENT when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 discharged their firearms at DECEDENT, striking him with multiple bullets and killing DECEDENT. The use of deadly force by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 was excessive and unreasonable, and DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 were negligent in discharging their firearms at DECEDENT, including pre-shooting negligent conduct, actions, omissions, including negligent police tactics.

131. [redacted] was present at the scene, which is her residence, and contemporaneously heard, when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 fatally discharged their firearms at DECEDENT and [redacted] was aware that DECEDENT, his son, was being killed.

132. [redacted] was present at the scene, which is her residence, and contemporaneously witnessed, when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 fatally discharged their firearms at DECEDENT and [redacted] was aware that DECEDENT, her brother, was being killed.

133. [redacted] was present at the scene, which is his residence, and contemporaneously heard when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 fatally discharged their firearms at DECEDENT and [redacted] was aware that DECEDENT, his brother, was being killed.

134. Plaintiff 4 was present at the scene, which is her residence, and contemporaneously heard, when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 fatally discharged their firearms at DECEDENT and Plaintiff 4 was aware that DECEDENT, her brother, was being killed.

135. As a result of being present at the scene and perceiving their brother and son, DECEDENT, being fatally shot by DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1 to 5, Plaintiff 1, Plaintiff 2, Plaintiff 3, AND Plaintiff 4 suffered serious emotional distress, including but not limited to, suffering anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

136. On information and belief, any ordinary reasonable person would be unable to cope with seeing their brother fatally shot multiple times by police officers, especially at their own residence.

137. The CITY is vicariously liable for the wrongful acts of all the DEFENDANT OFFICERS, inclusive, pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

138. PLAINTIFFS bring this claim individually and seek damages under this claim as individuals.

ELEVENTH CLAIM FOR RELIEF

Violation of Cal. Civil Code § 52.1 (the Bane Act)

By Plaintiff 1 Against All DEFENDANTS

139. PLAINTIFF repeats and re-alleges each and every allegation in paragraphs 1 through 138 of this complaint with the same force and effect as if fully set forth herein.

140. California Civil Code, Section 52.1 (the Bane Act), prohibits any person from using violent acts or threatening to commit violent acts in retaliation against another person for exercising that person's constitutional rights.

141. California Civil Code, Section 52.1 (the Bane Act), applies to this complaint with the same force and effect as fully set forth herein:

> (a) If a person or person, whether or not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals or rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state...a civil action for injunctive and other appropriate equitable relief may be brought.

142. Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of this state, has been interfered with, as described in subdivision (a), may institute and prosecute in his name and on his own behalf a civil action for damages, including but not limited to, damages under Section 52, injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the rights secured, including appropriate equitable and declaratory relief to eliminate a pattern or practice of conduct as described in subdivision (a).

143. The California Civil Code, Section 52.1(b) authorizes a private right of action for damages to any person whose constitutional rights are violated. Also, "a successful claim for excessive force under the Fourth Amendment provides the basis for a successful claim under § 52.1." *Chaudhry v. City of Long Beach.*, 751 F.3d 1096, 1105-06 (9th Cir. 2014); citing *Cameron v. Craig*, 713 F.3d 1012, 1022 (9th Cir. 2013) ("[T]he elements of the excessive force claim under § 52.1 are the same as under § 1983."); *Bender v. CITY of L.A.*, 217 Cal.App. 4th 968, 976 (2013) ("an unlawful [seizure]…when accompanied by unnecessary, deliberate and excessive force…is within the protection of the Bane Act").

144. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 violated DECEDENT's constitutional rights by using excessive force, whose acts of unreasonable

force were done intentionally, and with a reckless disregard for his constitutional rights and for his life. *Reese v. Cnty. of Sacramento*, 888 F.3d 1030, 1044-1045 (9th Cir. 2018)

145. Also as alleged above, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 unjustly shot DECEDENT at a time when DECEDENT posed no threat of death or serious bodily injury to any person. On information and belief, DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, while working for the CITY and acting within the course and scope of their duties, intentionally committed and attempted to commit acts of violence against DECEDENT, including by shooting him without justification or excuse, by integrally participating and failing to intervene in the above violence, and by denying necessary medical care.

146. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 violated PLAINTIFFS' rights under the Fourteenth Amendment to substantive and procedural due process when they put DECEDENT in a position of danger by their actions, including by impeding access to medical care. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 knew that DECEDENT was suffering a paranoid ideation, and was mentally ill. DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 increased the danger by failing to respond to the requests of PLAINTIFFS for medical assistance for DECEDENT, who was suffering from a mental illness when DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 killed DECEDENT.

147. When DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 unnecessarily shot the DECEDENT with multiple bullets, this caused the DECEDENT to suffer the ill effects of being shot. This act perpetrated against an unarmed and a mentally ill individual by the DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 interfered with DECEDENTS' civil rights to be free from unreasonable searches and seizures, to due process, to equal protection of the laws,

to medical care, to be free from state actions that shock the conscience, and to life, liberty, and property.

148. On information and belief, DEFENDANTS intentionally and spitefully committed the above acts to discourage DECEDENT from exercising his civil rights, to retaliate against him for invoking such rights, or to prevent him from exercising such rights, which he was fully entitled to enjoy.

149. On information and belief, DECEDENT reasonably believed and understood that the violent acts committed by DEFENDANTS were intended to discourage him from exercising the above civil rights, to retaliate against him for invoking such rights, or to prevent him from exercising such rights because of DECEDENT's Latino ancestry.

150. The conduct of DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5 was a substantial factor in causing the harm, losses, injuries, and damages of DECEDENT and PLAINTIFFS.

151. The CITY of LOS ANGELES is vicariously liable for the wrongful acts of all the DEFENDANTS, including DEFENDANTS JOSE ZAVALA, JULIO QUINTANILLA, and DOES 1-5, pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's acts would subject him or her to liability.

152. DEFENDANTS successfully interfered with the above civil rights of DECEDENT and PLAINTIFF.

153. The conduct of DEFENDANTS was a substantial factor in causing PLAINTIFF'S harms, losses, injuries, and damages.

154. The CITY is vicariously liable, under California law and the doctrine of respondeat superior, for the acts and omissions of DEFENDANTS and DOES 1-10.

155. The conduct of DEFENDANTS was a substantial factor in causing the harm, losses, injuries, and damages of PLAINTIFF. PLAINTIFF seekS wrongful death damages

under this claim in his individual capacity and as a successor-in-interest to DECEDENT. PLAINTIFF also seek costs and attorney fees under this claim pursuant to Civ. Code, § 52.1(h).

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS request entry of judgment in their favor and against All DEFENDANTS, inclusive, as follows:

A. For compensatory damages, for the wrongful shooting of DECEDENT, damages for Plaintiffs under federal and state law, in the amount to be proven at trial;

B. For interest;

C. For other general damages in an amount according the proof at trial;

D. For other non-economic damages in an amount according the proof at trial;

E. For other special damages in an amount according to proof at trial;

F. For reasonable costs of this suit;

G. Attorney's fees pursuant to 42 U.S.C. § 1988;

H. Attorney's fees and costs pursuant to California Civil Code, Section 52.1(h). (The Bane Act).

I. For such further other relief as the Court may deem just, proper, and appropriate.

Dated: October 17, 2022

CARRILLO LAW FIRM, LLP
LAW OFFICES OF DALE K. GALIPO

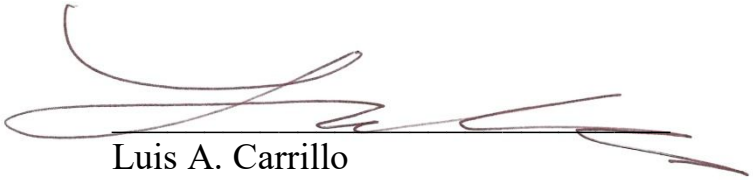
Luis A. Carrillo
Michael S. Carrillo
Attorneys for PLAINTIFFS

DEMAND FOR JURY TRIAL

The PLAINTIFFS named herein hereby demand a trial by jury.

Dated: October 17, 2022

CARRILLO LAW FIRM, LLP
LAW OFFICES OF DALE K. GALIPO



Luis A. Carrillo
Michael S. Carrillo
Attorneys for PLAINTIFFS

LOS ANGELES POLICE DEPARTMENT
Force Investigation Division

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

TRANSCRIPTION OF TAPE-RECORDED INTERVIEW OF

POLICE OFFICER JULIO QUINTANILLA

Transcribed by:
Kelly Sully
CSR No. 13501

Job Number:
TP97024

LOS ANGELES POLICE DEPARTMENT

Tape No. Quintanilla

DETECTIVE BROWN: Today is Sunday, December 19th, 2021. The time is now 0300 hours. I'm Detective Tom Brown, B-r-o-w-n, serial number 34045. I'm assigned to Force Investigation Division. I'm here at Newton Station to interview Police Officer II Julio Quintanilla.

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

POLICE OFFICER QUINTANILLA: Officer Julio Quintanilla. First name J-u-l-i-o. Last name Q-u-i-n-t-a-n-i-l-l-a. And serial number is 42454.

DETECTIVE BROWN: And this is regarding an officer involved shooting incident that occurred in the area of [redacted] Home Address on 12/18/21 at approximately 1710 hours. This interview is being digitally recorded.

Also present are --

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

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

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

DETECTIVE BROWN: And, Officer Quintanilla, has everybody in the room been identified for the tape?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE BROWN: And before we begin the interview, will you provide a voluntary statement?

POLICE OFFICER QUINTANILLA: No.

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

Do you understand?

POLICE OFFICER QUINTANILLA: Yes.

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

Do you have any questions?

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

DETECTIVE BROWN: Yes.

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

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

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

DETECTIVE BROWN: Okay. So noted. Now at this time I'll order you to provide a statement and answer questions in the matter. We did review your body-worn video before the beginning of this interview?

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE BROWN: Okay. And we did not review your digital in-car. Did you watch any department video, body-worn, digital in-car without FID present?

POLICE OFFICER QUINTANILLA: No.

DETECTIVE BROWN: Okay. Have you seen any news broadcasts, social media, any other type of broadcast about this incident?

POLICE OFFICER QUINTANILLA: No.

DETECTIVE BROWN: What was your start of watch yesterday?

POLICE OFFICER QUINTANILLA: 1400.

DETECTIVE BROWN: 1400?

POLICE OFFICER QUINTANILLA: That's when I started, yeah.

DETECTIVE BROWN: And approximately what time did you wake up yesterday?

POLICE OFFICER QUINTANILLA: 7:30.

DETECTIVE BROWN: 7:30 a.m.?

POLICE OFFICER QUINTANILLA: A.m.

DETECTIVE BROWN: And approximately how many hours sleep did you get?

POLICE OFFICER QUINTANILLA: Six.

DETECTIVE BROWN: Six? Okay. Is there any issues with sleep deprivation? Can you do the interview right now?

POLICE OFFICER QUINTANILLA: Yes, sir.

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

POLICE OFFICER QUINTANILLA: Going on six years in February.

DETECTIVE BROWN: And how long have you been assigned to Newton?

POLICE OFFICER QUINTANILLA: I've been here about four and a half years.

DETECTIVE BROWN: And your current assignment?

POLICE OFFICER QUINTANILLA: I work for the Gang Enforcement Detail.

DETECTIVE BROWN: And how long have you been assigned to the Gang Enforcement Detail?

POLICE OFFICER QUINTANILLA: Two years.

DETECTIVE BROWN: Two years? And your partner on this particular date was?

POLICE OFFICER QUINTANILLA: Officer Zavala.

DETECTIVE BROWN: Zavala. And how long -- or how often have you been partnered with Officer Zavala?

POLICE OFFICER QUINTANILLA: On and off two years. Since I've been up here on and off.

DETECTIVE BROWN: Okay. And who's your supervisor in that unit?

POLICE OFFICER QUINTANILLA: [redacted].

DETECTIVE BROWN: Okay. Did you discuss tactics with your partner or do you regularly discuss tactics?

POLICE OFFICER QUINTANILLA: Yes, sir. We discuss tactics every day. We do it as a unit in roll call and we do it once we get in the vehicle. We start talking about tactics, contact, cover, and we go over scenarios every day.

DETECTIVE BROWN: Okay. And do you guys, as partners, do you set up your tactical roles for the day?

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE BROWN: And did you have particular roles set for today?

POLICE OFFICER QUINTANILLA: He was going to be contact, the driver. I was going to be cover.

DETECTIVE BROWN: Okay. What I'd like to do at this time is just open it up to -- in a narrative form have you tell us what brought you there, what you heard and saw with as much detail as possible, what activities you engaged in, your use of force, and then we'll go back and ask some clarification questions, if need be.

POLICE OFFICER QUINTANILLA: Yes, sir. So today at start of watch right off the bat, the sergeant had

told us that watch five had banged in. So we were short already with bodies for the -- for our division and that they needed help with picking up radio calls, because the division was full of them already.

So, you know, we said good to go. We're going to go ahead and handle that in the box today. I talked to my partner about it. We went to log in and sure enough we already had a call in our stack ready to go. So my partner and I fuelled up -- fuelled up, packed our stuff in the car and we headed out to our first code two call.

After that we went to another code two call that we had. We handled that as well, no issues. I believe it was the third call that it was going to be somewhere around Broadway and 58 that we're heading when we heard this radio call come out, which was -- I believe it came out as a suicide suspect or suicide investigation, I think.

So at the time we're heading still southbound towards our radio call and at which time we hear Sergeant on the radio responding to the -- to the location. Obviously knowing that he's the only sergeant that was going to be taking care of the division for a while until the other watch came down, we decided we're going to go ahead and back him.

So we got on the radio. I let the RTO know that we're going to go and respond and back that unit up. When we're driving to that location, my partner and I are going over tactics. We're going just -- we'll go over there. And when we're driving out there, the RTO puts out that the same suspect is now running. He was chasing civilians with a butcher knife in an attempt to harm them.

So that -- at that point my partner and I started discussing tactics. Okay, you know, you're contact, cover. We're going to get there and we'll see what we have. So we arrive at scene. Right when we were arriving, we see [redacted]. He's by himself. I believe he's making contact with the suspect.

The suspect was already -- the suspect was sitting down in the stairway and we go -- we go code six there to the location. My partner right away, he requests an RA due to the suspect having a butcher knife in his hand and not knowing, you know, what was going to happen next at the time.

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.

At that 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.

So at that time we began to -- we began to communicate with him. We began to -- we had a little plan. We start -- [redacted] started yelling out, you know, "Hey, I got less lethal here. You go over there." He assigned me as cover or lethal -- lethal officer. So right away I was like roger that.

And at that time we continued to -- we began to use our other resources, which was we requested an airship, a backup. My partner put out the backup and my partner actually put out the RA request at the time as well when we got there.

The whole time I was still on the suspect just making sure that he doesn't come towards us or goes and tries to harm anyone. I began talking to the suspect. Well, first [redacted] starts talking to him in English, giving him commands to put the knife

down, to cooperate, to comply.

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.

So while that's going on, we're all trying to communicate. We're all giving him commands, trying to make him kind of just -- you know, trying to make this -- just de-escalating the situation. That's what we really wanted.

So after that happens, we see that the -- there's civilians walking. There's civilians walking to my right side. I'm trying to kind of -- making sure that a civilian doesn't go that way in order for the suspect to grab them and turn into a hostage situation. So I was really scared about that. So I made sure to tell the civilian to stay that way, don't come close.

We continued talking to the suspect and giving him commands, trying to just talk to him and trying to

get him some help. And at that point it was due to not kind of responding to us, he starts getting the butcher knife and he puts it in his neck as an attempt like he was going to try to cut his neck or something.

He's doing this to his hand, like trying to cut his hand, I guess. I don't know. And he does it to his neck again. So [redacted] says we're going to go ahead and use less lethal on him and he puts out a less lethal stand by -- a 40 stand by.

And that's when -- I don't know what officer did it, but a 40 gets deployed, hits the suspect. I believe it was right in his chest. It bounces off and the suspect did not flinch at all. He just -- he just took it. It was like -- it was crazy. Just at that point I realized like, yeah, he has to be under the influence of something.

Because normally, like, people that get hit with a 40 at that short distance, like it knocks them out or they walk away or something. So to me, I was like, okay, he needs to be under the influence or something. So at that time we continued giving him commands. We're trying to make him -- just help him out.

And he gets up from the top of the stairway and he starts making his way down and I keep telling him, you know, "Hey, don't. Don't do it. You know, don't

come any closer. Like drop the knife." I keep giving him commands in Spanish and English. I tell him that we're there to help him.

And so then he continues walking forward and he -- you know, I was scared, you know, because I didn't -- I didn't want to do nothing to him. I knew he needed help somehow, you know, and I know he was probably going through something or he was under something.

So, you know, I wanted him to drop the knife. I really wanted him to drop the knife. So 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.

It was necessary for me to use it, because I felt that he was going to -- at the time I felt that he was going to either cut me with the knife, cut my partner, or there was -- there was a civilian right there just right next to him, maybe like a few feet away from him on the sidewalk. And I felt that if he would have got to the citizen, he probably -- probably would have hurt him too. So I felt that at the time that I had to do it. You know, it was necessary for me to use deadly force on him.

And when I fired the -- my firearm at him to stop him -- to stop the threat, you know, I -- I had thought I shot him twice. I know I -- no. I pulled the trigger and I pulled it again and then he went down. And that's when -- when he was on the floor, that's when, you know, I just -- you know, I --

My whole -- you know, I just felt -- I just felt like man. I just felt like -- I don't know. My whole -- there was so much going on. It was just really, really, really weird the feeling that I felt, you know, because I wanted to help this guy. You know, I wanted to help this kid.

So right when that happened, he goes down. You know, and then [redacted] tells me, "Hey, we're going to go and take him into custody." I come around the car. He tells me right away, "Hey, you're going to be -- you're going to be hands on." So I holster my firearm and we go up to him.

We take him into custody. And right away I start -- I start telling him, you know, "We're here to help you. I'm going to help you." You know, I start trying to render aid to him. I actually asked the officer that was next to me that if he had a medical kit. He said he didn't. So I asked him to go to my shop and look for a medical kit, because I wanted to

start working on him.

And then right when that happened, I looked to my left and I saw that the RA was there. So I told an officer to please get the RA to come and start working on him, because he needed some help. At the time, you know, again, I was just scared the whole time. You know, I really felt that he was going to -- he was going to hurt me.

You know, and not only that, there was civilians there. There was civilians to the right and to the left. And the way he was acting, the way -- you know, the comments of the call, everything going -- everything just going in my head. I knew that it had to be done. You know, he had to be stopped. And after that we took him into custody. RA took him. And my partner and I got separated, yeah.

DETECTIVE BROWN: Okay. So I'm going to go back and just ask some questions and fill in some details and get a little more clarity. You used a couple terms right at the beginning of the interview. I just want to -- your perception. You said the watch before "banged in." What do you mean by that?

POLICE OFFICER QUINTANILLA: Like nobody showed up to work from that watch.

DETECTIVE BROWN: Is that a common term that mean

they called in sick or didn't show up?

POLICE OFFICER QUINTANILLA: Oh, yes. Whether it be sick or family ill stuff, yes.

DETECTIVE BROWN: Okay. And then you used a term "the box" in reference to your patrol activities. What do you mean by "the box"?

POLICE OFFICER QUINTANILLA: That we're going to handle radio calls. We weren't going to just deal with gang related issues. We were going to actually help our division by picking up radio calls and -- oh, the box meaning like our division -- taking care of our division by handling radio calls.

DETECTIVE BROWN: Okay. So your assigned area is what you mean by the box?

POLICE OFFICER QUINTANILLA: Our assigned area, sir, yes.

DETECTIVE BROWN: Okay. And then you said -- you used another term "call in the stack." For the layperson who may not know what that means, could you tell me what --

POLICE OFFICER QUINTANILLA: Oh, yeah, so right when we got -- we already -- we already had a radio call pending in our -- we were assigned to our radio call before we even logged in. So once we logged in to our system and show ourself that we're ready to

work for that day, we already had a call we had to go to and help.

DETECTIVE BROWN: And that's a term that's commonly used.

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE BROWN: A stack.

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE BROWN: So as calls come in to a unit, they stack up.

POLICE OFFICER QUINTANILLA: They stack up.

DETECTIVE BROWN: That's what you -- okay.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE BROWN: Okay. So forgive me if you -- if I missed this, but your response when you heard the radio call, did you respond code two? Code three?

POLICE OFFICER QUINTANILLA: It was -- we showed ourselves responding, but we responded code two.

DETECTIVE BROWN: Okay. And why is that?

POLICE OFFICER QUINTANILLA: We were pretty close by and we wanted to get there safe -- safely, so we were already close by. We didn't feel the need to go lights and sirens.

DETECTIVE BROWN: Okay. And now you said you went code six. Do you recall if that was broadcast over the air? Did you do that on an MDC? How was

that done?

POLICE OFFICER QUINTANILLA: So we didn't go code six -- we didn't -- I didn't push the button to go at scene.

DETECTIVE BROWN: Okay.

POLICE OFFICER QUINTANILLA: Because at the same time that we were responding to this man with a knife call, a backup came out 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.

DETECTIVE BROWN: Okay. And I think you said that you put out a backup request or your partner did?

POLICE OFFICER QUINTANILLA: My partner -- my partner did a backup as well.

DETECTIVE BROWN: And do you know if he gave the location when he gave the backup?

POLICE OFFICER QUINTANILLA: Yes. I'm sure he did, yes.

DETECTIVE BROWN: Okay. And did additional units respond to that request and show up?

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE BROWN: Okay. Now, you talked about

that you requested an RA. What was your mindset? Why did you request that RA?

POLICE OFFICER QUINTANILLA: Based on our past experiences and our training, you know, when we deal with subjects or suspects or victims that are, you know, under the influence or have mental illness, we want to make sure that -- or a situation that may lead to deadly force or a use of force, we want to make sure that we have the help for them too right after for we could render aid to them. So that's why we put out the RA request.

DETECTIVE BROWN: Okay. Now, you described when you first arrived, the suspect was -- I believe you said seating on the -- sitting on the stairs. Can you just give a little more description of where on the stairs and what he was doing?

POLICE OFFICER QUINTANILLA: He was at the top of the -- at the beginning or the top of the stairway, closer to the door than the sidewalk of the building there. And he was -- he had the butcher knife on his right hand and he was, like, moving it around. He was putting it next to his neck. He was kind of like just, you know, looking at us and looking towards our direction with the knife and that's what he was doing.

DETECTIVE BROWN: And as far as a description,

can you describe him?

POLICE OFFICER QUINTANILLA: Male about 5'6", 150, male Hispanic, wearing a white shirt, blue jeans, I believe it was.

DETECTIVE BROWN: And you're describing this knife you saw. Did you see -- what hand did he have it in?

POLICE OFFICER QUINTANILLA: The knife was a butcher knife. It was really big. It was -- it was in his right hand when I saw him with it. The size of the knife was probably eight inches maybe and it was, like, a big ol' butcher knife. Like I mean -- yeah, a butcher knife.

ATTORNEY WILCOX: It's okay.

DETECTIVE BROWN: You were talking about the civilians that you were concerned about. Why were you concerned about those civilians?

POLICE OFFICER QUINTANILLA: I was concerned, sir, because the radio call already had said that he was chasing civilians with a butcher knife attempting to hurt them. That's exactly what the RTO said. So to me, he already was trying either to take a hostage or he was trying to hurt -- harm the citizens around there. So I was concerned.

That was my big concern that there was families

walking by. There was kids. There was -- you know, it's a regular day. You know, it's a Saturday, you know, and people are about their -- just about their day. So there's a taco stand right there on the corner. There's families that go there. My fear was that he was going to go and grab them and possibly kill them.

DETECTIVE BROWN: Now, as -- did you hear -- when you arrived, did you hear the suspect say anything or did he respond to any of your commands or --

POLICE OFFICER QUINTANILLA: I don't remember him saying anything.

DETECTIVE BROWN: Okay. Did he -- again, did he ever appear to respond or react to anything that officers were saying?

POLICE OFFICER QUINTANILLA: I felt like he was on something. Is what it seemed like that he was under the influence of some type of narcotic, because he was just on his own kind of like little world, I guess. I mean, he was just messing with that butcher knife the whole time we were there. The whole time we were giving him commands and he was just doing that.

DETECTIVE BROWN: Did he seem to --

POLICE OFFICER QUINTANILLA: (Unintelligible).

DETECTIVE BROWN: I'm sorry.

POLICE OFFICER QUINTANILLA: I guess he went like this, like, you know, when people pray.

ATTORNEY WILCOX: What are you doing with your hands?

DETECTIVE BROWN: Yeah, describe that.

POLICE OFFICER QUINTANILLA: He's doing like the holy spirit sign, like when they -- when they -- like the Catholic church, when they do, like, the holy spirit sign.

DETECTIVE BROWN: Like making the sign of the cross?

POLICE OFFICER QUINTANILLA: Like making a cross of the sign.

DETECTIVE BROWN: Okay.

POLICE OFFICER QUINTANILLA: Yeah, and that's the only thing he was doing besides messing with the butcher knife.

DETECTIVE BROWN: Did he seem to be aware that you were there?

POLICE OFFICER QUINTANILLA: Oh, yes. He was aware.

DETECTIVE BROWN: Okay. On body-worn video I heard you giving commands in English and Spanish. Did you give those commands separately -- simultaneously to your other officers giving commands or did you wait

and do it separately? Can you describe?

POLICE OFFICER QUINTANILLA: I think we did it separately. [redacted] started giving the commands in English with the PA and without the PA. And then we -- then my partner started giving him commands, but every time we spoke, if I remember correctly, we didn't talk over each other.

We wanted him -- we wanted to get the message across. We wanted to let him know that -- for him to understand us. So that's why we went in Spanish, because I even -- I let my partner know -- or I let [redacted], hey, Spanish speaker. Because we started hearing someone saying -- I started hearing someone say Junior, like calling him Junior.

So I believed at the time that his name was Junior, so I started calling him Junior. I started saying, "Junior," you know, in Spanish, "put the knife down." You know, giving him commands and letting him know that we're going to -- we're here to help him out. We didn't want to hurt him. We don't want to hurt him.

DETECTIVE BROWN: And what's your intent -- your overall intent in addressing him and talking to him and using his name? What are you trying to do?

POLICE OFFICER QUINTANILLA: I'm trying to make

him drop that knife. I'm trying to get him help. I'm trying to just make sure he gets home or get the help that he needs, whether it be, you know, going to get some medical attention or going to get some mental help, but that was my intention. My intention -- I wanted him to put that knife down.

DETECTIVE BROWN: Was that an effort to de-escalate the situation?

POLICE OFFICER QUINTANILLA: Yes. We needed -- we were trying our hardest to de-escalate the situation.

DETECTIVE BROWN: Now, in the sequence of time, you described how you unholstered. At what point when you -- upon arriving, at what point did you unholster your firearm?

POLICE OFFICER QUINTANILLA: Right when we go code -- right when we arrive at scene and I come -- I get out of the vehicle, that's when I unholster.

DETECTIVE BROWN: Okay. And when you get out of the vehicle, do you stay at the vehicle? Do you -- what do you do?

POLICE OFFICER QUINTANILLA: So I'm using the vehicle as cover and I'm standing behind my ballistic door and I'm trying to -- I'm trying to just use my vehicle as cover as best I can, not giving him ground.

We're already in front of him. We want to make sure that we still have visual on him, but maintaining cover as well.

DETECTIVE BROWN: Approximately how far from you to was the suspect?

POLICE OFFICER QUINTANILLA: I want to say about 15 feet.

DETECTIVE BROWN: Now, you described -- you talked about unholstering. How did you hold that gun and where was it positioned and what was your grip?

POLICE OFFICER QUINTANILLA: I hold it with my right hand. I'm a righty and I had my right hand firm grip -- two firm grips with two hands and I was pointing it to the suspect.

DETECTIVE BROWN: And are your sights aligned on target at that time or --

POLICE OFFICER QUINTANILLA: Yes. My sights are towards the direction of the suspect -- aligned to the suspect.

DETECTIVE BROWN: And how about your trigger finger? How are you positioning that?

POLICE OFFICER QUINTANILLA: My trigger finger is on the slide away from the trigger -- from the trigger.

DETECTIVE BROWN: And what is your background

while you're positioned like this and you're watching the suspect? What was --

POLICE OFFICER QUINTANILLA: 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. So there is a -- the background, there is an apartment complex there.

DETECTIVE BROWN: Is there anybody directly behind him?

POLICE OFFICER QUINTANILLA: At first actually there was. I didn't mention this earlier. When he was out there, a gentleman comes out. I don't know. He probably didn't know what was going on. He was just going about his day. He comes out of the -- of that apartment building.

And, actually, that freaked me out because the suspect could have just turned around and grabbed him and done something. So luckily we give the gentleman commands to go back inside and close the door and he does that right away. And so, yeah, that was the only person that I saw there and he goes in there and I don't see him again.

DETECTIVE BROWN: Okay. You described that there

was less lethal deployment. Approximately how long after you arrived was the less lethal deployed?

POLICE OFFICER QUINTANILLA: I want to say within -- from the arrival, within two minutes approximately. It was pretty -- maybe more. Maybe like four minutes. I mean, we -- first we tried to talk to him. We tried to talk to him a lot. We were talking to him. We took turns talking to him before even the 40 was deployed, the less lethal.

DETECTIVE BROWN: And at the time that the less lethal was deployed, did you hear anybody give a less lethal warning or --

POLICE OFFICER QUINTANILLA: Yes. Sergeant [redacted]. I remember hearing it. "40 stand by" and then I heard the pop.

DETECTIVE BROWN: Was there any type of warning given to the suspect that he'd be -- less lethal would be used on him?

POLICE OFFICER QUINTANILLA: I don't remember hearing that.

DETECTIVE BROWN: Okay. And then when the less lethal was deployed -- I know you described a little bit. Could you -- just for clarity, where it struck him or if you saw that it struck him --

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE BROWN: -- or what his reaction was?

POLICE OFFICER QUINTANILLA: So the suspect was playing with -- not playing, but he had the butcher knife and he was holding it in his right hand. And he starts putting it -- the butcher up towards his neck and he does, like, a cutting motion. So the officer -- I can't remember his name that has the 40.

He deploys it and I see the round -- clear as day, the blue round hit him right in, like, the chest area. It bounces off and the suspect does not flinch. He doesn't do anything. He just takes it. And that was it. I remember just that one time that they threw the -- they did the less lethal.

DETECTIVE BROWN: And did the suspect stay in the same position or did he move or --

POLICE OFFICER QUINTANILLA: Shortly after -- just shortly after he starts moving, but at that time first he just -- he's just staying there. He gets hit and he just stays there.

DETECTIVE BROWN: Okay. And then when you described -- you just said -- talked about him moving again after that deployment. Where does he move to or what's he -- what's he --

POLICE OFFICER QUINTANILLA: He begins to come down the stairway and he starts coming towards

officers. He starts advancing towards us. At first it's just slowly down the stairway, but then once he gets to the sidewalk, he starts coming towards our -- towards us and with the knife in his hand, not on him anymore. He's like this, like he has it, like, pointing towards our direction.

DETECTIVE BROWN: Is he saying anything at this point?

POLICE OFFICER QUINTANILLA: He's not saying anything. Well, I can't hear anything. I can't hear him say anything.

DETECTIVE BROWN: You described that less lethal deployment. Was there another one or was there any -- was that the only one that you saw?

POLICE OFFICER QUINTANILLA: That's the only one that I --

DETECTIVE BROWN: So you only saw one?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE BROWN: Okay. You just described this movement and what he was doing. Was that the point that you deployed less -- or your lethal?

POLICE OFFICER QUINTANILLA: Yes. Once he comes down the sidewalk, he faces towards my partner and I direction and he advances at us. He makes an advance motion at us and I deploy my firearm.

DETECTIVE BROWN: So why did you deploy it?

POLICE OFFICER QUINTANILLA: I deployed it because I had -- you know, it was -- I had to use -- I had to stop him. 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.

DETECTIVE BROWN: When you say a few feet away, are they on the sidewalk near the suspect?

POLICE OFFICER QUINTANILLA: Yes. They're on the sidewalk just east of the corner of [redacted] and [redacted]. Because I could still see them in my peripherals. I could still see the citizen right there.

DETECTIVE BROWN: And when you fired, what was your target or where were you targeting?

POLICE OFFICER QUINTANILLA: When I -- I was targeting him in his chest. And I fired -- I squeezed the trigger twice to stop him from coming towards us, because he was advancing at us and that's when the suspect goes down.

DETECTIVE BROWN: Okay. And when you fired, was

the background still the same as you described earlier or did it change?

POLICE OFFICER QUINTANILLA: Yes. The apartment complex was elevated. The suspect was already in the bottom in the sidewalk.

DETECTIVE BROWN: Okay. And when you fired, can you give us a little more detail on sequence of your fire? Did you -- how many times did you fire? Was there a pause or an assessment?

POLICE OFFICER QUINTANILLA: At the time I thought I fired two rounds.

DETECTIVE BROWN: Okay.

POLICE OFFICER QUINTANILLA: And when he went down, I stopped shooting. I stopped. You know, the threat was down, so I stopped and I assessed and that's when -- that's when [redacted] came and we went and did the arrest circle -- the arrest approach.

DETECTIVE BROWN: Okay. As -- before you -- or as you make this arrest team, are there specific jobs doled out by the sergeant or how was that organized?

POLICE OFFICER QUINTANILLA: Yes. As soon as we get there, [redacted] starts assigning -- taking command. He starts telling people -- I could hear him. I'm not looking at him, but I could hear him saying, "You got less lethal. You got less lethal.

Contact. DCO. DCO." 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.

DETECTIVE BROWN: I'm going to back up just a little bit because I wanted to ask this question. I forgot. When you -- at the time you fired, did you believe there was any other option that you had available to you?

POLICE OFFICER QUINTANILLA: No, sir. All the options were already -- they already had been done. We had talked to him. We tried to reason with him. I tried to do it. I mean, I tried to really put -- make him put the knife down. We used less lethal. We used a 40, which is very effective in most cases, and that didn't work. And it was just necessary for me to do it. I had to do it. If not, one of us probably would have been killed today.

DETECTIVE BROWN: And so to get back to the arrest team. Your role again, I'm sorry, was when

you --

POLICE OFFICER QUINTANILLA: Lethal. Oh, sorry. When we go back to try to get him, it was just hands on to take him into custody. The officer that was there pretty much took his handcuffs off, handcuffed him, and I just assisted by grabbing the suspect's left hand to handcuff him.

DETECTIVE BROWN: Okay.

POLICE OFFICER QUINTANILLA: And then I -- once I got there, I tried to put him in the fetal position, tried to help him out.

DETECTIVE BROWN: So you holstered before you approached?

POLICE OFFICER QUINTANILLA: Oh, yeah. Way before, sir. Right when we -- when [redacted] Sergeant tells me, "You're going to be hands on," I holstered, sir.

DETECTIVE BROWN: So it was another officer who actually cuffed and you just assisted?

POLICE OFFICER QUINTANILLA: I assisted, sir.

DETECTIVE BROWN: Do you know who cuffed?

POLICE OFFICER QUINTANILLA: I don't remember his name, sir.

DETECTIVE BROWN: Okay. Did the suspect appear to resist or fight --

POLICE OFFICER QUINTANILLA: No.

DETECTIVE BROWN: -- during the cuffing?

POLICE OFFICER QUINTANILLA: No.

DETECTIVE BROWN: Did you see the -- did yourself or did you see the other officer utilize any kind of twist locks, grip locks, or any --

POLICE OFFICER QUINTANILLA: No, sir.

DETECTIVE BROWN: After the suspect was taken into custody, did you engage with any of the citizens that were in that area?

POLICE OFFICER QUINTANILLA: No, I didn't.

DETECTIVE BROWN: Okay. Did you see any of the officers involved in any type of use of force?

POLICE OFFICER QUINTANILLA: No, sir.

DETECTIVE BROWN: Okay. And the crowd that was out there, was that -- what was the demeanor of that crowd out there?

POLICE OFFICER QUINTANILLA: At the beginning they were, like, supportive. They were -- they wanted him -- it seemed like they wanted him apprehended. They wanted him to get caught --

DETECTIVE BROWN: Okay.

POLICE OFFICER QUINTANILLA: -- or arrested or taken into custody, because they were like -- and I could hear them in the background kind of saying it in

Spanish and English. And then when we're trying to give him -- when we're giving him commands, I could even hear people saying, "Just do it. Like just do it." As in like do what we're saying, like comply with the officers' commands.

And so at the time -- at the beginning, yeah, it was -- the crowd was -- how do you say? They were supportive. And then after the -- the shooting happened, they began -- they began to be very -- extremely hostile, very 415. They started screaming, cursing. They started throwing things at officers.

DETECTIVE BROWN: After the -- after the suspect is taken into custody, are you contacted by a sergeant or separated?

POLICE OFFICER QUINTANILLA: Yes, sir. Sergeant [redacted] tells us -- because we didn't have sergeants at the time there still. He tells myself and Zavala to sit in separate vehicles. And a sergeant comes and Sergeant [redacted] assigns him to just watch us while more sergeants get there.

DETECTIVE BROWN: Okay. So eventually does a particular sergeant come and take over monitoring you and separating?

POLICE OFFICER QUINTANILLA: Yes. Sergeant [redacted] -- Sergeant Cruz.

DETECTIVE BROWN: Cruz? Okay. And did Sergeant Cruz take a public safety statement from you?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE BROWN: Before he took that statement, did he advise you to turn off your camera?

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE BROWN: And did he collect that camera from you at that time?

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE BROWN: Okay. I'm going to turn it over to you if you got anything you want to cover. I'm going to go over my notes.

DETECTIVE GRABE: Okay. So we noticed when we started watching your video that just started a little bit after you arrived at scene. Can you just explain to us why that occurred?

POLICE OFFICER QUINTANILLA: Yes, sir. I mean, the situation is so chaotic, I guess you could say, that I wanted to make sure the -- right when we pull up, I see the suspect there already with the butcher knife in his hand. I wanted to make sure to get out on time, get out and have plenty of time to actually address the suspect and just make sure, okay, now I'm good. I could back my partner up. I could back the people up. And then I went -- I activated, sir. That

was the reason.

DETECTIVE GRABE: Okay. We -- at one point during the incident you're yelling to someone about "get out of the fucking car" or something to that effect. Can you explain what's happening at that point?

POLICE OFFICER QUINTANILLA: Yes, sir. So, again, there was civilians going about their day not knowing probably what was going on with this incident. I see this gentleman that's -- that's trying to come eastbound towards -- towards where the suspect is and between -- pretty much between us -- the officers and the suspect. And obviously I didn't want that to happen. I didn't want him to get hurt.

I see an officer in his vehicle, and I tell him -- you know, because he's not getting out the car and telling him to leave. So I scream at him and I tell him, "Hey, get out the car and address this citizen and tell him to get out the way or leave the area," I believe, I told him. But I did scream that to the officer.

DETECTIVE GRABE: Okay. So -- so the expletive was directed towards an officer, not to the citizen?

POLICE OFFICER QUINTANILLA: Oh, yes, sir.

DETECTIVE GRABE: Is that correct?

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE GRABE: Okay.

POLICE OFFICER QUINTANILLA: It was to the officer.

DETECTIVE GRABE: Okay. And so -- then that brings me to another question. So this citizen that was getting close to where -- or between you and the suspect, you're saying. Can you give an estimation of the distance between that citizen and your suspect at that point?

POLICE OFFICER QUINTANILLA: Maybe like 20, 25 feet.

DETECTIVE GRABE: Okay. Can you -- had that citizen, for instance, made it to the sidewalk on the south side of -- I'm drawing a blank on the main street here.

POLICE OFFICER QUINTANILLA: Street 2.

DETECTIVE BROWN: It's Street 2.

DETECTIVE GRABE: On the south side of Street 2?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: So that citizen was all the way to the sidewalk already?

POLICE OFFICER QUINTANILLA: He was already on Street 2 -- on the sidewalk of Street 2, yes.

DETECTIVE GRABE: So he had crossed the crosswalk

and was on that sidewalk?

POLICE OFFICER QUINTANILLA: I believe he came northbound on [redacted] --

DETECTIVE GRABE: Oh, northbound and was -- okay.

POLICE OFFICER QUINTANILLA: -- and then made an eastbound turn [redacted], I believe.

DETECTIVE GRABE: Okay. And where was this officer at that was remaining in his car that wasn't getting out?

POLICE OFFICER QUINTANILLA: He was go -- he was pointed -- his vehicle was pointed southbound on [redacted] and [redacted] right on the corner.

DETECTIVE GRABE: Okay.

POLICE OFFICER QUINTANILLA: So --

DETECTIVE GRABE: Do you know who that officer is?

POLICE OFFICER QUINTANILLA: No. Never seen him.

DETECTIVE GRABE: Okay. And what would have occurred if that citizen had made that corner?

POLICE OFFICER QUINTANILLA: No, it would have been bad, sir. If that citizen wouldn't have got stopped from going in between us, he -- I believe -- I strongly believe that that suspect would have grabbed that citizen.

DETECTIVE GRABE: Okay. All right. Now, I am

going to kind of jump around here. Sorry. Things are a little bit of order, but we'll just get through these. Your -- at one point on your video, we notice that you pick up the suspect's hat. Can you explain why you did that and what was going on?

POLICE OFFICER QUINTANILLA: Yes, sir. So just so much, like, muscle memory. 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.

DETECTIVE GRABE: Okay. Now, at some point from watching your body-worn video, I think you turned on your DICVS; is that correct?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: And if so, why did you do it and when? That kind of thing.

POLICE OFFICER QUINTANILLA: I turned it on, sir,

because I noticed when I walked -- when I looked towards my shop, I realized that our red light forwards wasn't on and I knew that it's very important for evidence. So I wanted to make sure it was turned on. So I tell my partner, like, "Hey, DICV is not on. I'm going to turn it on." So I go over there and I turn it on to make sure that that's on and working.

DETECTIVE GRABE: Okay. How do you usually turn on your DICVS? You specifically.

POLICE OFFICER QUINTANILLA: When I -- most important -- most of the time I'm driving, sir. So usually it's always when I go on number three when I do a traffic stop, it automatically turns on because I'm already -- my lights and -- my forward reds are already on. So it automatically turns on.

DETECTIVE GRABE: So you're basically saying that you usually turn your DICVS by turning on your forward facing red light?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Okay. But in this case it wasn't done that way and, therefore, you didn't know that it wasn't on?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Okay. Now, we noticed that when you were sitting back down in your car after

you'd been told to separate that you turn off the spotlight -- the forward facing spotlight that was on the driver side of your vehicle. What was the reason for doing that?

POLICE OFFICER QUINTANILLA: Again, it's like muscle memory. I'm usually the driver when I work. I love driving. So it's just a habit. When I go into a vehicle -- my vehicle after the traffic stop is done or the investigation is done, I right away turn off the light, because I don't want to blind someone. I don't want to do that to anyone. So it was just muscle memory that I did there, sir.

DETECTIVE GRABE: Okay. Now, you were talking about some civilians in the area. This was in your narrative. And you were talking about they were going this way or that way, but can you talk to us about which way -- the directionality of civilians that were in close proximity, where they were coming from, which direction they were going to? Where were these civilians specifically that may have been in danger -- put in danger by the suspect?

ATTORNEY WILCOX: So prior to the OIS?

DETECTIVE GRABE: Prior to the OIS, yes.

POLICE OFFICER QUINTANILLA: There was -- there was civilians walking northbound on [redacted] just --

just west of where the suspect was with the butcher knife. So they weren't able to see him because there was a big bush tree there. So they had no idea that he was there with that knife. There was them. There was --

To the east of the suspect, there was another house -- a residence there. There was -- there was people there too that that could have been a big potential threat to them, because the suspect was right there just close proximity -- just the neighboring -- pretty much the neighboring building next to them. We had a taco stand, again, just across the street. There's always ped traffic there as well.

So, I mean, that -- anybody could just be going back home or -- it's a main street. It's a big, busy -- Street 2 is a big main street, so there's traffic all the time there. So at any point everyone that was walking there could have got -- could have got stopped by him and maybe even got killed by him.

DETECTIVE GRABE: You -- a couple times in your interview, you talked about pulling the trigger twice and then at one time you said, "At the time I thought I fired twice." So explain to me how many times -- now that we're here right now, how many times do you feel that you fired? If it's different than twice,

explain to me why it's different than twice. Just explain to me how many times you know -- you think you fired now that we are sitting here right now.

POLICE OFFICER QUINTANILLA: So I thought I fired twice. However, after we did the count of the fire -- my firearm and the magazines, I was -- I was advised that I had -- that I was -- I had fired once. But at the time I remember firing twice at him. I remember pushing the trigger twice and then the suspect just goes down.

DETECTIVE GRABE: Okay.

POLICE OFFICER QUINTANILLA: So it was like one, pause, one.

DETECTIVE GRABE: Okay. So you've seen your video.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: And we even showed your video in a frame by frame, so that you could better see some timing and -- do you believe -- so you and I discussed as we were watching your video in a frame by frame. We watched the slide of your handgun go back at one point.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Do you believe that the second shot you fired was prior to that or after that one

that we saw where your slide --

POLICE OFFICER QUINTANILLA: Prior.

DETECTIVE GRABE: So prior to that?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Okay. And how -- how much time prior to that?

POLICE OFFICER QUINTANILLA: Less than a second.

DETECTIVE GRABE: Okay. So you think you would consider your -- the shot -- the two rounds that you felt you fired were fired in rapid succession or was there a pause between the rounds?

POLICE OFFICER QUINTANILLA: I believe a rapid -- rapid -- like a -- I don't know. We call it in the military hammer pair.

DETECTIVE GRABE: Hammer pair?

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE GRABE: Okay.

ATTORNEY WILCOX: Two consecutive shots?

POLICE OFFICER QUINTANILLA: It was like (untranslatable sound). Just like one, two.

DETECTIVE GRABE: Okay. Did you feel -- now we're going to what your perception was, what you feel you did.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Did you feel -- did you hear

multiple rounds? Did you feel multiple rounds? What made you think you fired twice?

POLICE OFFICER QUINTANILLA: Because I squeezed the trigger. I squeezed the trigger once and I squeezed it again and I saw him go down.

ATTORNEY WILCOX: The first part of that question was did you hear multiple rounds.

POLICE OFFICER QUINTANILLA: I didn't hear. The only -- the only thing I remember is me firing. I didn't remember hearing anything else.

DETECTIVE GRABE: So did you intend to fire twice?

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE GRABE: Okay. So on our department, we call that a controlled pair or accelerated pair.

POLICE OFFICER QUINTANILLA: (Unintelligible).

DETECTIVE GRABE: So did you intend to fire an accelerated or a controlled pair?

POLICE OFFICER QUINTANILLA: Yes. I tried to attempt to fire a controlled pair.

DETECTIVE GRABE: Okay. And was your intention then to assess after the controlled pair?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: And when you did assess, what did you observe?

POLICE OFFICER QUINTANILLA: I observed that the suspect was already down on the floor and that's when we -- we started forming an arrest team to go take him into custody.

DETECTIVE GRABE: So when we watched the video at a slowed pace, it was apparent that the suspect was on the way down or had fallen down when we saw your handgun cycle.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Is that what you remember in real time or is that not what your perception is of the real time?

POLICE OFFICER QUINTANILLA: No, sir. Real time the suspect was facing us and advancing forward with the butcher knife on his hand, and that's when I engaged him to just stop him from -- from killing myself or my partners or people around there.

DETECTIVE GRABE: Okay. Now, that brings me to another question I had. Now, you did say that the suspect made an advancing motion, but can you describe to us what -- what exactly was he doing?

POLICE OFFICER QUINTANILLA: He was walking towards us. He -- first he walked down the stairway already advancing, closing the distance with us and then he got to the sidewalk and he still takes the

step forward. I believe he took a step forward facing myself and my partner, and he takes a step forward. He literally goes from, like, facing this way to facing my partner and I and going towards that direction.

DETECTIVE GRABE: Okay. So what you did -- you said he's facing this way, you were looking straight across the table here.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: And then you said "to facing this way" and you turned your body 45 degrees to the left.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Is that fair?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Okay. And you're holding your right hand up about shoulder level. Would that be fair?

POLICE OFFICER QUINTANILLA: Yeah, he was like this.

DETECTIVE GRABE: Okay. So you have your -- you have your right arm bent at the elbow and your fist balled up near your shoulder. So would the knife have been in that fist?

POLICE OFFICER QUINTANILLA: Oh, yes. It was

there, sir.

DETECTIVE GRABE: Okay.

POLICE OFFICER QUINTANILLA: It was clear as day.

DETECTIVE GRABE: Okay. And so when you're turning -- you're rotating your body 45 degrees to the left, you're keeping your arm like that. Is that a fair assessment of what you're showing us?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Okay. And so that is what you are talking about when you're saying that he is advancing -- the advanced motion towards you?

POLICE OFFICER QUINTANILLA: Yes. Because he takes the step forward.

DETECTIVE GRABE: Okay.

POLICE OFFICER QUINTANILLA: It's like -- like all one motion type.

DETECTIVE GRABE: Okay. So turning 45 degrees to the left and taking a step forward?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Okay. Now, you also said that after request for additional units was made, additional units arrived.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Did those units arrive before the OIS?

POLICE OFFICER QUINTANILLA: We had put out a backup, so I'm sure officers were responding. Then the help call comes out, so I believe more officers obviously got there after the help call.

DETECTIVE GRABE: After? Okay.

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: Well, but prior to the OIS or not? Because what I'm getting at is you have said that units were requested and they did arrive. I'm trying to find out did those units arrive prior to the OIS or after the OIS?

POLICE OFFICER QUINTANILLA: Some did arrive prior to the OIS and more arrived after the OIS.

DETECTIVE GRABE: Do you believe that there were enough units at scene to handle whatever the situation was at the time of the OIS?

POLICE OFFICER QUINTANILLA: No. There was -- I mean, we're short-staffed. I mean, we didn't have the man power. There was a 415 crowd forming up and we barely had officers at the time to hold them back, because there was people trying to lynch.

DETECTIVE GRABE: This is prior to the OIS I'm talking about. Prior to the OIS, what --

POLICE OFFICER QUINTANILLA: Prior to the OIS we did have enough officers.

DETECTIVE GRABE: You did believe --

POLICE OFFICER QUINTANILLA: Yes.

DETECTIVE GRABE: -- you had enough officers --

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE GRABE: -- prior to the OIS? Okay.

POLICE OFFICER QUINTANILLA: Sorry about that. Yes.

DETECTIVE GRABE: Okay. And then so after the OIS is when you're describing that you don't think you had enough officers to handle what transpired after?

POLICE OFFICER QUINTANILLA: Correct, sir. That's correct, yes.

DETECTIVE GRABE: Okay. All right. Partner?

DETECTIVE BROWN: Yeah, just a couple things I noted here when I was going through my notes. Did you see any of the other officers fire their -- discharge their firearms?

POLICE OFFICER QUINTANILLA: No, sir.

DETECTIVE BROWN: You did not. Okay. And I don't think we covered when we covered all the stuff about your firearm. Did we cover your loading -- were you topped off?

POLICE OFFICER QUINTANILLA: I was, sir. Seventeen in the magazine and one in the chamber. Eighteen total.

DETECTIVE BROWN: And then you had a total of three magazines?

POLICE OFFICER QUINTANILLA: Yes, sir. Seventeen each.

DETECTIVE BROWN: All loaded fully?

POLICE OFFICER QUINTANILLA: Yes, sir.

DETECTIVE BROWN: Okay. Did you -- I don't think I covered this either. Do you have -- personally have any less lethal in your vehicle or on you?

POLICE OFFICER QUINTANILLA: Yes, sir. I have -- I have my Taser, sir, on my left side of the belt. I also have OC spray on my left side of the belt. And I had my baton, but it was in the vehicle -- I left it in the vehicle, sir.

DETECTIVE BROWN: And I know you described your assignment that you were given by [redacted] Sergeant, but was there a reason why you chose not to utilize your Taser or --

POLICE OFFICER QUINTANILLA: Sir, I did think about actually to use my Taser, but I knew that that wasn't going to be effective at that distance; especially him having that knife, civilians there. It wasn't going to make the effect, so I stayed with my -- with my firearm out. But I did think about using my Taser at one point.

DETECTIVE BROWN: I don't know if we covered this. I apologize. But upon -- when watching your body-worn video, we see that you're at scene when you actually hit the button. Is there a --

DETECTIVE GRABE: Yeah, we did.

DETECTIVE BROWN: We did cover that? Okay. Thank you. It's getting a little late. I apologize.

DETECTIVE GRABE: It's okay.

DETECTIVE BROWN: All right. After you shot the body-worn video and you gave your public safety statement, did you have any conversations with anyone regarding this incident?

POLICE OFFICER QUINTANILLA: No, sir.

DETECTIVE BROWN: That's all I have.

ATTORNEY WILCOX: Yeah, I think you got mine on the follow-up.

DETECTIVE BROWN: Okay.

ATTORNEY WILCOX: So I don't have anything.

DETECTIVE BROWN: Okay. We covered this with quite a bit of detail. We asked -- I think we covered all the topics we need to for review process, but is there anything you want to clarify or you feel that we didn't address and you'd like to --

POLICE OFFICER QUINTANILLA: Just one. I mean, I just want to be clear, like, I didn't want to shoot

the guy. I really wanted to help him. And when I get there next to him, I really felt the need to help him and I tried to, but obviously the fire department was there, so I really was hoping to do that. I mean, I deal with a bunch of kids like him, and my goal is to help them. So I feel like that that's what is kind of is messing with me the most.

DETECTIVE BROWN: Okay. If there's nothing else, we'll go ahead and conclude then. Okay. The time is now 359 hours -- 0359 hours and we're going off.

///

///

TRICHIEF CONSULTING
SERVICES

Robert Handy
20118 North 67th Avenue, Suite 300-452
Glendale, Arizona 85308
Phone: (714) 916-7439

Ms. Christine Ford
Bureau Chief, Peace Officer Standards Accountability Division
CA Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Sent Via Email

February 12, 2026

Regarding: Los Angeles Police Department Shooting involving Officers Zavala and Quintanilla on December 18, 2021.

Dear Ms. Ford,

The following report contains my opinions from a review of the Los Angeles Police Department shooting case involving Officers Zavala and Quintanilla. I have studied the reports, documents, and videos listed below. This report presents my expert opinions based on the materials reviewed, my training and education, and more than three decades of law enforcement experience. If additional materials are provided, a supplemental report that adds to or refines my opinions may be necessary.

Expertise

I currently serve as the Director of Public Safety for Grand Canyon University (GCU) in Phoenix, Arizona. Before serving as the Director of Public Safety at GCU, I was the police chief in Huntington Beach and San Bernardino, California. I am a policing executive with over 35 years of comprehensive law enforcement experience. My experience includes extensive experience training and teaching new police officers, veteran officers, and command-level officers.

In addition to reviewing thousands of use-of-force cases and hundreds of police shooting cases in my policing career, I have also been retained as a subject matter expert to review police use-of-force incidents and policing practices and procedures nationwide. Attached is my curriculum vitae for a more detailed description of my related experience.

Brief Incident Summary

On December 18, 2021, at approximately 1710 hours, Los Angeles police officers responded to a call of a suicidal man with a knife call. Witnesses had reported Victim walking on the street, waiving a knife in the air and frightening families[1]. When the officers arrived, they found Victim armed with a large meat cleaver-style knife on the front porch of a residential building. The officers attempted to get Victim to drop the knife for more than eight minutes before the incident ended in an officer-involved shooting, where Victim was shot and killed[2].

Expert Opinions and Basis for Opinions

My expert opinions in this case are listed below, with the prominent opinions numbered and in bold type. The basis for the opinions follows the opinions and includes sub-opinions regarding the encounter between the suspect and the officers. The opinions expressed are based on my review of the materials listed, the citations listed throughout the report, my extensive law enforcement training, and more than three decades of policing and academic experiences in policing.

1. **The officers' attempts to contact and detain Victim were appropriate and consistent with training, practices, and the standards for police officers in California and across the country.**

2. **The officers' display of their firearms and threatened use of lethal force on Victim as they attempted to detain him was consistent with training, practices, and the standards for police officers in California and across the country.**

Basis For Opinion

A series of court decisions interpreting the U.S. Constitution governs an officer's authority to contact, detain, and arrest individuals. Officers are taught laws of arrest based on these decisions, starting with reasonable suspicion to temporarily detain a person, probable cause to arrest an individual, and the authority to use force to detain or arrest a person. Peace officers may need to detain a person to investigate involvement in criminal activity. To be lawful, a

[1] FID Report, Page 3
[2] Zavala and Quintanilla BWC

detention must be based on reasonable suspicion that unlawful activity has occurred, is taking place, or is about to occur, and that the person detained is connected to that activity[3].

In this instance, the officers were responding to radio calls of a subject threatening suicide with a knife. They also received information that Victim was chasing people down the street with a knife. Sergeant was first to arrive, followed by Officers Zavala and Quintanilla. When Sergeant arrived, he observed Victim sitting on the exterior stairs of the apartment building holding a knife in his right hand. Victim was holding the blade of the knife pressed up against his neck.

At this point, the officers had information that Victim was suicidal and that he had chased people down the street with the knife. When they arrived, they confirmed that Victim was armed with a large, meat cleaver-style knife. The response from Sergeant, Officer Zavala, and Officer Quintanilla when they arrived and exited their cars was to draw their weapons and give Victim orders to drop the knife. The officers had parked their police vehicles perpendicular to the apartment building and were using their vehicle doors as partial cover and concealment while giving commands to Victim[4]. The presence of the marked vehicles, officers in uniform, and the orders given to Victim constituted an attempt to detain Victim and prevent harm to himself or others and further investigate the reports of assaults with the knife before the officers' arrival. Based on the totality of the circumstances, the attempt to detain Victim using officer presence, verbal commands, and the display of firearms was appropriate and consistent with police officer training, standards, and practices in California and across the United States.

3. The use of 40 mm less lethal munitions to get Victim to drop the knife and comply with orders from the officers was appropriate and consistent with training, practices, and the standards for police officers in California and across the country.

Basis for Opinion

Sergeant, along with Officers Zavala and Quintanilla, were engaging with Victim when additional officers arrived. As officers arrived, Sergeant assigned them to positions (specific angles of coverage) and to specific responsibilities, such as serving as less-lethal or cover officers. Officer 1 ended up with a less lethal assignment, positioning himself with a 40 mm less lethal launcher pointed at Victim. Sergeant assigned officers Zavala and Quintanilla lethal coverage. Officers Officer 2 and Officer 3 were assigned as an arrest team. The air unit arrived, and the pilot and tactical flight officer directed responding units to perimeter and crowd control positions.

[3] CA POST Learning Domain 15, Chapter 3
[4] FID Report, BWC, Zavala, Quintanilla, Sergeant

Several officers were giving Victim commands in English and Spanish throughout the encounter. The officers yelled commands and intermittently used the public address system on Sergeant [redacted]'s police vehicle. The commands were clearly and calmly delivered and varied throughout the more than eight minutes of attempting to persuade Victim to drop the knife. The commands incorporated techniques designed to be persuasive, such as using Victim's first name and offering him services[5].

At approximately 1704 hours into the contact with Victim, at the direction of Sergeant, Officer 1 fired a 40 mm round, striking Victim in the abdominal area. Sergeant ordered the 40 mm deployed because he was concerned Victim would flee and start attacking civilians. Sergeant was hopeful the 40 mm would cause Victim to drop the knife and surrender. The round did not initially appear to have any effect. Victim brushed off the sponge round with a swipe of his hand and did not drop the knife or make any move to surrender. Victim did sit back down on the bottom step shortly after being struck with the 40 mm. Sergeant did not give a specific warning to Victim before ordering the 40 mm round to be fired because he thought the situation was too dangerous and that Victim might run if he were warned. However, Sergeant did announce "Forty stand-by" out loud to the group of officers so that there would not be any confusion with lethal rounds being fired[6].

Officer 1 fired a second 40 mm less lethal round at approximately 1710 hours. Prior to the round being fired, Sergeant again announced, "Forty stand-by." Less than one second after the 40 mm was fired, lethal rounds were also fired by Officers Zavala and Quintanilla[7].

The 40 mm less-lethal round is a sponge-like projectile 40 mm in diameter. The round is fired from a launcher specifically designed to deploy 40 mm projectiles. Officers are trained to utilize devices such as a 40 mm less lethal round when confronting a person who is "aggressive, or combative; attempting to assault the officer, another person, verbally, or displays an intention to assault another person[8]."

Provided that Victim was armed with a knife, threatening suicide, and refusing commands for several minutes to drop the knife, the 40 mm was an appropriate option whose application under the circumstances was consistent with police officer training and standards in California and across the United States.

4. **Given the totality of circumstances, the lethal force used by Officers Zavala and Quintanilla in this incident was not consistent with the requirements for use of deadly force in the California Penal Code, nor police officer training and standards in California.**

[5] FID Report pages 1- 14
[6] FID Report pages 9-11
[7] FID Report pages 9-11
[8] California PST Learning Domain 20, Chapter 3

Basis for Opinion

Police officers are taught the legal authority and considerations for using deadly force. The legal authority and standards for lethal force are based on an objective reasonableness standard based on the Constitution's Fourth Amendment, as determined by the U.S. Supreme Court. Officers are taught that they may use deadly force when it reasonably appears necessary to stop an imminent threat of death or serious bodily injury based on the totality of the circumstances presented to them at the time. The force they use must be objectively reasonable compared to the threat, resistance, and other circumstances perceived by or known to the officer when the force was used[9].

The California Penal Code further instructs officers on the definition of an imminent threat, which is required for a peace officer to use deadly force in California.

> "A threat of death or serious bodily injury is 'imminent' when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed[10]."

In this instance, Sergeant, and Officers Zavala, Quintanilla, O-1, O-2, Meraz, Officer 4, and Officer 3 were in the immediate area and involved in the contact with Victim. Initial contact with Victim was made when Sergeant arrived, followed shortly by Officers Zavala and Quintanilla. The other officers arrived shortly thereafter as the incident continued. Sergeant supervised the scene and issued orders assigning specific tasks to the officers. Sergeant's initial organization of the officers and division of specific responsibilities was consistent with contemporary training and standards for handling such incidents.

Officers Zavala and Quintanilla were assigned as lethal coverage officers by Sergeant, meaning they were to have their firearms out and pointed at the suspect in case an imminent deadly threat was presented. Officer 1 and Officer 4 maintained positions with less lethal tools, Officer 1 with a 40mm and Officer 4 with a beanbag shotgun. Officer Meraz was assigned as lethal coverage and positioned himself next to Officer 1[11].

At approximately 1704 hours, Sergeant decided to have Officer 1 fire the 40 mm projectile as described in the previous section. The first attempted use of the 40 mm struck Victim in the abdomen but had little effect; it did appear to get Victim to sit down again, this time on the bottom step of the apartment building[12].

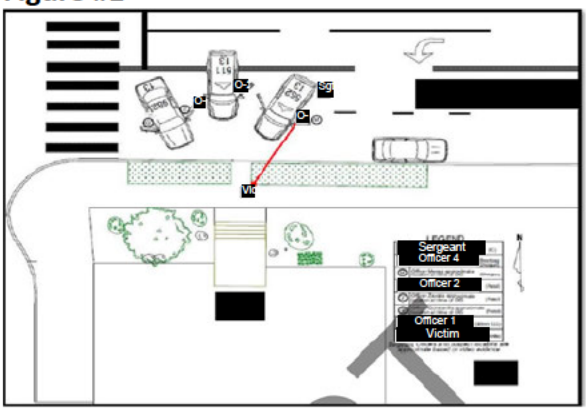
[9] CA POST Learning Domain 20, Chapter 3, 4
[10] CA Penal Code 835(a)(e)(2)
[11] FID Report
[12] Quintanilla BWC 3:35-3:42

After the first 40 mm deployment, Sergeant continued to refine the officers' containment positions as additional resources arrived. Officer 4 was moved with a less lethal (beanbag shotgun) to the west near where Officers Zavala and Quintanilla were positioned[13]. The team had established lethal and less lethal coverage to the north and slightly east, and the same to the north and slightly west of the subject, Victim. The LAPD air unit also arrived overhead and began to callout positions for traffic control

As Sergeant negotiated with Victim (over the patrol vehicle PA system), Victim stood up abruptly, knocked his hat off, and took four steps north, in the general direction of Officer 1 (less lethal, 40mm) and Officer Meraz (lethal, shotgun). Sergeant ordered another deployment of a 40 mm less lethal round at approximately 1710 hours[14].

Various BWC videos show Victim standing up, holding the knife at head level, and taking four steps toward the officers. Sergeant yelled out, "Forty forty up," and Officer 1 deployed the 40 mm one-time, striking Victim on the right side of his torso. Officer 1 fired the second 40 mm round at approximately 1710 hours. The Officer 1's position is depicted below in the diagram taken from the FID report, labeled as Figure #1[15].

Figure #1



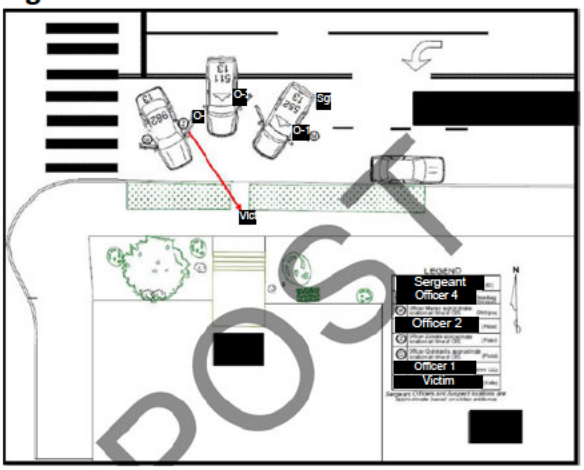
The red line in Figure #1 indicates the approximate positioning of Officer 1 on one end and the approximate position of Victim on the other end. Officer 1 was in the opening of the police vehicle's doorway, and Victim was on the sidewalk. The diagram depicts the approximate positions of Victim and Officer 1 when Officer 1 fired the 40 mm projectile (the second round at approximately. 1710). The second deployment of the 40 mm was ordered based on Sergeant 's concerns about Victim standing up and knocking his hat off, and that Victim was going to get up and run toward a witness[16].

[13] Sergeant BWC 9:52
[14] FID Report
[15] The diagrams and referenced measurements related to Figures #1, #2, and #4 along with the timing of the gunshots are all taken from the FID report, pages 15-21
[16] FID Report page, 12-16

As Officer 1 was firing the 40mm, Victim started turning his body to his left, toward Officers Zavala and Quintanilla. Near simultaneously with the firing of the 40mm, Victim turned his body to face west, and Officer Zavala fired his handgun three times. Officer Quintanilla fired his handgun one-time at Victim. The positioning, timing, reasons, and analysis for each officer firing their handguns are detailed below.

Officer Zavala fired three rounds from his handgun, starting .382 seconds after Officer 1 fired the 40 mm round. Officer Zavala was positioned at the driver's door opening of the patrol vehicle, as depicted in the diagram labeled Figure #2.

Figure #2



The red line in Figure #2 indicates the approximate positioning of Officer Zavala on one end and the approximate position of Victim on the other end. Officer Zavala is in the opening of the police vehicle's driver's side doorway, and Victim is on the sidewalk. The diagram depicts the approximate positioning of Victim and Officer Zavala when Officer Zavala fired three rounds from his handgun. The distance between Officer Zavala and Victim was approximately 25 feet.

Figure #3 is a screenshot from Officer Zavala's body-worn camera (BWC) recording of the approximate time Officer Zavala fired the first round from his handgun. The second and third rounds followed in rapid succession. From the BWC video of Officer Zavala, it appears his camera was mounted in the center of his chest, providing a view from that perspective.

Figure #3[17]



Officer Zavala's reasons for using deadly force by firing his weapon are summarized below in his words to the FID investigators.

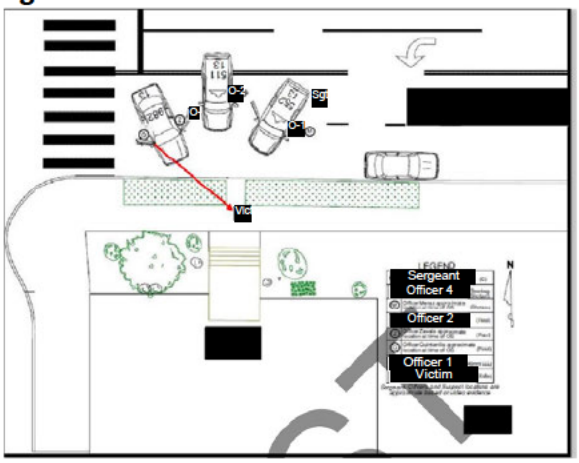
> *"The suspect gets up very rapidly with the -- with the large butcher knife in his right hand. He takes a deep breath, like getting courage, looks at me, looks at my fellow officers. At this point I already had my firearm out. Due to the tactical situation, I had reason to believe that the situation 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 any partner's life and the citizens nearby from serious bodily injury, imminent threat, I fired approximately two, three rounds to stop the threat, sir."*
>
> *"So when I fired two, three shots, that's when I assess. He was already on the ground. 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*[18]*.*
>
> "So the second time he rapidly got up, sir, holding the knife in front of Him. He took approximately five, six steps towards the office -- towards the officers and myself, sir, turning his torso towards me in a threatening manner and that's when we fired to stop the threat, sir[19].

[17] Screenshot from Officer Zavala's BWC recording
[18] FID Report pages 18-19, Zavala interview transcript, pages 12-13
[19] Zavala interview transcript, page 26

> "Oh, sir, I was afraid that the suspect was going to stab me, sir. I was afraid of my life. I was afraid of my partner's life and the other officers that were to the left of me. Not only that, sir, I was afraid of the pedestrians that were nearby. He already had chased several pedestrians, based on the comments of the call, with this large butcher knife. His demeanor, his cutting his hand, attempting to cut his throat, standing up, took a deep breath, tensed up, and boom, took these five, six steps towards us. I was afraid of my life, sir[20].
>
> "Yes, sir. Approximately -- I would say 10, 15, maybe 20 feet, sir. You know, maybe 10, 15 I would say, yeah[21]."
>
> "And even more resources where we were at too, sir, right? And maybe have more officers there. Have another officer with a Taser ready. You know, we needed resources there and we didn't have resources[22]."

Officer Quintanilla fired one round, approximately .322 seconds after Officer Zavala's third shot. Officer Quintanilla was positioned at the opening of the patrol vehicle's passenger door, as depicted in the diagram labeled Figure #4.

Figure #4



The red line in Figure #4 indicates the approximate positioning of Officer Quintanilla on one end and the approximate position of Victim on the other end. Officer Quintanilla is in the opening of the police vehicle's passenger side doorway, and Victim is on the sidewalk. The diagram depicts the approximate positioning of Victim and Officer Quintanilla when Officer Quintanilla fired one

[20] Zavala interview transcript, pages 26-27
[21] Zavala interview transcript, pages 43-44
[22] Zavala interview transcript, page 44

round from his handgun. The distance between Officer Quintanilla and Victim was approximately 28 feet[23].

Figure #5[24]



Officer Quintanilla's reasons for using deadly force by firing his weapon are summarized in quotes to the FID investigators below.

> *"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[25].*
>
> *"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[26]."*
>
> *"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…And when he went down, I stopped shooting. I stopped.[27]"*

[23] The diagrams and referenced measurements related to Figures #1, #2, and #4 along with the timing of the gunshots are all taken from the FID report, pages 15-21
[24] Screenshot from Officer Quintanilla's BWC recording
[25] FAID Report page 19
[26] FAID Report page 19
[27] FAID Report page 19

> *"So I'm using the vehicle as cover and I'm standing behind my ballistic door and I'm trying to -- I'm trying to just use my vehicle as cover as best I can, not giving him ground[28].*
>
> *"I want to say about 15 feet[29]."*
>
> *"Once he comes down the sidewalk, he faces towards my partner and I direction and he advances at us. He makes an advance motion at us and I deploy my firearm[30]."*
>
> *"I deployed it because I had -- you know, it was -- I had to use – I had to stop him. 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[31].*
>
> *"I see this gentleman that's -- that's trying to come eastbound towards – towards where the suspect is and between -- pretty much between us -- the officers and the suspect. And obviously I didn't want that to happen. I didn't want him to get hurt. I see an officer in his vehicle, and I tell him -- you know, because he's not getting out the car and telling him to leave. So I scream at him and I tell him, "Hey, get out the car and address this citizen and tell him to get out the way or leave the area," I believe, I told him. But I did scream that to the officer[32]."*

When Officers Zavala and Quintanilla arrived, Sergeant was already on scene. Sergeant assigned them to be lethal coverage and essentially containment on the west side of the subject, Victim. Officer 4 was moved over to assist on the west side with a less lethal beanbag shotgun, and another officer was moved over with a police vehicle on the west side to control pedestrian traffic and provide containment to the west[33].

When Victim got up and started moving the first time with the knife, the 40 mm was ordered deployed by Sergeant . Victim was moving down the stairs when the 40 mm struck him, but it seemed to have little impact based on his reaction. However, Victim stopped moving farther away from the steps and sat down on the bottom step of the building.

When Victim got up to move a second time, more than six minutes after the first 40 mm, Sergeant again yelled for the 40 mm to be deployed. Victim appeared to move four steps toward officers O-1 and Meraz. Officer 1 deployed the 40mm as Victim turned toward the

[28] Quintanilla Interview with Investigators, page 24
[29] Quintanilla Interview with Investigators, page 25
[30] Quintanilla Interview with Investigators, page 29
[31] Quintanilla Interview with Investigators, page 30
[32] Quintanilla Interview with Investigators, page 37
[33] Sergeant BWC footage

west, facing Officers Zavala and Quintanilla. Officer Zavala fired first, three times, then Officer Quintanilla fired one time[34].

At the time the shots were fired, the officers were each standing behind vehicle doors equipped with ballistic protection panels. Officer Zavala was approximately 25 feet away from Victim, and Officer Quintanilla was approximately 28 feet away from Victim. Both officers indicated that they fired because they thought Victim was going to cause serious bodily injury or death. For example, Officer Zavala told investigators, "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." Officer Quintanilla told investigators, "He was coming towards us. He was going to cause myself or my partner serious bodily injury. He was going to cause death."

While the officers' reasons for firing their weapons are reasonable fears of what could happen, they are speculative and do not amount to imminent harm as defined by the California Penal Code. Factors indicating Victim was not an imminent threat include:

- Victim, at the time he was shot, was standing, facing officers Zavala and Quintanilla, not advancing on them
- Less lethal tools were in place in two directions, including next to Officer Zavala (Officer 4 with a beanbag)[35]
- Both officers were standing behind the police vehicle doors with ballistic panels more than 28 feet away from Victim
- Sergeant ordered the less-lethal rounds to be fired moments before the officers fired their handguns
- A 40 mm less lethal round was fired a second time, less than one second before Officer Zavala fired from his handgun. There was no opportunity to see if the less lethal, ordered by the sergeant, was effective
- There were multiple officers and options available to try and stop Victim had he advanced toward Officers Zavala and Quintanilla
- There were officers closer to Victim than Officer Zavala and Quintanilla, who did not fire their handguns. Officers O-1 and Meraz were approximately 22 feet away from Victim when Officer Zavala first fired[36]. Officer 1 fired the 40 mm as directed, less than one second before Officer Zavala fired his handgun. Officer Meraz, who was providing lethal

[34] Zavala, Quintanilla, Sergeant BWC video, FID Report
[35] FID Report page, 14
[36] FID Report page, 16

coverage next to Officer 1, did not fire

- Less lethal was available immediately next to Officer Zavala (Officer 4 with a stun bag shotgun), but was not utilized.

- The organization of this small team of officers was designed to provide less-lethal options for each grouping of officers. Victim's initial movement (4 steps) just before being shot was toward Officers O-1 and Meraz; thus, the 40 mm (Officer 1) was ordered deployed by Sergeant and fired by Officer 1.

- There were at least eight officers present and organized to deal with any of the possible scenarios that Officers Zavala and Quintanilla stated they feared, and as reasons they shot Victim

- Based on the totality of the circumstances, Victim's turning toward Officers Zavala and Quintanilla does not constitute an imminent threat as defined in California law.

> "A threat of death or serious bodily injury is 'imminent' when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed[37]."

Throughout the videos and all the materials available, I did not see, hear, or review any documented direct threats toward the officers or any other person. Victim was suicidal, a threat to himself, and posed many potential threatening scenarios based on possible actions. When Victim stood up and stepped toward the officers, the situation was changing. The officers were set up to prevent Victim's movement and to address potential threatening scenarios under the direction of Sergeant . Sergeant ordered the second 40mm less lethal deployment. When the 40mm round was ordered, Victim had started moving forward in the direction of Officers O-1 and Meraz.

By the time the 40mm was deployed, Victim was no longer moving forward toward Officers O-1 and Meraz; he was turning his body and feet toward Officers Zavala, Quintanilla, and Officer 4. When Victim was stepping toward Officer 1 and turning toward Officer Zavala, the movements were not hurried. He was not running, lunging, or aggressively advancing toward the officers. Victim's turn toward Officer Zavala was also at normal speed and did not appear to be a sudden or aggressive move.

[37] CA Penal Code 835(a)(e)(2)

Based on the material reviewed, Victim's turn toward Officer Zavala initiated the lethal response by Officers Zavala and Quintanilla. However, Victim, upon turning and facing officers Zavala and Quintanilla, did not pose an imminent threat to them. The situation had not changed dramatically; the four steps Victim took were more toward Officers O-1 and Meraz than toward Officers Zavala and Quintanilla. The lethal force was deployed before any assessment of the 40mm round ordered by Sergeant.

Based on my extensive experience in policing and review of the videos, statements, and other materials available, it is my opinion, the lethal force used against Victim was not in response to an imminent threat as required by the California Penal Code.

Conclusion

Police officers responding to a suicidal man who was also reported to have chased people with a knife can be a dangerous and complicated situation. The objective of modern training for police officers responding to these incidents is to provide tools and techniques that minimize the danger to the subject, citizens, and officers. Those tools include many of the things employed in this situation by the Los Angeles Police Department and the officers involved (small team tactics, less lethal tools – 40mm, bean bag shotguns, and TASERS, ballistic door panels, CIT-type negotiation techniques, and more).

From Sergeant's arrival through the ensuing eight-plus minutes leading up to the shooting, Sergeant and the officers were employing many of the techniques and tools designed to minimize the level of danger to all the parties involved[38]. The group of officers had a modest level of containment and many options in place if Victim were to become violent toward others. The officers had a variety of less-lethal options (OC Spray, Batons, TASERs, 40mm, Beanbag Shotgun) and were properly using other tools available (ballistic door panels, PA System, hand-held shield).

The group of officers was working through the situation under the direction of Sergeant, who had clearly defined officer roles and responsibilities and was controlling the police response. It did not appear that Victim's movements were significant enough for Officers Zavala and Quintanilla to respond with lethal force when Sergeant had ordered less lethal force to be deployed. In addition, due to the lethal force being fired so close (less than one second) to the less lethal force, there was no opportunity to evaluate the effectiveness of the less lethal force ordered by Sergeant.

[38] Sergeant BWC 4:18 – 13:09

The use of lethal force by Officers Zavala and Quintanilla appeared to be inconsistent with the tactics being directed by Sergeant in this incident. Victim's turn in direction, toward the two officers, did not significantly change the circumstances to warrant a lethal response. The use of deadly force did not appear to be in response to an imminent threat as defined by the California Penal Code.

Respectfully Submitted,

Robert Handy
Peoria, Arizona

Documents Reviewed

I have examined the following reports, documents, audio recordings, photos, and other evidence listed to render my opinions:

Number	File
1	BWC footage Officer Zavala
2	BWC footage Officer Quintanilla
3	BWC Footage Sergeant
4	FID Report F064-21
5	Chief of Police (COP) Interdepartmental Report
6	Letter of Transmission (LOT 22-003757)
7	Letter of Transmission (LOT 22-003418)
8	Quintanilla Discipline Notice
9	Zavala Discipline Notice
10	Federal civil complaint
11	Quintanilla EDI profile
12	Quintanilla LADP image
13	Zavala EDI profile
14	Zavala LAPD image
15	Zavala interview transcript
16	Quintanilla interview transcript
17	LAPD edge weapon policy
18	Graham v Connor, 490 U.S. Supreme Court 386 (1989)
19	California Penal Code 835
29	California POST Learning Domains 15, 20



LOS ANGELES POLICE DEPARTMENT

USE OF FORCE-TACTICS DIRECTIVE

Directive No. 1.3 August 2022

USE OF FORCE POLICY

PURPOSE

The purpose of this Directive is to provide Department personnel with a Use of Force Policy that is concise, easily understood, and consistent with prevailing law and industry best practices.

PREAMBLE TO USE OF FORCE

The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible and reasonable to do so. When warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community, and fellow officers.

POLICY

Use of De-Escalation Techniques. It is the policy of this Department that, whenever feasible, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings. Where feasible, a peace officer shall, prior to the use of *any* force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.

Proportionality. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing. Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct on the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly. It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Reasonableness. Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used:

A) From the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and,

B) Based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention, or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to officers or a danger to the community;
- The potential for injury to citizens, officers, or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);

- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion, and number of officers versus subjects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms.

Use of Force – Deadly. It is the policy of this Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings, background, and potential risk to bystanders to the extent reasonable under the circumstances.

> **Note:** Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

Department's Evaluation of Deadly Force. The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with California Penal Code Section 835(a) as well as the factors articulated in Graham v. Connor.

Rendering Aid. After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force, and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and,
- To the level of equipment available to an officer at the time assistance is needed.

Warning Shots. Warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers, and property damage.

Shooting At or From Moving Vehicles. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force.

An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistence with the policy regarding the use of deadly force. The driver of a vehicle should not draw their weapon while operating a moving vehicle; the drawing of a weapon while operating a moving vehicle is unsafe for both officers and the community. If an officer determines that it is necessary to draw their firearm while operating a vehicle, it should be to address an imminent threat and conform to the Department's policy on drawing and exhibiting firearms.

> **Note:** It is understood that the policy in regard to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force. An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer [as delineated in California Penal Code Section 835(a)], shall immediately report such force to a superior officer.

An officer who has a sustained excessive force complaint shall be prohibited from training other officers for a period of at least three years from the date that the complaint was sustained.

Retaliation for Reporting Potential Excessive Force or Violation of Any Law or Regulation. Retaliation for reporting potential excessive force or violation of any law or regulation by any employee of this Department is strictly prohibited, shall be reported immediately, and is considered to be serious misconduct.

Requirement to Intercede When Excessive Force is Observed. An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

> **Note:** For the purposes of this section, "intercede" includes, but is not limited to, physically stopping the excessive force (when safe and reasonable to do so) and recording the excessive force, if equipped with a body worn video (BWV) camera. Officers shall attempt to document on BWV the efforts to intervene, efforts to de-escalate the excessive use of force, and confronting the offending officer about the excessive force during the use of force. If the offending officer continues to use excessive force, the witnessing officer shall immediately report the excessive force to a superior officer.

Any officer who has received all required training on the requirement to intercede and fails to do so when excessive force is observed as described above shall be subject to discipline up to and including in the same manner as the officer who committed the excessive force.

DEFINITIONS

Deadly Force. Deadly Force is defined as that force which creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Excessive Force. Excessive Force means a level of force that is found to have violated Section 835(a) of the California Penal Code or the requirements of any other law or statute.

Feasible. Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent. Pursuant to California Penal Code Section 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great to likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

Intercede. Intercede includes, but is not limited to, physically stopping the excessive force (when safe and reasonable to do so) and recording the excessive force, if equipped with a BWV camera.

Necessary. In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternative to deadly force; and, d) whether a warning was feasible and/or given.

Objectively Reasonable. The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). Graham states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard, rather than a subjective standard.

Retaliation. Retaliation means demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or threat of injury while on or off-duty.

Serious Bodily Injury. Pursuant to California Penal Code Section 243 (f)(4) defines Serious Bodily Injury as including, but not limited to:

- Loss of consciousness;
- Concussion;

- Bone fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances. All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

Vulnerable Population. Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots. The intentional discharge of a firearm off target, not intended to hit a person, to warn others that deadly force is imminent.

AMENDMENTS

This Directive replaces Use of Force-Tactics Directive No. 1.2, Use of Force Policy-Revised, October 2020.

MICHEL R. MOORE
Chief of Police

DISTRIBUTION "D"

Tactical Concept No. 11 July 2024

WEAPONS OTHER THAN FIREARMS

The purpose of this Tactical Concept is to provide officers with options to deal with a suspect armed with a weapon other than a firearm.

The Los Angeles Police Department is guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between officers and members of the public. Unfortunately, dangerous confrontations between suspects armed with weapons other than firearms can sometimes result in serious bodily injury or death. Weapons other than firearms pose a threat to the public and officers and generally fall into two categories: edged weapons and blunt weapons. Both edged and blunt weapons are objects that can be used to strike a person and inflict serious bodily injury or death. For the purposes of this Tactical Concept, edged weapons include any object capable of cutting, slashing, or stabbing.

When dealing with suspects armed with weapons other than firearms, distance is not the only factor that should be considered. For example, barriers, if available, may inhibit a suspect from getting close enough to harm officers. Additionally, officers should consider the type of weapon and assess the suspect's ability to inflict serious bodily injury or death with that weapon. Resolving the situation safely using de-escalation techniques and proper planning should be primary objectives for officers dealing with suspects armed with weapons other than firearms. In those situations where force is used, officers should always attempt to resolve the situation with reasonable and proportional force. Officers are not required to use lethal force, even though it may be authorized, if they believe the situation can be resolved safely with other force options.

PROCEDURES

Communications Division personnel will proactively dispatch a field unit with available intermediate force options and a supervisor to all calls involving edged weapons – with the goal of pre-positioning resources so officers have multiple tactical options when arriving on scene.

Establishing Control

A situation is more likely to have a positive outcome if officers are able to establish control of the situation. The first concern is the safety of the public, which must be balanced with officer safety. Officers should attempt to obtain information about the suspect, including the type of weapon involved and anything that could help establish

rapport, from family members, witnesses, or bystanders. These measures are important to attempt to maximize the safety of everyone at scene.

Use of Force and De-escalation

Officers have several use of force options available if the suspect poses an immediate threat to the public or officers. The force used must be appropriate for the actions displayed by the suspect. If a suspect armed with a weapon other than a firearm is contained and poses no immediate threat to himself/herself, the public, or officers, officers should attempt to resolve the situation using tactical de-escalation techniques to gain voluntary compliance, or in an effort to mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- Planning
- Assessment
- Time
- Redeployment and/or Containment
- Other Resources
- Lines of Communication

> **Note:** Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning: Officers should attempt to arrive at scene with a coordinated approach based upon initial information and any pre-existing knowledge of the suspect(s) or the involved parties. The dynamic nature of most incidents will require tactical plans to be flexible, and officers need to adapt their plan(s) as additional information or factors become known.

Assessment: There is no single solution and every situation will be handled differently based upon the totality of the circumstances. When feasible, officers should consider available options and discuss tactics prior to an encounter with a suspect armed with a weapon other than a firearm.

Some factors to consider during the **initial** assessment:

- The type of radio call or activity that brings the officers into the situation (e.g., emotionally charged incidents such as domestic violence, a person showing signs of impaired judgment, or a crime in progress).
- Suspect's apparent size, age, and physical condition.
- Danger signs (e.g., persons talking to themselves or unprovoked agitation).
- The individual's apparent state of mind (e.g., angry, confused, evasive, threatening).
- The availability of known cover and concealment or barriers.
- The need to increase the distance from an individual with a weapon.
- Access to places where dangerous objects could be concealed such as bags, pockets or bulky clothing.

- Observations of the individual's hands.

After the initial assessment, officers should conduct a **continuous** assessment of the situation as circumstances change and new information is received. If a suspect is failing to comply with orders, officers should attempt to determine whether a suspect's lack of compliance is a deliberate attempt to resist or escape, or an apparent inability to comprehend the situation due to environmental, physical, cognitive, or other conditions. If it appears that the suspect is unable to comprehend the situation, other tactical options may be more effective in resolving the situation safely.

Time: There is an equation that saves lives, Distance + Cover = Time. Time generally gives officers options. Time is an essential element of de-escalation as it generally allows officer the opportunity to communicate with the suspect, refine tactical plans and, if necessary, call for additional resources.

Entering the suspect's space prematurely may result in the suspect reacting, which could result in escalating the situation. Whenever possible, officers should place an object/barrier between themselves and the suspect as cover. A barrier could be a chain-link fence, wrought-iron gate, or any similar object that prevents the assailant from reaching the officer.

Due to "lag time," the urgency for officers to create distance between themselves and a suspect armed with a weapon other than a firearm cannot be overstated. Lag time is the time it takes a person to react to an action. If officers close the distance too quickly before assessing the situation, lag time could put them in danger.

If a suspect is contained and does not pose an immediate threat to officers, the public, or themselves, time is an officer's best tool. In these situations, time allows more opportunity to communicate with the suspect and calm the situation. A Systemwide Mental Evaluation Assessment Response Team (SMART) can be requested through the Mental Evaluation Unit (MEU) if officers' assessment indicates an individual is suspected of suffering from a mental illness or developmental disability. If the suspect is barricaded or suicidal, the Crisis Negotiation Team can be requested through Metropolitan Division.

Redeployment and/or Containment: Redeployment and/or containment can afford officers the added benefit of time and distance while continuing to maintain control of the situation. This includes redeployment to cover and/or concealment, such as physical barriers. The addition of time, distance and cover/concealment may give officers an opportunity to re-assess, communicate, request additional resources, or deploy other tactics to reduce the likelihood of injury to both the public and officers while also mitigating any potential ongoing threats. Redeployment, however, should not enable a subject to gain a tactical advantage, arm himself/herself, or flee and pose a greater danger to the public or officers.

Other Resources: In the case of a tense or potentially dangerous encounter, requesting additional resources can provide officers with specialized expertise,

personnel and tools to help control and contain an incident. In concert with the Department's guiding principle of reverence for human life, officers and incident commanders shall consider the use of intermediate force options whenever practical. Intermediate force options often offer the most reasonable force option to safely resolve the situation. Some intermediate force options include but are not limited to:

- 40mm Less-Lethal Launcher
- Beanbag Shotgun
- TASER
- OC Spray

Lines of Communication: Effective communication throughout the incident is vital when dealing with a suspect armed with a weapon other than a firearm. Officers must be flexible in the communication they are using, monitoring the suspect's reactions to determine if the particular line of communication appears to be working. Officers may have to give clear direct orders using command presence, then switch to acting as a crisis negotiator, and then back to using command presence as the situation evolves. If environmental conditions allow, officers should attempt to establish rapport by treating the individual with respect and using a low, soothing tone of voice. The contact officer should introduce himself/herself by name and ask what is troubling the person. Open-ended questions should be used to get the person talking, including:

- "What happened today?"
- "Why are you troubled?"
- "How can I help you?"

Talking with a person may defuse the crisis or buy time, thus increasing the opportunity for a peaceful resolution.

Listening skills are essential to identify the individual's problem and provide a possible solution. Repeat the individual's problem back to them and attempt to solve the problem by discussing solutions. Give the person hope that the problem can be solved. Using active listening skills, paraphrasing, and allowing the suspect to vent frustrations can have a positive impact on the situation.

When dealing with a person who is suspected of suffering from a mental illness and armed with a weapon other than a firearm, communication can be an officer's best tool in resolving the situation. Although communication efforts may seem to be slow and tedious, they frequently result in the de-escalation of the situation. Remember, when an armed individual is also a person with a mental illness, it is important to try to speak slowly in a calm, firm voice to attempt to create a tranquil environment.

Individuals who are suspected of suffering from a mental illness may be easily overwhelmed or distressed by too many demands. When communicating, use short sentences and give one order at a time. Officers may have to repeat orders numerous times before the person will respond. If tactics permit, give more than one option, instead of an ultimatum. It is important not to join in with the person's hallucinations.

Effective communication with the suspect can prevent the incident from escalating to a use of force, thus reducing the threat of injury to the officers and the suspect.

All or some of the following tactics may be used in the same incident as time or circumstances allow:

- Verbal warnings
- Persuasion
- Defusing
- Empathy
- Redirecting
- Advisements
- Building rapport
- Asking open ended questions
- Giving clear and direct orders

CONCLUSION

Officers often come into contact with emotionally charged suspects in situations such as domestic violence, crimes in progress, and people in crisis. With the rise of incidents involving weapons other than firearms, the equation that is most likely to produce a positive outcome is Distance + Cover = Time. Time generally gives officers options. A barrier between officers and the suspect may give them additional time to handle the incident safely. If the suspect is contained and poses no immediate threat to the officers, the public, or himself/herself, officers can use techniques in an effort to reduce the intensity of an encounter with a suspect and potentially enable them to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Important Reminder

Deviations from these basic concepts sometimes occur due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to those which substantially deviate from Department tactical training. Any deviations are to be explained by the involved officer(s), and the justification for substantial deviations from Department tactical training shall be articulated.

This Tactical Concepts – Tactics Training Overview replaces Training Bulletin Volume XLVI, Issue 3, Weapons Other Than Firearms, October 2017.

Field Training Services Unit
Police Training and Education

DISTRIBUTION “A”

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

April 15, 2026
AGENDA
9:00 AM

Meeting Location: CA Commission on POST Headquarters, 860 Stillwater Road - Training Rooms A/B, West Sacramento, CA 95605.

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing (916) 866-9583 and following the prompts provided.

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's

facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member
Vacant - Senate Rules Appointee - Public Member
Vacant - Governor Appointee - Public Member

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on February 05, 2026.

a. Approval of Meeting Transcript from the February 05, 2026 Hearing

If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meetings.

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

VI. NEW BUSINESS

a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for information only. No action is required.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernadino Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- July 15-16, 2026 - POST HQ, West Sacramento
- October 14-15, 2026 - POST HQ, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2311373 - JULIO QUINTANILLA (POST ID: C58-G04)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 04/15/2026	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY David Sieber	**REVIEWED BY** Christine Ford	
REPORT DATE 04/15/2026	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the Respondent's peace officer certification status.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department on February 22, 2016. At the time of the captioned incident, the Respondent was a police officer with the Los Angeles Police Department, which is a peace officer position as defined under California Penal Code 830.1(a) and is required to be certified pursuant to California Penal Code 13510.1(a). As of the date of this hearing, Respondent remains employed by the Los Angeles Police Department as a police officer.

On December 18, 2021, the Victim walked out of his residence holding a kitchen knife, reportedly threatened members of the community, and then sat idle on the steps of a neighboring residence while holding the knife to his neck. Officers assigned to LAPD’s Newton Patrol Division (NPD) and Newton Gang Enforcement Detail (GED) responded to the “attempt suicide” call for service within minutes and contained the Victim. The Respondent and his partner responded to the incident, established a perimeter position, and were designated by the

on-scene incident commander as lethal cover officers.

After approximately 13 minutes of de-escalation efforts, the Victim stood up and took four slow steps forward and then stopped. This movement triggered LAPD's deployment of a less-lethal projectile, which struck Victim in the hip. Nearly contemporaneously (.382 seconds after the less-lethal deployment), from a distance of approximately 25 feet and behind the cover of a police vehicle, Respondent's partner fired three rounds from his service pistol, striking the Victim. Approximately .322 seconds after Respondent's partner discharged his third round, Respondent fired a single round from his service pistol, from a distance of approximately 28 feet and behind the cover of his police vehicle. The Victim was detained but ultimately succumbed to the injuries sustained from the use of force.

LAPD's Force Investigation Division (FID) investigated the Officer Involved Shooting and found that the Respondent's actions were not objectively reasonable, proportional, or necessary. Ultimately, Respondent received a 5-day suspension with loss of pay and benefits. In July of 2025, the City of Los Angeles settled the resulting wrongful death suit filed by the Victim's family in the U.S. District Court for the Central District of California and paid the family $8,000,000.

As of April 2026, the Los Angeles County District Attorney's Office's Justice System Integrity Division has not reached a charging decision and continues to review the incident with the assistance of an independent police oversight firm. Based on an analysis of the results of the LAPD Force Investigation Division (FID) and Complaint Investigations, recommendations of the Use of Force Review Board (UOFRB) and the Chief of Police (COP), and a detailed review of multiple Body Worn Video (BWV) perspectives of the Officer Involved Shooting (OIS), the Division determined that the Respondent engaged in serious misconduct as defined in California Penal Code § 13510.8(b)(3) and Commission Regulation § 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force.

Video Evidence Links:

- **BR14 POST2311373 Quintanilla Julio Attachment M**

Quintanilla BWC

- **BR15 POST2311373 Quintanilla Julio Attachment N Zavala BWC**
- **BR16 POST2311373 Quintanilla Julio Attachment O Officer 1 BWC**

ANALYSIS:

The Division determined there was clear and convincing evidence that Respondent engaged in serious misconduct as defined in California Penal Code § 13510.8(b)(3) and Commission Regulation § 1205(a)(3) - physical abuse, including, but not limited to, the excessive or unreasonable use of force. This misconduct is evidenced by Respondent's discharge of one round at the Victim, who posed a danger only to himself and did not present an imminent threat to the Respondent or others. Respondent's actions demonstrated a disregard for public safety and were inconsistent with the duties and responsibilities of a peace officer. Accordingly, the Division finds that Respondent's conduct constitutes serious misconduct, warranting revocation or suspension of his POST peace officer certification.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01_POST2311373_Quintanilla Julio_ISF_Redacted.pdf
BR02_POST2311373_Quintanilla Julio_Executive Review and Division Recommendation.pdf
BR03_POST2311373_Quintanilla Julio_POSTProfile_Redacted.pdf
BR04_POST2311373_Quintanilla Julio_Attachment C - LAPD Report_Redacted.pdf
BR05_POST2311373_Quintanilla Julio_Attachment D - COP IntradeptMemo_Redacted.pdf
BR06_POST2311373_Quintanilla Julio_Attachment E - 22-003418 LOT_Redacted.pdf
BR07_POST2311373_Quintanilla Julio_Attachment F - 22-003757 LOT_Redacted.pdf
BR08_POST2311370_Quintanilla Julio_Attachment G - LA City Council_Motion to Settle_Redacted.pdf
BR09_POST2311373_Quintanilla Julio_Attachment H - Federal Civil Complaint_Redacted.pdf
BR10_POST2311373_Quintanilla Julio_Attachment I - Respondent Interview Transcript_Redacted.pdf
BR11_POST2311373_Quintanilla Julio_Attachment J - SME Report_Redacted.pdf
BR12_POST2311373_Quintanilla Julio_Attachment K - LAPD Edged Weapons Policy.pdf

BR13_POST2311373_Quintanilla Julio_Attachment L - LAPD Use of Force Policy 10.2020 to 08.2022.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Julio Quintanilla, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke Certification notifying Respondent that the Division found reasonable grounds for the revocation or suspension of Respondent's POST certification on February 18, 2026. Respondent requested a review of the Division's determination and reasons for the revocation or suspension of Respondent's POST certification on March 16, 2026, and the Board scheduled the case for a hearing, which was held on April 15, 2026. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☐ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings, and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 4/15/26

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, APRIL 15, 2026

9:00 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061, RPR

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

ROBERT DOYLE
Marin County Sheriff (Retired)
Vice Chairperson

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

---o0o---

PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

---o0o---

A P P E A R A N C E S C O N T I N U E D

POST STAFF

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

RICHARD COLLINS
Law Enforcement Consultant
Professional Conduct Northern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Analyst II
Executive Office

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

DAVE SIEBER
Law Enforcement Consultant
Professional Conduct Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

---o0o---

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

KASEY CASTILLO
Counsel for
Hector Victorio, POST ID: C87-Q51

JOSEPH HOFFMAN
Counsel for
Matt White, POST ID: A68-U16

LESLIE WILCOX
Counsel for
Jose Zavala, POST ID C28-A48
and
Julio Quintanilla, POST ID: C58-G04

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

HECTOR VICTORIO
POST ID: C87-Q51

MATT WHITE
POST ID: A68-U16

---o0o---

PUBLIC SPEAKERS

KEYAN BLISS

AARON BLUEFORD

BEATRICE JOHNSON

WANDA JOHNSON

ADDIE KITCHEN

ARLETA NANCE

A P P E A R A N C E S C O N T I N U E D

PUBLIC SPEAKERS

KATHRYN WADE

MORGAN WHITE

LANCE WILSON

---o0o---

I N D E X

PROCEEDINGS	PAGE
I. CALL TO ORDER	8
II. ROLL CALL OF POSAAB MEMBERS	8
III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA	9
IV. APPROVAL OF MEETING TRANSCRIPTS	18
Approval of Meeting Transcript from the February 5, 2026, Hearing	
V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS	19
VI. NEW BUSINESS	
a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes	20
VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION	
a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)	32
b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)	32
c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)	94
d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)	135
e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department	188

I N D E X C O N T I N U E D

PROCEEDINGS	PAGE
VIII. CLOSED SESSION	
(Transcripts prepared and bound under separate cover)	
a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)	91
b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)	91
c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)	127
d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)	187
e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department	--
IX. FUTURE BOARD MEETING DATES	--
July 15-16, 2026 - POST, West Sacramento October 14-15, 2026 - POST, West Sacramento	
ADJOURNMENT	204
CERTIFICATE OF REPORTER	205
ERRATA SHEET	206

---o0o---

Wednesday, April 15, 2026, 9:05 a.m.

West Sacramento, California

---o0o---

VICE CHAIRPERSON DOYLE: Today is April 15th, 2026. And the time is 9:05.

Thank you for all attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that the hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When speaking, they will go live. With this, you will need to watch cross-talk.

We will now call the role of board members.

MR. KNAPP: Thank you, Vice Chair Doyle.

Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Doyle.

VICE CHAIRPERSON DOYLE: Present.

MR. KNAPP: Dudley.

(No response.)

MR. KNAPP: Johnson.

MEMBER JOHNSON: Present.

MR. KNAPP: Lara.

(No response.)

MR. KNAPP: And Pena.

MEMBER PENA: Present.

VICE CHAIRPERSON DOYLE: Thank you.

A quorum has been established.

On my left is POST Counsel Chris Beatty. And on my right is POST Assistant Executive Director Annemarie Del Mugnaio.

First item is public comment. This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.

Public comment on matters on the agenda will be heard after each item is presented. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each matter.

Is there anyone present in the audience or remotely who would like to address the Board in public comment?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future meeting, to respond briefly

to statements or questions posed, to request clarification, or to refer the item to staff.

Please remember that this meeting is being transcribed so -- so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comments can be correctly captured in the transcript.

As the Board's Vice Chair, I may ask members of the public to limit their remarks to no more than three minutes pursuant to existing board policy. I may conclude the public comment period if -- I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and that the 15-minute public comment period has expired.

You will be given two minutes to speak. And the lime limits will be exactly enforced -- strictly enforced, so please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing

agency. POST staff will assist you in that regard.

I would like to remind individuals making comments not to discuss pending complaints or pending disciplinary actions that may later come before the Board -- before the Board for a recommendation.

If the opportunity to address the Board at the time allows these rules is necessary to comply with the law and to avoid complementing -- compromising board mission (as stated). When it is your turn, you may -- you may state your name and organization.

So we'll open it up to public comment.

Anyone in the audience who wishes to address the Board?

Please.

MS. KITCHEN: My name is Addie Kitchen.

My name is Addie Kitchen. I'm the grandmother of Steven Taylor, who was murdered in April of 2020 in San Leandro. He was in a mental health crisis at the time.

And my question is, how do I start to apply for a decertification from the officer? How do I know that the officer is still certified? And is there someone here that could help me to start the process?

MS. DEL MUGNAIO: Yes. Thank you so much. We have members of our complaint intake team who can help you to file that complaint, register your case with the -- with

our division. That would be investigated and we would be in contact with you.

So as you go back to your seat, a member of the team will come up and get your information and help you with that process.

MS. KITH: And can you tell me how long is that process?

THE WITNESS: It depends on how long the investigation takes. It depends on the complexity of it. How long it takes for us to get records from the agency can take anywhere from six months to a year.

MS. KITCHEN: Okay. Thank you. I think that's the only questions I have.

MS. DEL MUGNAIO: Thank you so much.

VICE CHAIRPERSON DOYLE: Thank you.

MS. NANCE: Good morning. My name is Arleta Nance. And I am the mother of Tahmon Wilson and Thomas Wilson, Jr.

On August 18th, 2023, my son Tahmon was shot in the back of the head and killed by the Martinez, California, Police Department. And my son Thomas was shot twice in the back and survived. After being shot, my son Thomas was also assaulted by officers.

Internal Affairs conducted an investigation into this case and found misconduct serious enough to warrant

the termination of multiple officers. The findings included excessive force, failure to report misconduct, and conduct that reflects abuse of authority.

These are not minor violations. These are categories that fall directly under POST's definition of "serious misconduct."

In November of 2025, I filed multiple complaints with POST and received confirmation that they were accepted. Those complaint numbers are PUBLIC-25-001465, 001466, 001467, 001468, and 001469.

I have not received any meaningful update shortly after filing those complaints.

So my question is simple: If these findings meet POST's own categories for serious misconduct, what is the status of these cases? And are they being reviewed for decertification? And did the agency meet its obligation? Which -- Martinez agency, they were obligated to report the misconduct to POST within ten days.

Impacted families deserve to know whether this process is working. And if somebody could help me with information. I have sent emails, follow-ups, and I have heard nothing back. Left messages on the recorder, because you can't talk to anybody when you call. And it's been since November. So...

MS. DEL MUGNAIO: Certainly. Thank you for your comments. And we will have someone get in touch with you. There's members here that can reach out to you and give you the status of those complaints.

MS. NANCE: Okay. Thank you.

MS. DEL MUGNAIO: You are welcome.

VICE CHAIRPERSON DOYLE: Thank you.

MS. WADE: Good morning, everyone. My name is Kathryn Wade. I'm the mother of the late Malad Raynal (phonetic) Baldwin. My son was assaulted many years from Antioch Police Department.

And in 2023, the FBI and the district attorney performed a -- an investigation in that department, and they text about the sexual assault that happened to -- that they -- that happened to my son.

I'm here today because I have submitted many complaints over the years. And I just found out about POST, and I would like to get it -- see if I can get an investigation and get some help of what they did to my son. He never got a chance to tell his side of the story, of the stories of the things that was happening to him.

And I have a question too.

Do you accept complaints of the sheriffs who are the acting coroners?

MS. DEL MUGNAIO: Yes. So POST has jurisdiction over any certified peace officer, so that would include sheriff coroners as well. Yes, ma'am.

MS. WADE: Okay. Well, I'm here today because I need some help on getting this information to you all that I have, to see if I can get some help. And an investigation on the things that was done to my son and even the admission in the text messages that they text about him.

Thank you.

MS. DEL MUGNAIO: I can have someone reach out to you here today that will help you with the process. Okay?

MS. WADE: Okay.

MS. DEL MUGNAIO: Thank you so much.

MR. BLUEFORD: Good morning.

VICE CHAIRPERSON DOYLE: Good morning.

MS. DEL MUGNAIO: Sir. Can you hold on one second?

I'm sorry. I just want the record to reflect that Board Member Charles Lara joined the quorum so that we have that on record.

Thank you, sir. Go ahead.

MR. BLUEFORD: Yes, ma'am. Thank you.

My name is Aaron Blueford. I'm Alan Blueford's brother, from the Alan Blueford Foundation. My mother

is Jeralynn Blueford. And I'm here to speak on the impact it had on me and my family's life. I didn't know we couldn't use the speech that I had, but...

But on May 6th, my younger brother, Alan Dwayne Blueford, at 18 years old, had two weeks to graduate.

And before we could see that milestone and have that -- have that whole feeling of seeing your son and your brother, your family member, go and graduate high school, he was killed by an officer that had other -- had did other things and were sent from another state. Had violations out there. Did something to my little brother. He passed away, tragically. It tore apart my family. And he was able to again go and do something else to somebody else. And this is on record.

At 18 years old, Alan Blueford was killed. After that, his mother went through health problems. Father went through health problems. Lost my grandmother. Lost my aunties. It just was so traumatic to my family, and each family that experienced something like this, who had to face identifying a son or a brother and living with that and seeing that for the rest of their life.

My mother's been speaking. She's been at D.C. We've been pushing forward with the Alan Blueford Foundation.

And I wrote something. You know, I wrote a little something that I think everybody could value in here because we all have a family. We all have people that we love. And this should be understanding and heartfelt. So before time runs out.

As tears wear our eyes, while families endure a pain that doesn't subside. When hearts have spoken, let their voices be heard. As the faith in each name stands in God's glory and mother's love and nature of her -- of our nourishment. Let each word be heard. Every life, every testimony, for each hour of each day facing a reality with memories of tragedies. Living in one nation under God, let their voices be heard as we stand in solidarity. Let their voices give clarity and by their possibilities, as the light of our eyes first came from the love of a family.

I'm here representing the Alan Blueford Foundation. And I just want to make sure that everybody has heard that, in this situation, we can make for a brighter future, more possibilities where this doesn't have to keep continue happening. Mothers don't have to keep appearing in front of you in tears. We could work together. What we have in front of us, we're here in solidarity.

And I thank you guys for this time.

Alan Blueford was such a pivotal person to my family. And when I lost my brother, I lost so much more. And it doesn't -- it doesn't subside. And if we can communicate and agree that we could have a better future for how this is looked at and gone about, I think that's a part of that dream that everybody has been speaking for the last 50 years.

I thank you for your time and your service. God bless.

VICE CHAIRPERSON DOYLE: Thank you.

Is there anyone else in the audience that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Seeing none, is there anybody attending remotely that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: No? Okay.

Next item is approval of the meeting transcripts from February 5th, 2026.

Is there any discussion?

(No response.)

VICE CHAIRPERSON DOYLE: If there's anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the

misconduct or that the revocation or suspension is ordered. That will be determined after the evidentiary hearing.

At the conclusion of each law enforcement consultant's presentation, the Board will have the opportunity to ask questions; and then public comment from the subject -- from the officer and/or their counsel will be taken; followed by members of the public.

Further discussion by the Board will be allowed if necessary.

The Board will go into closed session deliberations after each case or until all cases have been presented and adjourn into closed session to deliberate on all cases presented after reconvening into regular sessions. Votes will be taken on each case.

POST Case 2311370, Jose Zavala; and POST2311373, Julio Quintanilla. Employing agency is Los Angeles Police Department.

At this time, I call upon Law Enforcement Consultant David Sieber and Carrie Woolley, an attorney with Legal Affairs Bureau, to provide a report in these matters involving the two officers that I have mentioned, and who, at the time of the events at issue in this case, were and still are employed by Los Angeles

Police Department.

Law Enforcement Consultant Dave Sieber will present information regarding the service record and allegations or [sic] serious misconduct for each officer; followed by a presentation regarding the factual circumstances of the December 18, 2021, incident.

Following the presentation, each officer and their counsel will have the -- will have time to provide public comment to the Board regarding the facts and circumstances.

Mr. Sieber and Ms. Woolley, you may proceed.

MR. SIEBER: Good morning, Chairman and members of the Board. Excuse me. My name is Dave Sieber, and I'm one of the law enforcement consultants assigned to the Professional Conduct Southern Bureau in the Peace Officer Standards Accountability Division.

With me today is Carrie Woolley, an attorney with our Legal Affairs Bureau.

I'm here today to present POST Case 2311370 involving Los Angeles Police Department Officer Jose Zavala; and POST Case Number 2311373, involving Los Angeles Police Department Officer Julio Quintanilla.

These cases are associated with a single officer-involved shooting incident involving allegations of serious misconduct arising from Officer Zavala and

Officer Quintanilla's use of force, which resulted in the death of an adult male, whom I will refer to as the "victim" throughout this presentation.

It is the Division's determination that clear and convincing evidence exists to demonstrate that Officer Zavala and Officer Quintanilla committed an act of serious misconduct, as set forth in California Penal Code section 13510.8, on December 18th, 2021.

Specifically, the Division has determined that Officer Zavala and Officer Quintanilla committed the following acts of misconduct:

California Penal Code 13010.8(b)(3), physical abuse, including but not limited to the excessive or unreasonable use of force.

In this presentation, I will present a brief outline of the Division's findings regarding this matter.

First, I would like to discuss Officer Zavala's background. Officer Zavala began his career with the Los Angeles Police Department on May 26, 2009.

On October 9, 2009, Officer Zavala was promoted to the position of police officer. This position is a peace officer, as defined under Penal Code section 83 -- 830.1(a).

Officer Zavala earned a POST Basic Certificate on

January 10, 2011.

Next, I will provide a summary of Officer Zavala's prior discipline:

As stated in the initial statement of findings on pages 6 through 9, Officer Zavala is the subject of an -- eight allegations of serious misconduct submitted to the Division. These eight allegations include this case and its related civil matter;

Two allegations that Officer Zavala demonstrated bias, which the Division closed with no further action as it lacks jurisdiction to review because the events occurred before January 1, 2022, and LAPD concluded its investigation before that date;

One allegation of abuse of power and physical abuse from an incident on April 2, 2021, POST Case Number 2502030;

As well as a duplicate allegation of the same incident.

Despite the fact that POST Case 2502030 was closed with a finding of no further action, LAPD sustained a single allegation against Officer Zavala for his excessive and unreasonable use of a front kick while disbursing a crowd on April 2, 2021.

Ultimately, LAPD's personnel complaint investigation resulted in a five-day suspension with

loss of pay and benefits.

Lastly, there were two cases from 2024 which involved allegations that Officer Zavala engaged in an abuse of power and demonstrated bias; were both closed were no further action.

The Division would like to note that these cases were identified as unassigned in the ISF dated February 12, 2026, but have since been adjudicated.

In addition, a review of Officer Zavala's Los Angeles Police Department personnel file indicated that on February 15, 2015, he was involved in a noncategorical use of force when he and his partner responded to a radio call of a prowl suspect. Upon arrival, the officers encountered the complainant, who was subsequently arrested for the warrant.

During the complainant's booking process, he punched Officer Zavala in the jaw without warning.

In response, Officer Zavala initiated a noncategorical use of force, striking the complainant eight times with his fist.

The complaint received facial bruising and a laceration above his eye and was transported to the hospital for medical treatment.

After treatment, officers walked the complainant to their patrol vehicle, at which point he attempted to

flee, resulting in a second noncategorical use of force.

As a result of the collective circumstances and a complaint by a civilian witness, LAPD initiated a personnel complaint investigation on Officer Zavala.

The investigation resulted in five allegations of misconduct, two of which were sustained for Officer Zavala's unauthorized use of force, and for his use of tactics that substantially deviated from the department's tactical training.

LAPD's personnel complaint investigation found that Officer Zavala's use of force was necessary and that his first two punches were within policy. However, the investigation found that he let his emotions lead to excessive force when he followed up with punches 3 through 8.

Ultimately, Officer Zavala received a 15-day suspension with loss of pay and benefits.

This incident occurred before January 1, 2022, and, therefore, was not actionable by POST.

Now I would like to discuss Officer Quintanilla's background. Officer Quintanilla began his career with the LAPD on February 22, 2016.

On August 7, 2016, Officer Quintanilla was promoted to the position of police officer. This position is a peace officer as defined under Penal Code section

83.1(a).

Officer Quintanilla earned a POST Basic Certificate on September 27, 2017; and a POST Intermediate Certificate on September 23, 2020.

Lastly, I will provide a summary of Officer Quintanilla's prior discipline:

As summarized in pages 6 through 13 of Officer Quintanilla's Initial Statement of Finding, the Division has received 20 allegations of serious misconduct involving Quintanilla -- Officer Quintanilla.

These allegations involve this case, its related case, and a duplicate allegation:

Two allegations involving abuse of power and a demonstration of bias, which the Division closed, as it lacked jurisdiction due to the events occurring prior to January 20 -- January 1, 2022, and LAPD concluded its investigation prior to that date;

One allegation that Officer Quintanilla demonstrated bias and used excessive force from 2023. LAPD found the complaint was demonstrably false;

Four allegations that Officer Quintanilla engaged in abuse of power from 2023, in which LAPD found that the complaints were unfounded in three of the cases, and Officer Quintanilla was exonerated in the fourth case;

Two allegations that Officer Quintanilla engaged in

physical abuse, excessive use of force, in 2023 and 2024. LAPD determined that the complainant's -- the complaints were unfounded, unfounded in part, and that the officer's actions were exonerated and the complaint was demonstrably false.

Lastly, there were eight allegations that Officer Quintanilla demonstrating demonstrated bias, six of which were from 2023, one from 2024, and one from 2025. LAPD determined that six of the complaints were demonstrably false and the remaining two were unfounded.

The Division closed these cases following the determination that there was insufficient evidence that serious misconduct had occurred.

In summary, the Division closed these 17 allegations of misconduct after finding that there was insufficient evidence that Officer Quintanilla engaged in serious misconduct.

A review of Officer Quintanilla's LAPD personnel file indicates that he was involved in 13 noncategorical uses of force, all of which were adjudicated as in policy.

Additionally, Officer Quintanilla was involved in seven vehicle pursuits. Six of the pursuits were adjudicated as in policy. And one, which occurred on July 6, 2021, resulted in a sustained finding and a

penalty of admonishment.

Now I will provide a factual basis for the captioned use of force incident involving Officers Zavala and Quintanilla.

On December 18th, 2021, at approximately 1654 hours, communication division received a call that the victim had walked out of his residence, holding a kitchen knife, and was threatening members of the community.

The victim is described as an adult male standing 4'9" and weighing approximately 98 pounds.

According to a relative of the victim, the victim had been drinking alcohol and using narcotics since he was 18 years old, causing what the relative described as an altered state of mind.

At approximately 1701:31 hours, a sergeant from Los Angeles PD's Newton Gang Enforcement Detail, hereinafter referred to the "incident commander," was first to respond to the call.

The incident commander arrived on scene, exited his patrol vehicle, and attempted to communicate with the victim, who was sitting idle on the steps in front of an apartment building located near the victim's residence, holding the knife in his right hand with the blade pressed against his neck.

You can advance the slide, please.

This is an image of the location. The steps there is where the victim was sitting. Just for your reference.

At 1702:05 hours, Officer Zavala and his partner, Officer Quintanilla from LAPD's Newton Gang Enforcement Detail, followed by two additional officers from LAPD's Newton Patrol Division, responded to the attempted suicide call for service and contained the victim.

Officer Zavala and Quintanilla established a perimeter position to the west of the victim and were designated by the incident commander as lethal cover officers.

At 1703:02 hours, the victim placed the knife blade against the side of his throat prompting multiple officers to yell, "Don't do it."

The incident commander directed one of the Newton Patrol Division officers, hereinafter referred to as Officer 1, to deploy his 40mm less-lethal launcher. However, he withdrew the command before Officer 1 could execute the order.

Another officer from LAPD's Rampart Patrol Division arrived on scene in his patrol vehicle. The incident commander directed this officer to join the arrest team.

At 1703:35 hours, the incident commander retrieved

a ballistic shield from his patrol vehicle and gave it to another officer.

The incident commander yelled to Officers Zavala and Quintanilla, "You still got lethal coverage right there -- right here."

For the next several minutes, Officer Zavala and Officer Quintanilla, along with the incident commander, alternated communicating with the victim.

Advance the slide, please.

Moments later, the victim stood, held the knife to his throat, and gestured the sign of the crucifix across his chest with his left hand. The incident commander directed Officer 1 to deploy his 40mm less-lethal launcher by announcing "Forty standby."

At 1704:06 hours, Officer 1 discharged one 40mm round at the victim from a distance of approximately 30 feet.

The round struck the victim in the abdomen and did not -- but did not appear to have any effect.

The victim walked down a short flight of steps towards the officers and then sat idle on the bottom step while continuing to hold the knife against his throat.

At 1705:36 hours, body-worn video recordings captured officers alerting one another that a bystander

was attempting to exit the apartment building behind the victim.

The incident commander yelled, "Hey, stay right there. Do not come out."

Additional officers warned the bystander to stay inside and to move away from the windows. The bystander complied with the officers' orders and remained inside the building with the door closed.

The victim appeared to be oblivious to the presence of the bystander, who was inside the apartment building behind him.

Two additional Newton Gang Enforcement Detail officers arrived on scene. One of the officers deployed a shotgun, positioning himself as a lethal cover officer, along officer -- alongside Officer 1.

The other officer deployed a less-lethal beanbag shotgun and was directed by the incident commander to move to the west side of the containment perimeter to provide less lethal cover for Officer Zavala.

The incident commander and Officer Zavala continued alternating commands to the victim. The incident commander utilized the patrol vehicle's PA system to communicate his commands.

At 1710:17 hours, the victim stood up, removed his hat, and held the knife above his shoulders while

looking east towards members of his family, who were standing behind the containment perimeter.

The incident commander announced, "Get ready," while he transitioned from the passenger's side of the patrol vehicle to the driver's side, where Officer 1 had taken cover.

The incident commander announced "Forty forty up."

After standing, the victim took four slow steps forward, turned to his left/west, and yielded to the officer's commands to stop.

Contemporaneously, Officer 1 announced "Forty standby," as the incident commander instructed him to fire the less-lethal launcher. Officer 1 fired one 40mm round from a distance of approximately 22 feet, impacting the lower right side of the victim's torso.

Approximately .382 seconds after the 40mm less-lethal projectile was fired, Officer Zavala discharged the first of three rounds from his service pistol, from a distance of approximately 25 feet and behind the driver's side door of his police vehicle, striking the victim.

Approximately .322 seconds after Officer Zavala discharged his third round, Officer Quintanilla fired a single round from his service pistol from a distance of approximately 28 feet and behind the passenger's side

door of his police vehicle.

The victim fell to the ground and was subsequently detained.

The victim received medical aid and was transported to the hospital where he ultimately succumbed to his injuries.

This slide gives a depiction of the -- kind of the location of the subject respondents, where the red line is drawn, just for your reference.

On December 21, 2021, the Los Angeles County Coroner's Office performed a postmortem examination of the victim. The report indicated that the victim sustained three gunshot wounds: Two to the torso and one to the neck. Ultimately, the report concluded that the victim's death was the result of a gunshot wound to the torso.

The Los Angeles Police Department's Force Investigation Division investigated the officer-involved shooting, and the results were conveyed to LAPD's Use of Force Review Board.

The Use of Force Review Board was critical of Officer Zavala and Officer Quintanilla's perception of an immediate threat. And they found that their actions were not objectively reasonable, proportional, or necessary.

A subsequent department-initiated personnel complaint investigation reached a sustained finding of "Out of Policy - Administrative Disapproval" regarding Officer Zavala's and Officer Quintanilla's use of force.

Neither Officer Zavala nor Officer Quintanilla were referred to an LAPD's Board of Rights.

Ultimately, Officer Zavala received a ten-day suspension with loss of pay and benefits. And Officer Quintanilla received a five-day suspension with a loss of pay and benefits.

Later, on February 3, 2023, the victim's family filed a civil complaint, which initiated a second LAPD personnel complaint investigation, alleging Officer Zavala's and Officer Quintanilla's excessive use of force. This investigation ultimately determined that the allegation was unfounded for both officers.

However, on March 18th, 2025, the Los Angeles City Council voted to authorize the city attorney to expend up to 8 million to settle the victim family's wrongful death lawsuit, which was filed in the U.S. District Court for the Central District of California.

As of today, the Los Angeles County District Attorney's Office, Justice System Integrity Division, has not reached a charging decision and continues to review the incident with the assistance of an

independent police oversight firm.

The facts I have just recited support the Division's finding that Officer Zavala and Officer Quintanilla were involved in serious misconduct, specifically physical abuse, including but not limited to the excessive or unreasonable use of force.

For purposes of the Division's analysis, "clear and convincing evidence" means evidence of a charge is clear and convincing so long as there is high probability that the charge is true. The evidence not need establish a fact beyond a reasonable doubt.

The Division recommends that Officer Zavala's POST Basic Certificate and Officer Quintanilla's POST Basic and Intermediate Certificates be revoked or suspended based on the following:

After a review of the evidence developed in LAPD's Force Investigation Division investigation and personnel complaint investigations, multiple body-worn video perspectives of the incident, and an analysis of California Penal Code 835(a) and the 2025 U.S. Supreme Court decision in Barnes v. Felix, the Division concludes that Officer Zavala and Officer Quintanilla engaged in serious misconduct, as defined in California Penal Code section 13510.8(b)(3) and Commission Regulation 1205(a)(3), physical abuse but not limited to

the excessive or unreasonable use of force.

The Division's assessment is supported by the following findings:

The victim was contained and remained no closer than approximately 22 feet from any officer;

Once contained, the victim posed a danger only to himself;

The victim's demeanor was not particularly threatening;

The victim's demeanor was not particularly -- the victim did not pose an imminent threat to the officers who were positioned behind police vehicles, nor to members of the public who were located outside the containment perimeter;

The victim was slow to respond to verbal commands and less-lethal force, suggesting the possible presence of a mental or physical health condition, cognitive impairment, or the influence of a controlled substance;

Lastly, at the time deadly force was utilized, the victim had complied with officers' commands to stop.

Officer Zavala and Officer Quintanilla effectively used distance and cover to create time and space in conjunction with de-escalation measures. However, they initiated deadly force before exhausting available less lethal options.

The Division determined that Officer Zavala and Officer Quintanilla failed to meet the requirements set forth under California Penal Code section 835(a)(C)(2), which limits the use of deadly force to circumstances in which it is necessary, to fend against an imminent threat of death or serious physical injury.

Additionally, the Division requested an independent subject matter expert opinion from Robert Handy of Trichief Consulting Services.

The subject matter expert concluded that Officer Zavala's and Officer Quintanilla's use of deadly force was inconsistent with the tactics being directed by the incident commander and was not based on an objectively reasonable belief that the victim posed an imminent threat of death or serious bodily injury to officer or others.

Rather, the force was precipitated by the danger the victim posed to himself, which does not satisfy the statutory threshold for deadly force.

Based on its investigation, and after considering the factors enumerated in Title 11, California Code of Regulations 1213(a), the Peace Officer Standards Accountability Division determined that Officer Zavala and Officer Quintanilla failed to meet requirements set forth under California Penal Code section 835(a)(C)(2).

Officer Zavala's and Officer Quintanilla's conduct demonstrated a disregard for public safety, and their conduct was inconsistent with the duties and responsibilities of a peace officer.

Accordingly, the Division finds that Officer Zavala's and Officer Quintanilla's actions constitute serious misconduct, warranting the revocation or suspension of their POST certifications.

I would now like to present the Board with three perspectives captured by the body-worn video devices of Officer Zavala, Officer Quintanilla, and Officer 1, followed by a corresponding timeline of the aforementioned events.

These videos are about one minute each. And we can replay them. You will -- these are a bit of deconfliction or their de-escalation measures for the first 30 to 40 seconds, and then it goes into the deadly force.

We will start with Officer Zavala.

MS. DEL MUGNAIO: Mr. Sieber, before you start with the video, just a disclaimer for the public: Sensitive material. This may be disturbing for some. Just wanted to preface it by saying some of you may not want to watch the video. However, we are going to play it. So I wanted so provide that disclaimer.

Thank you.

(Video played.)

MR. SIEBER: The shots were so contemporaneous that you almost couldn't tell the 40mm less-lethal hit him in the hip. Less than a third of a second later, Officer Zavala initiated the first of three rounds. And less than a third of a second after his third round, Officer Quintanilla initiated his single shot.

Some of the -- some of the other perspectives are a little clearer.

(Video played.)

MR. SIEBER: The last perspective is from the other side to the east. That's to the left of Officer Zavala and Quintanilla.

And you are going to see, through the door frame, from Officer 1., who was using the less-lethal device, you can see him take his shot, and then you can kind of time when Officer Zavala takes his first shot, because you can see him through the window.

(Video played.)

MR. SIEBER: And I have just put an administrative timeline up here, because I know I pushed on a lot of dates and times. I think these are the pertinent ones that talk about when the actions took place from the department. There are two slides here I will leave up

for you.

And with that, I'm happy to answer any questions that the Board may have.

Thank you.

VICE CHAIRPERSON DOYLE: Does the Board have questions?

Commissioner Johnson.

MEMBER HATCHER-CRAWFORD: I do.

MEMBER JOHNSON: Yes. Johnson.

When you were speaking on Zavala and Quintanilla about the prior complaints that was filed, maybe next time a PowerPoint of all the complaints and then the separation of those that was unfounded and those that were sustained.

Because you said a lot with especially Quintanilla; he had 20 complaints filed. And it sounded like most of them was unfounded. And so I was kind of lost in the numbers.

So for next time, maybe clarity, we can actually see it. And I think that would help me better.

MR. SIEBER: Thank you, Board Member Johnson. And it is a very valid point. And I did take the time to put together a more, sort of, streamlined summary of those, if you would like me to read them again. I know it's -- I wanted to provide enough information so

that you understood what the cases were. But now I have distilled it down to just the -- sort of the decision.

Would that be helpful?

MEMBER JOHNSON: Oh, no. You don't have to reread them. But I'm just saying, next time. I get the whole gist. I did read it. But for more clarity.

MR. SIEBER: Understood.

VICE CHAIRPERSON DOYLE: Ms. Crawford?

MEMBER HATCHER-CRAWFORD: Crawford.

I read the report thoroughly. I, at one point, stepped back and go back and read it. I noted that the coroners ruled this as a homicide, per report, correct?

(No response.)

MEMBER HATCHER-CRAWFORD: And that Chief Moore, at one point, submitted a report stating that he felt the officers were not within POST's guideline as well. But, yet, we have where an internal group -- I forgot the name, I'm sorry -- is still looking into this matter.

So as I said, I went back, looked at it, read it.

One of the things that I wanted to be clear -- clear-clear on: You mentioned that there's a 22-feet radius. The officers were at 25 and 28, correct?

MR. SIEBER: Correct?

MEMBER HATCHER-CRAWFORD: Within seconds -- I sat there and counted it on my fingers -- after the beanbag

was deployed, that within 3.282 seconds, the first three shots were fired, and then a fourth one. Correct?

MR. SIEBER: That is correct. .3 seconds. So a third of a second after the 40mm was fired, the first of three shots was fired.

MEMBER HATCHER-CRAWFORD: Okay. And this was the part that I got kind of confused on.

The sergeant and maybe I'm -- commander, sergeant, was given -- was shouting out, "Forty forty." That's in reference to the beanbag, right?

MR. SIEBER: Correct.

MEMBER HATCHER-CRAWFORD: In the report did he at any time say -- because I know that he assigned him as lethal officers, correct?

So from my understanding, for command purposes, he is -- is it -- does the officer have to say "lethal" in order for them to shoot? Or he did not have to say "lethal"?

MR. SIEBER: So two questions.

The first one, he did not. He did ready the 40mm less-lethal by saying "forty forty up," which is a readying command.

In terms of whether or not he has to authorize or command for deadly force, no, he doesn't.

MEMBER HATCHER-CRAWFORD: Okay. But it still needs

to be within that 22 perimeter, correct?

MR. SIEBER: Well, 22 feet was -- I was simply noting -- so that the Board and the Commission could understand that at no point was the victim any closer than 22 feet.

MEMBER HATCHER-CRAWFORD: Okay.

MR. SIEBER: He was actually further than that to Officer Zavala and Quintanilla. But I think -- I believe he was about 22 feet from -- from Officer 1, who deployed the 40mm. So I went with the closest distance to any officer.

MEMBER HATCHER-CRAWFORD: Okay. Perfect. Thank you, sir.

MR. SIEBER: You are welcome.

MEMBER CLAVO: Clavo.

Quick question: They are still currently employed and working today?

MR. SIEBER: Yes.

MEMBER CLAVO: And just to reiterate what I believe I heard you say, charges are still under review.

MR. SIEBER: That is correct.

MEMBER CLAVO: Thank you.

VICE CHAIRPERSON DOYLE: Any other questions?

Ms. Pena.

MEMBER PENA: The two officers received

disciplinary action for this incident, correct?

MR. SIEBER: They did.

MEMBER PENA: And I think one received five days' suspension; and the other, ten.

MR. SIEBER: That's correct.

MEMBER PENA: What was the reason for the discrepancy?

MR. SIEBER: So I -- I would be speculating. But I believe, based on Officer Zavala's prior incidents of use of force, he had three prior sustained allegations that resulted in suspensions of 15 and 5 days.

He would have received more, because they were looking at his service record, and he had more incidents of misconduct allegations.

Whereas, Officer Quintanilla, despite having 20 allegations, none of those were sustained except the captioned matter that we're talking to. So he had not been disciplined for any other misconduct allegations in the past.

MS. WOOLLEY: I just want to add to that: If you look at the dates for Officer Quintanilla's complaints, those are all subsequent to this incident as well. So that would have gone to that as well, his service record. The complaints came in after this incident.

MEMBER PENA: Okay. Thank you.

VICE CHAIRPERSON DOYLE: Clavo.

Oh, go ahead, Charles.

MEMBER LARA: A quick question.

I don't know if it was outlined in the report. I'm unfamiliar with the Los Angeles Police Department term "categorical use of force." Do you have a definition?

MR. SIEBER: I do not have a definition.

Carrie, do you have one?

MS. WOOLLEY: They don't have one in there.

MEMBER LARA: Thank you.

MR. SIEBER: I did do some research on this, and it is -- it's sort of -- the term has to just do with the level of force applied. And in reading their policy, the use of force policy, it is not super clear.

So a fist punch could be a categorical use of force or it could not, depending on how it is applied. And...

MEMBER LARA: Thank you.

VICE CHAIRPERSON DOYLE: Clavo.

MEMBER CLAVO: Yes.

The three cases upheld, do we know how close in proximity those three upheld cases were?

MR. SIEBER: They -- so you are -- to be fair, we're speaking about Officer Zavala.

MEMBER CLAVO: I think it was Quintanilla. Whichever one had the three cases upheld. I'm sorry.

MR. SIEBER: Yes.

So, again, Officer Zavala had -- and let me just go through these. I think it would be helpful just to clarify.

So the two use of force cases that we're talking about today, the criminal and the civil matter, those two, there's eight total.

Then he had two bias allegations that were -- we did not have jurisdiction for.

He had one assault or abuse of power in 2024 that was unfounded.

He had one bias allegation in 2024 that was unfounded.

He had one use of force and abuse of power in 2021 -- to get to your question -- which was sustained for a front kick and for which he received five days of suspension.

And then going all the way back to 2015, prior to POST jurisdiction, his personnel records identified a sustained allegation where he threw eight punches. Three of the punches were considered within policy. Punches -- the last five punches were considered out of policy. And he received 15 days for that.

So in 2015, 15 days. In 2021, five days. And that brings us up to our current matter.

MEMBER CLAVO: Thank you.

MEMBER HATCHER-CRAWFORD: Crawford.

While we're not going to consider the previous -- just what's before us -- but you do mention about the bias cases and how they were unfounded.

I'm -- I wasn't clear on how the determination of what could be considered bias and what is not considered bias.

I did read it and I understood the grounds of the complaint. But it seemed that I think Officer Zavala has had more complaints about it. But they were unfounded of course, correct?

MR. SIEBER: What -- Officer Quintanilla had bias allegations that were demonstrably false or unfounded.

Again, I reviewed every single one of the 20 and eight cases in question, reviewed the circumstances of those. I can't get down into the exact details of what happened in those cases, but I'm going by what -- the agency's determination and then POST's subsequent evaluation of their investigation resulted in.

MEMBER HATCHER-CRAWFORD: It just didn't seem like there was a clear, defining measurement of what has consisted of what is -- what his bias is -- bias is. And other than what we read. And that is concerning for me.

MR. SIEBER: Thank you. Thank you, Board Member.

I -- there were several that were demonstrably false. And just to clarify, demonstrably false is stronger than unfounded. And in some cases, they can even imply the complaint may have been intentionally fabricated, so that doesn't mean that we don't review them, but just to be aware of that. And unfounded allegation is false or did not occur or there's no factual basis for the complaint. Simply not enough evidence.

MEMBER HATCHER-CRAWFORD: Thank you, sir.

MR. SIEBER: You are welcome.

VICE CHAIRPERSON DOYLE: I have a question.

Do you know, after the Board deemed the shooting out of policy, who metes out the discipline?

MR. SIEBER: So in this case -- do you want to answer that, Carrie?

MS. WOOLLEY: I can answer it or you can answer.

So generally, that would be either the agency or, with LAPD, I think it is usually the Board of Rights. Although Ms. Wilcox will be better able to answer that since she's familiar with their particular procedures.

VICE CHAIRPERSON DOYLE: Okay. And I assume the unit that did the citizen complaint investigation was different than the shooting board.

MS. WOOLLEY: It appears to be, yes, because they reached a different conclusion.

VICE CHAIRPERSON DOYLE: Yeah. And their conclusion was unfounded.

MS. WOOLLEY: Yes.

VICE CHAIRPERSON DOYLE: Which basically means the complaint was false.

MS. WOOLLEY: Yes.

VICE CHAIRPERSON DOYLE: Thank you.

Board have any other questions?

Ms. Pena?

MEMBER PENA: Pena.

It -- was there -- I read one -- well, I guess I didn't. Was there ever an explanation given for why the mental health unit wasn't called?

MS. WOOLLEY: There was not an explanation as to why the mental health unit was [sic] called. That was mentioned briefly in the report that that was a possibility, but there was not an explanation as to why it wasn't called.

Obviously, as we all know, Los Angeles is a really large city. It is not clear whether they just weren't available, whether there was a callout and they weren't able to respond or -- or not. But they didn't respond to this scene.

MR. SIEBER: And I could also add that from the first time the call went out to when the OIS, the officer-involved shooting occurred, was 16 minutes roughly. But officers were on scene for around 13, 14 minutes. So I don't -- I just don't know that they had had the time to make the call yet.

MEMBER PENA: But they -- they called for an ambulance, correct?

MS. WOOLLEY: They did.

MR. SIEBER: They did.

MEMBER PENA: Almost immediately when they got there, right?

MS. WOOLLEY: That's correct.

MR. SIEBER: Correct.

MEMBER JOHNSON: Johnson.

So we know that there has been no criminal charges filed, according to this shooting.

The decision we make today will have no effect on the criminal trial, correct?

MS. WOOLLEY: That's correct.

MEMBER JOHNSON: Okay. And I guess what I'm getting at is that the district attorney or the County involved in this particular shooting has not determined whether the officers were involved in an unjustifiable shooting at this time, correct?

MS. WOOLLEY: That's correct. They are still making a decision whether or not any criminal charges would be brought. There's an array of different Penal Code provisions that they could look at. They could look at Penal Code section 149, which would be basically an unjustified use of force by a public official. They could be looking at voluntary manslaughter. They could be looking at murder, although that would be highly unusual in a situation like this. But there's an array of different Penal Code provisions.

MEMBER HATCHER-CRAWFORD: Crawford.

And so not to be political, at the time this was -- the DA was Gascón, correct? We now have a new DA. So -- okay.

I just wanted to kind of get a perception of the culture at the time of when the shooting and the crossovers of administration.

Okay. Thank you.

VICE CHAIRPERSON DOYLE: Any -- any more questions for the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. With that, we're going to take a ten-minute break before the next item.

MS. DEL MUGNAIO: Before we have -- excuse me. A 10-minute break before we have officers' counsel and the

officers provide comment to the case. So we won't be moving on to the next case, but we will be hearing from officers' counsel and officers.

Thank you.

(Break taken in proceedings.)

VICE CHAIRPERSON DOYLE: I understand both officers are represented. And you will each be given five minutes to speak and the time limits will be strictly enforced. So please be sure that you complete your comments before the allotted time.

While commenting, keep in mind the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by Division today are proven at a later hearing, do those facts demonstrate clear and convincing evidence, a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Commission Regulation 1205, occurred?

Leslie Wilcox is attending for both officers. Please, welcome.

MS. WILCOX: Good morning everyone. My name is Leslie Wilcox. I'm a panel attorney with the Los Angeles Police Department Protective League. And I'm

representing both Officer Zavala and Officer Quintanilla related to this POST investigation.

My basic statement that I would like you all to be aware of is the U.S. Supreme Court case Graham v. Connor, which is referenced in the materials. But it specifically provides for any use of force by any law enforcement officer in the country, but we're specifically talking about California; that that use of force is viewed through the perspective of a reasonable, similarly trained officer, under the same circumstances, based on the totality of the circumstances.

I believe in this particular case, the officers' actions do not rise to the clear and convincing level. LAPD's standard that they use the preponderance of the evidence, which is lower than POST's.

Both officers expressed their fear of the imminent threat that they believed this victim posed to them, based on the knife and his prior actions. So that is the reason that I believe POST will not be able to prove it beyond clear and convincing.

I would also note that the Division is recommending either revocation or suspension. And so if this board disagrees with my vision of the laws that applies to this particular case, then I would ask that you recommend suspension as opposed to revocation.

I heard a lot of your questions that you asked the law enforcement consultant and Ms. Woolley, and I do have information on those generally if you would like to ask. But my position for the public comment for this particularly is that based on under Graham v. Connor, that their fear of the imminent threat was reasonable based on their training and experience and the circumstances that they were presented with.

Thank you.

VICE CHAIRPERSON DOYLE: Board questions?

MEMBER HATCHER-CRAWFORD: Crawford.

VICE CHAIRPERSON DOYLE: Ms. Crawford.

MEMBER HATCHER-CRAWFORD: You mentioned Graham v. Connor.

MS. WILCOX: Yes, ma'am.

MEMBER HATCHER-CRAWFORD: And could you give a quick -- I mean, a quick summary of that case? Because you mentioned it.

MS. WILCOX: I can. It is very old and it is interesting that it is now applied to all uses of force by all officers.

It was a situation in which a man was seen acting erratically and not following officers' commands, and he ends up getting into his car and not listening to what they are saying.

They use force to remove him from the car and a use of force does occur.

It is later determined that he was having a diabetic episode, and these were the reasons that he could not comply and was acting in a way that appeared to be very strange.

So the Supreme Court ended up saying that if a reasonable officer in that situation would have perceived this man's behavior to be the same way, then that use of force is reasonable.

That is a very slim version of that case.

MEMBER HATCHER-CRAWFORD: Okay. You also mentioned that the position is that -- and we keep saying the word "reasonable" and a perception of what is reasonable and what is not reasonable when you apply lethal -- lethal force in this case.

I guess where I'm going at is it is -- it's the mindset of the officer is concerning. The purpose of SB 2 was to kind of, in a sense, to protect the community with -- of guarding officers being able to move from -- let's say they got suspended or fired and then were able to move somewhere else to possibly repeat -- repeat things. Maybe not as -- so much as being lethal, but still repeat the same type of practice.

MS. WILCOX: Yes.

MEMBER HATCHER-CRAWFORD: And that's -- that's concerning in this.

And so you mentioned that the officers said that they are concerned about -- that was the last part I didn't catch.

MS. WILCOX: Their imminent fear of the victim's behavior? Is that what you were talking about?

MEMBER HATCHER-CRAWFORD: No, no, no. I guess you were talking about them being remorseful or --

MS. WILCOX: They are. But I did not say that.

MEMBER HATCHER-CRAWFORD: Okay. I kind of --

MS. WILCOX: This is a tragedy.

MEMBER HATCHER-CRAWFORD: Right.

MS. WILCOX: They did not anticipate that being what their day was going to look like that particular day at work.

VICE CHAIRPERSON DOYLE: Ms. Clavo.

MEMBER CLAVO: Imminent fear.

MS. WILCOX: Yes, ma'am.

MEMBER CLAVO: From behind the car, protected by a vehicle, a minimum of 22 feet away from a knife?

MS. WILCOX: Yes.

MEMBER CLAVO: Okay. Thank you.

MS. WILCOX: Officers are routinely trained at

LAPD's academy and throughout their career that the distance of a knife is incredibly dangerous to them; that 22 feet is not very far. I can't remember what the timing is that they are trained on that. But it is a very short amount of time that someone can use a knife to throw at an officer or another pedestrian or civilian nearby. And 22 feet is not considered a very long distance for the purpose of an edged weapon.

MEMBER CLAVO: Thank you.

MEMBER HATCHER-CRAWFORD: I have one more question.

So I keep hearing POST training and standards training. And then I hear LAPD has their different practices that they deem is acceptable or not acceptable. And this is where we're kind of getting a little bit confused on it. I am, at least.

MS. WILCOX: Yes. I can see how that could sound confusing.

My understanding is that POST -- and correct me if I'm wrong. POST is a general basic certificate, and then they have advanced certificates, and you can move yourself further throughout both the POST system as well as your own agency.

I believe LAPD's position, if I could speak on behalf of the entire department -- which would be hard to do -- is that they have more extensive training.

They go a little bit further and they do it more often and in more specific scenarios.

So I believe they feel that they provide more and intense training than a POST certificate provides.

MEMBER HATCHER-CRAWFORD: So does a -- does the training, that you know of, align with POST training?

MS. WILCOX: Oh, absolutely.

MEMBER HATCHER-CRAWFORD: So it aligns and they do additional training?

MS. WILCOX: Yes. They follow POST to the letter, as far as I'm aware.

MEMBER HATCHER-CRAWFORD: Okay.

VICE CHAIRPERSON DOYLE: Mr. Johnson.

MEMBER JOHNSON: Yes.

I heard you speak about Graham v. Connor, which is basically a national law, to my understanding.

However, in 19 -- I'm sorry, 2019, I was part of the coalition to get AB 392 passed, which is the use of force legislation. So California State has its own use of force legislation. They removed the word "reasonable" and changed it to "necessary."

MS. WILCOX: Yes.

MEMBER JOHNSON: And so the question becomes, for us, is, was it necessary for the officers to fire as quickly as they did?

MS. WILCOX: Yes. LAPD updated their policy to include that new code section regarding "necessary," but it does still include the Graham v. Connor standard. So I would say it is similar to LAPD's training versus POST, and California is slightly more strict than the rest of the country in their officers' use of force.

The officers' statement to the force investigation division, the night of the officer-involved shooting, I believe described what they believed was reasonable and necessary on their perception.

And I believe you have the transcripts for that.

MEMBER JOHNSON: And so if I heard correctly, the officers believed that they were in danger or in imminent danger from the victim?

MS. WILCOX: Yes. They -- they took into account the totality of the circumstances. There had been prior updates, which I believe was presented to you as well, that this person had also been chasing people in the street with a knife. And the initial less-lethal round, as well as their attempts at de-escalation verbally, had been ineffective.

And based on their training and experience, someone advancing with a knife with other civilians around, having not complied and the less-lethal not being effective, both with the way that the victim turned his

body as well as the location in which the officers were, they -- the two of them -- not everyone, it seemed -- but the two of them believed that he posed an imminent threat both to themselves, their partners, and the people around them.

MEMBER JOHNSON: I guess my last question, then. In the video, it appeared that the shots were simultaneous from the nonlethal to the lethal.

And I'm not clear where the imminent threat of danger was coming from with this young man that had a knife to his own throat. Not in a rage of charging. Not in a rage of even giving the idea, in the video, that he was going to attack someone.

So anyhow, I will pin it there. But it is very concerning.

MS. WILCOX: I understand.

I think officers have a very difficult job to do, to make split-second decisions with the information that they have available to them and how they have been trained.

And in edged weapon or knife calls, where the information that the officers had was that he had been chasing people, I believe when he is walking down the steps, the knife is not up to his throat. It appears that that he did want to try and harm himself. But when

he advanced towards the officers and did not stop as requested, based on all the information that they had and the distance, which it appears that 22 feet sounds like a large distance. But my understanding for law enforcement training is that is not a large distance with a knife, and that was the reason that they felt that it was necessary.

MEMBER JOHNSON: I guess my last question, then, truthfully --

MS. WILCOX: You sound like a lawyer.

MEMBER JOHNSON: -- is that the timing between the nonlethal shooting and then the lethal shooting, it was -- it appears that there was no chance to even see if the nonlethal shooting did any damage.

MS. WILCOX: Yes. I can see how you could see it that way. The 40mm round was fired right before the first lethal round was fired. And those officers are positioned in different places on the street. And I believe the two officers who used their firearms had a different perception of what the victim was doing.

VICE CHAIRPERSON DOYLE: Crawford.

MEMBER HATCHER-CRAWFORD: So -- and I'm -- maybe this is a gander, and this is probably your thought or third-person thought.

Could you possibly explain why the coroner ruled it

as a homicide?

MS. WILCOX: I believe any of them are ruled as a homicide, and then the District Attorney's Office determines whether or not it is justifiable.

MEMBER HATCHER-CRAWFORD: So if a person is killed by an officer, it is ruled as a homicide? And then the DA goes back --

MS. WILCOX: And decides whether or not it was justified. Because it is the killing of another human being.

MEMBER HATCHER-CRAWFORD: Okay. I understand that.

MS. WILCOX: The coroner doesn't make the decision if it was --

MEMBER HATCHER-CRAWFORD: If it was a homicide or not. But based on his analysis and where he was shot, he based it on a homicide.

So I'm hearing -- I'm sorry, Legal. Can I ask legal counsel over here, POST, to kind of -- because I'm just -- that is --

MR. BEATTY: Well, I mean, I just think that we don't know. Right? So there's probably different standards applied to the determination of a homicide from a coroner's perspective.

What is material to our decision is whether or not the investigation and findings that we have heard

presented, if proved at a -- at an ALJ hearing, would be a basis for decertification.

So I think whether the corner, right, had a valid reason to determine homicide or not may or may not matter. But I think we're going to be looking more at the investigation and findings as to whether we have a basis for decertification.

And I think that's probably the clearest answer, because, otherwise, we're kind of speculating.

MEMBER HATCHER-CRAWFORD: I'm not an attorney, so that's why I had to ask.

VICE CHAIRPERSON DOYLE: Ms. Clavo, did you have a question?

MEMBER CLAVO: No. I will wait. Thank you.

VICE CHAIRPERSON DOYLE: Okay. Ms. Wilcox, I assume -- did you represent one or both in the internal investigations?

MS. WILCOX: The Force Investigation Division interviews the night of the officer-involved shooting, yes. The LAPD just uses that information in their internal investigation. They don't reinterview them.

VICE CHAIRPERSON DOYLE: Do you know if -- if that board metes out discipline, or if that goes to another level?

MS. WILCOX: If what does?

VICE CHAIRPERSON DOYLE: Well, the board said it was out of policy.

MS. WILCOX: Oh, the Use of Force Review Board, yes.

VICE CHAIRPERSON DOYLE: And one got ten days, one got five days.

MS. WILCOX: Yes.

VICE CHAIRPERSON DOYLE: Who decides that?

MS. WILCOX: It goes -- the Use of Force Review Board makes a recommendation to the chief. And then he makes a recommendation to the Board of Police Commissioners, the Civilian Oversight Committee. And then they direct the chief to create a complaint investigation. And then the chief is the one, ultimately, who decides the discipline.

VICE CHAIRPERSON DOYLE: I mean, obviously, you have more experience with LAPD than I.

But I have a hard time with the board saying the shooting was out of policy. And then another investigation said that the complaint was completely -- by the family was completely unfounded.

MS. WILCOX: I think I can explain that.

VICE CHAIRPERSON DOYLE: Please.

MS. WILCOX: I will try.

Once the Board of Police Commissioners gets the

chief's memo, which is the one you have. The chief of police wrote a memo to the Honorable Board of Police Commissioners.

Once they get that memo, they make a determination of whether or not they think any -- any complaint investigation. In this case, whether or not the use of force was within policy or out of policy. If they determine that it's out of policy, it gets sent back to LAPD and it automatically generates a complaint investigation. And that is what the chief used to determine the suspension days for these two officers.

Any time a member of the public makes a claim for damages against the City, which is what you have to do before a lawsuit is filed, that also generates an automatic complaint investigation. But they will take the words that were used.

And so without having read that complaint investigation, but hearing that it was labeled as excessive force, the department determined that it did not meet the level of excessive force, and they found it unfounded. Probably also because they had already done a complaint investigation about the use of force being out of policy, if that makes sense.

VICE CHAIRPERSON DOYLE: Yes and no. Thank you.

MS. WILCOX: I know. Believe me. I'm familiar

with the confusion at LAPD.

VICE CHAIRPERSON DOYLE: Ms. Pena.

MEMBER PENA: Do you happen to know why or has there ever been an explanation given, that you know of, as to why they did not call for the mental health unit?

MS. WILCOX: I think at -- it was not given in this particular case. But based on the other instances that I've been involved with at LAPD, in 2021, the MEU, Mental Evaluation Unit, is what they have, was not used in that format.

They are called to cases, but they will typically wait until the situation is calmed down before they will go and approach the subject or the victim in this case.

So at that time, even if they had called MEU, they would have waited until the victim was in custody before they approached to do an evaluation about what needed to be done.

They are -- "front line" is the wrong word. But they would -- you know, they sort of stand behind the officers and wait for the officers to make the situation safe. And then they would come and address the situation.

In the years since then, that has changed slightly, but not a lot.

MEMBER PENA: Thank you.

MS. WILCOX: It is not a perfect system.

VICE CHAIRPERSON DOYLE: At this time, does the Board --

MEMBER JOHNSON: Johnson. I'm sorry. Yeah. One more question, and it's for Counsel.

California law, AB 392, talked about necessary standard. Changing the reasonable standard.

We are to follow the California law, correct?

MR. BEATTY: Yes. I mean, I think that's -- we can look at both bodies of law to make an analysis on these kinds of cases. But California law is going to be the one that probably is the most guiding and that's going to be following 13510. So yes.

MEMBER JOHNSON: Thank you.

MS. WOOLLEY: And, Mr. Beatty, if I could, the Division's position as to what the legal standard here is laid out in the ISFs under the analysis section. So we do cite the recent Supreme Court case out of 2025, Barnes v. Felix, which is a unanimous opinion of the Supreme Court.

It does address that you do need to have objective, reasonable conduct, but you also need to address the totality of the circumstances in this case.

One of the things that was happening in the courts was that they were starting to drift into a moment of

threat rule. And they were looking at what was happening right before the time that the officers took action or used force.

And they reiterated that what the officers should be looking at or when you are assessing the use of force, you need to look at all of the relevant circumstances, including facts and events leading up to the climactic moment, in determining whether the peace officer acting reasonably in using force.

We also go over California law in this instance, including the language that you are speaking of, Board Member Johnson, which is Penal Code section 835, including when you are looking at somebody when you are using deadly force, which would be necessary.

So that is in the ISFs for both officers.

VICE CHAIRPERSON DOYLE: Is there anyone from the public who would like to address the Board at this time?

When it is your turn, you may state your name and organization if you wish. You will each be given three minutes to speak and the time limits will be strictly enforced. So please ensure that you complete your comments within the allotted time.

Is there anyone who would like to -- in the public who would like to address the Board?

Welcome.

MS. KITCHEN: My name is Addie Kitchen, the grandmother of Steven Taylor, who was murdered in a mental health crisis.

And again, my question is, no one called to realize that this man was in a mental health crisis before they took the action to murder this human being?

It is just unbelievable to sit here and to listen to why and how this young man was murdered. He wasn't a threat to anyone except himself. And for the officers to take it upon themselves to decide that he was a danger to anyone except himself.

So why wasn't -- there was -- should have been someone to call to help this young man. This is exactly what happened to my grandson. No one called for help for him. They called the police.

And we know, when police show up, most of the time, the person that is in stress is the one that gets murdered. And it is just so unbelievable to sit here and to listen to what is going on in our country.

I am -- I am just -- it is a lot. It is a lot to digest, to see people trying to decide whether these officers need to be decertified. As far as I can see and what I hear, they do not need to be on the street to protect and to serve human beings. That's their job. That's what we pay them for, to protect and to serve,

and that has not happened.

Thank you very much.

VICE CHAIRPERSON DOYLE: Thank you. Thank you.

Is there anyone else in the audience who would like to address the Board?

MS. B. JOHNSON: Good morning. Beatrice Johnson.

I just wanted to say that my concern as well is that there was no concern about this young man's humanity, because he was in a crisis. He was in a mental crisis.

And I'm sure that everybody on the scene was aware of that, because you are in a mental crisis if you are putting a knife up to your neck.

And the fact that once -- I think it is called the 440. Once that command was given, and then just shortly after there were gunfires of shots to a human being who was in a mental crisis.

So I feel like these officers -- this is not their job. This is not for them. And I think they should be decertified so they would not work anywhere else, especially in the state of California.

Thank you.

VICE CHAIRPERSON DOYLE: Thank you.

MS. W. JOHNSON: My name is Wanda Johnson. I'm the mother of Oscar Grant that was killed 2009 at the

Fruitvale BART station in Oakland, California.

I am really disturbed. I'm also an employee for NAMI, which is the National Alliance of Mental Illness.

And it disturbs me that this young man did not get the proper help that he needed. But instead, that the officers are taking the situation into their own hand and using deadly force when it is definitely not necessary. Sort of simply the same thing that happened to my son when he was killed, even though he did not have a mental challenge.

The officers refused to deescalate the situation where these officers who killed this young man could have deescalated the situation, but instead turned it into a deadly situation.

And there has to be something done so that people who are suffering mental crisis or not suffering mental crisis are not killed and the excuse used that the officers filled -- feared for their life.

These officers, again, he said, were about 25 feet away from this young man. So there was no need for them to shoot and kill the young man.

And as they tried or said, they applied unlethal force. They should have waited. But, yet, they fired the firearm right after the lethal -- the nonlethal force was used.

So, again, we have to start somewhere, and it needs to really start right here, where these officers who cost this young man his life be held accountable for their actions. And we can't just let this go by without not seeing and doing something about it.

The problem we allowed to occur is we allow too many officers to get away with their actions, where other officers feel that they are not going to be held accountable when they follow suit and do an act such as killing someone when it is unnecessary.

Thank you.

VICE CHAIRPERSON DOYLE: Thank you. Thank you.

MS. NANCE: Hello. My name is Arleta Nance. I'm the mother of Thomas and Tahmon Wilson. Tahmon was killed August 18, 2023, and Thomas was shot and assaulted, both from the back.

POST is training for these officers to get hired. It's a part of their training. So we all got our eyes and can see that that was not right, what they did to that man. No one was in danger of him doing anything. Like, he was stand up on the stairs. We all have eyes. We can see.

But we still have to go through all of this stuff like, oh, what they didn't do right is policy and procedure. This is so unfair to families to continue to

live in the trauma. Like, you could never say justice. It's no justice.

And the one thing that I know, everybody sitting up here that's come here to speak that's even on the DOJ's list of current cases, they are all Black and Brown people.

Whatever training they getting is not right. And something has to be done, because they are really exterminating us legally and getting away with it and going on doing it other places, to everybody else. And it is just unfair.

They need to get other races doing this training. It's something else that needs to be done with the training of these people of different race people or something. Because it is just us coming up here, saying what they did to us.

Thank you.

VICE CHAIRPERSON DOYLE: Thank you.

MS. WADE: Hello. I'm Kathryn Wade. I'm Malad Baldwin's mother from Antioch, California.

The video was very disturbing. The victim was totally in a mental health crisis. And I don't know if that city or county have the mental health services, but they should have been brought in too.

And then to see the distance from the officers and

then them -- one officer shielded behind his truck, the victim was no way a threat to him. So just to kill an innocent -- a sick person like that, it really hurts my heart.

And just -- and even to hear about the officers having other complaints and, you know, it is a problem for me and I'm very perturbed of the victims and the victims' families when things happen like this, that you go through all of this putting in complaints to departments doing their investigation. The investigations take so long.

And I'm just here watching this video the first time. And I could clearly see that these officers should have been not just suspended but should have been fired.

You know, that was very disturbing to watch that victim that far away and the officers shielded, and they just released their weapons like that.

And I'm pretty sure the training they have, they know that they were wrong. But a lot of times, these officers have gotten away with doing a lot of things in the community, and it just become a norm to them. I don't know if they got off by killing people like that.

But, you know, I know people, too, that were mentally ill patients and calls in my community, and

sometimes the officers show up and then, some instances, they will kill them. Not with guns all the time. Just choke them and kill them.

So a lot of things need to change when it comes to these officers handling these kind of calls. And that video was very disturbing. And for anyone to watch it, you can already see that the officers were wrong.

VICE CHAIRPERSON DOYLE: Thank you.

MR. BLISS: My name is Keyan Bliss.

I have been -- I'm a former commissioner for a community police review commission here in Sacramento. Sacramento City.

And to be honest, it was -- it is really hard to maintain decorum and be respectful when I see such callous disregard for the preservation of life that Officers Zavala and Quintanilla displayed on video that we saw today.

The idea that these officers had anything to fear from a man who was stumbling out of an apartment block, with a knife, from 22 to 25 feet away, and that necess- -- and that they had a right and justified reason to murder that man is patently absurd. It is outrageous.

And, honestly, like, it can't -- like, it is just breathtaking of the incompetence of that. Because there

were like -- they had them covered. We saw less-lethal equipment deployed at the same time. Why would there be any sort of, like, a protocol where you can have less-lethals deployed and pistols deployed? Why are they not calling it out? Hey, less-lethals, put out -- like, you know, put your guns away?

There are too many families that are permanently scarred, traumatized from incidents like this, where officers just look at -- like look at a person and just shoot first and ask questions later. Don't think about the consequences.

Because we all know in a society where only 1 percent of officers involved in shootings actually get prosecuted in the first place, that there will be any sort of accountability. The majority of officers know that.

I've talked to enough and I have seen enough incidents that I recognize that.

I don't believe for a minute that it is a matter of training. Because officers know how to actually deescalate situations involved. It really just depends upon whether they are white or not.

There were recent incidents just within LAPD, in April -- April of last year. Jillian Lauren fired shots at LAPD officers during a high-speed police chase. And

she was able to be apprehended unharmed. Not only that, but was charged with assault and negligent discharge of a firearm, and avoided jail time.

There was Anthony Whitsey, who, last November, shot at a police helicopter and refused to surrender, barricaded himself in a home.

Both of these people were white, and they somehow survived. But these two officers couldn't make -- bring this person alive? It is outrageous. They should -- they should not be allowed to wear the uniform, much less carry the power to kill somebody.

VICE CHAIRPERSON DOYLE: Thank you for your comments.

Anybody else from the public who like to speak?

Welcome.

MR. WILSON: Good morning, everybody.

My name is Lance Wilson, and I'm here -- I support a lot of the families that have lost loved ones to police violence.

But just to see the video was appalling to me. It was clear, as many other folks have seen -- and I have said -- that the officers were, you know, 22 to 25 feet away, barricaded behind their cars. They used a -- less-lethal weapons. Within less than a second, you know, the lethal weapons were used.

And I mean, it was clear that the man was in a mental health issue.

But, you know, just -- just hearing the other woman speak earlier that, that spoke before people gave public comment. I mean, the police are -- are investigating the police. I mean, that's the problem right there. I mean, you know, when we have these -- these issues when the police are out here committing harm and to community members, I mean, they are being investigated by their own people. So I mean, that's the problem right there.

I mean, other folks had questions, too, like, hey, how -- I think it was you, sir. You had a question about the process. About how it went up to the police commission and it comes back and the chief makes a decision. I mean, that's the problem right there.

But these officers should definitely be decertified. And, yeah, I hope that that happens today.

Thank you.

VICE CHAIRPERSON DOYLE: Thank you.

Seeing no other -- at this time, does the Board wish to adjourn into closed session for deliberation?

MEMBER LARA: Yes, please.

VICE CHAIRPERSON DOYLE: Okay. The meeting will adjourn into closed session for deliberation of both cases. The board members will now exit. And each case

will be looked at and decided individually.

(Time noted: 11:02 a.m.)

---o0o---

(Closed session held: 11:06 a.m. to 11:15 a.m.)

---o0o---

(Time noted: 11:20 a.m.)

---o0o---

VICE CHAIRPERSON DOYLE: We will reconvene in regular session and take a vote on the Board's recommendation in the matter of Case POST2311370, Jose Zavala, who at the time of events at issue in the case and is still employed by Los Angeles Police Department.

Are there any comments by the Board?

MEMBER LARA: Lara. I would like to make a motion to decertify.

VICE CHAIRPERSON DOYLE: Okay. We have a motion to decertify.

Is there a second?

MEMBER PENA: I second.

VICE CHAIRPERSON DOYLE: Ms. Pena.

Roll call.

MR. KNAPP: Thank you, Mr. Vice Chair.

Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.
Crawford.
MEMBER HATCHER-CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Doyle.
VICE CHAIRPERSON DOYLE: Aye.
MR. KNAPP: Doyle, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
And Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's all in favor. Motion passes.
VICE CHAIRPERSON DOYLE: Motion passes.
Thank you.
In the matter of Case POST2311373, of Julio Quintanilla, who at the time of events in this case and is still employed by Los Angeles Police Department.
Does the Board have any comments?
MEMBER HATCHER-CRAWFORD: I move to -- I make a motion to decertify.

VICE CHAIRPERSON DOYLE: Is there a second?
MEMBER LARA: I second.
VICE CHAIRPERSON DOYLE: Lara, second.
Roll call.
MR. KNAPP: Yes. Thank you.
Clavo.
MEMBER CLAVO: Aye.
MR. KNAPP: Clavo, aye.
Crawford.
MEMBER HATCHER-CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Doyle.
VICE CHAIRPERSON DOYLE: Aye.
MR. KNAPP: Doyle, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's all in favor. Motion passes.
VICE CHAIRPERSON DOYLE: Thank you.

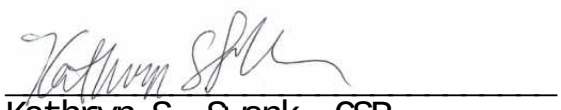
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May 2026.



Kathryn S. Swank, CSR
Certified Shorthand Reporter
License No. 13061

AGENDA ITEM REPORT

Title: POST2507337 - MATT WHITE (POST ID: A68-U16)
LAST EMPLOYING AGENCY: SACRAMENTO COUNTY SHERIFF'S DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 06/04/2026	**BUREAU SUBMITTING THE REPORT** Professional Conduct Northern Bureau	
RESEARCHED BY Rick Collins	**REVIEWED BY** Rob Guyton	
REPORT DATE	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

On August 4, 2024, Respondent was arrested by a Folsom Police Officer for violating California Vehicle Code sections 23152(a) [driving under the influence] and 23152(b) [blood alcohol content of .08% or greater]. Respondent's BAC measured .11% by volume. On June 11, 2025, Respondent was convicted of California Vehicle Code section 23152(b), driving under the influence with BAC of .08 or greater. Additionally, on April 16, 2016, California Highway Patrol Officer Fuhrman arrested Respondent for violating California Vehicle Code sections 23152(a) and 23152(b), DUI. Respondent's BAC measured .12 by volume. On July 16, 2016, Respondent pled no contest to a misdemeanor violation of Vehicle Code section 23152(a).

Video Evidence Links:

- **BR08 POST2507337 White Matt Attachment G BWC Video**

ANALYSIS:

The Division determined there was clear and convincing evidence that Respondent engaged in serious misconduct as defined in California Penal Code 13150.8(b)(6) and Commission Regulation 1205(a)(6) -acts that violate the law that are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. Impaired driving and repeated acts of impaired driving are acts that violate the law that are both sufficiently egregious and also sufficiently repeated as to be inconsistent with Respondent's obligation to uphold the law or respect the rights of members of the public. As an officer who is charged with enforcing California law, including the Vehicle Code, Respondent's actions in driving impaired on two occasions establish he engaged in in serious misconduct.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01_POST2507337_White Matt_ISF
BR02_POST2507337_White Matt_ExecReviewDivisionRec
BR03_POST2507337_White Matt_POSTProfile
BR04_POST2507337_White Matt_Attachment C 2016 DUI Arrest
BR05_POST2507337_White Matt_Attachment D-2024 DUI Arrest
BR06_POST2507337_White Matt_Attachment E-2016 Admin Interview-Dep White
BR07_POST2507337_White Matt_Attachment F-2024 Admin Interview-Dep White
BR09_POST2507337_White Matt_Attachment H-45_Redacted.pdf
BR10_POST2507337_White Matt_Attachment I-2016 Court Docs-Sentencing
BR011_POST2507337_White Matt_Attachment J-2024 DUI Plea and Waiver
BR12_POST2507337_Attachment_K-2024_probation_order_4.1.26-redacted_5.7.26.pdf

BR13_POST2507337_Attachment_L-Sac_Co_Court_Minute_Order_6-11-25_3.30.26_Redacted_5.7.26.pdf
BR14_POST2507337_White Matt_Attachment M_Agency2024IA
BR15_POST2507337_White Matt_Attachment N__Agency2016IA
BR016_POST2507337_White Matt_Attachment O-POST Interview Transcript
POST2507337_White_Matt_April_2026_POSAAB_Agenda_Record.pdf
POST2507337_White_Matt_Board_Recommendation_Signed.pdf
POST2507337_White_Matt_Transcript_Board_04.15.2026.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Matt Lawrence White

POST ID NUMBER: A68-U16

EMPLOYING AGENCY: Sacramento County Sheriff's Department

POST CASE NUMBER: POST2507337

WRITTEN BY: Rick Collins

DATE: 2/19/2026

Contents

I. Executive Summary and Findings 3

II. Investigative Methodology 6

III. Respondent's Background 7

A. Respondent's Peace Officer Certificates and Employment 7

B. Respondent's Service Record 7

IV. Factual Background 8

V. Analysis and Findings 10

A. Does the alleged conduct violate POST Regulation 1205(a)(6) and Penal Code section 13510.8(b)(6)? 10

VI. Supporting Evidence 11

I. Executive Summary and Findings

2024 Incident

On August 4, 2024, Sacramento County Sheriff's Office Deputy Matt White (hereinafter "Respondent") was pulled over by a Folsom Police Officer based on suspicion of driving under the influence, in violation of Vehicle Code section 23152(a). According to the police report written by Officer Eathan Vavak **(Attachment D)**, he observed a vehicle driven by Respondent driving north on Folsom Auburn Rd. just four minutes after midnight. Officer Vavak saw the vehicle swerve back and forth within its lane, while the driver drove at inconsistent speeds ranging from 40-55 mph. Additionally, the driver applied the brakes irregularly as the vehicle approached a red traffic light.

Officer Vavak stopped the vehicle and when he spoke with Respondent, Officer Vavak immediately smelled the odor of alcohol coming from inside the car and noted Respondent's speech was slurred. Based on driving observations, coupled with the smell of alcohol and Respondent's slurred speech, Officer Vavak conducted a series of field sobriety tests and a preliminary alcohol screening ("PAS"). The PAS results showed his blood alcohol content was 0.116% for test 1 and test 2. After observing Respondent's driving mechanics, the objective signs of his intoxication and his performance on the field sobriety tests, Officer Vavak opined that Respondent was under the influence of alcohol and was unable to safely operate a motor vehicle. Respondent was subsequently arrested for violating Vehicle Code sections 23152(a) (driving under influence) and 23152(b) (blood alcohol content of .08% or greater). At the Folsom Police Department, Respondent submitted to a breath test via the Drager Alcotest 9510 to determine his BAC. The results showed his BAC was .11%. In the body worn camera video of this incident (**Attachment-G)**, Respondent appeared to be cooperative and respectful during the encounter with Officer Vavak. Respondent was later booked at the Sacramento County Main Jail.

On June 11, 2025, Respondent pled no contest to a misdemeanor violation of Vehicle Code section 23152(b). (**Attachment-J)** He was sentenced to four years' probation, four days in custody, fines, and was mandated to complete an 18-month second time offender DUI program. Respondent was employed by Sacramento County as a Deputy Sheriff when the arrest occurred in 2024. Following an Internal Affairs investigation, the Sacramento County Sheriff's Department suspended him without pay for 160 hours. He was also reassigned to a non-driving position in the jail facilities for the duration of any restriction on his driver's license or the duration of his criminal probation, whichever is greater. (**Attachment -M)**

2016 Incident

Respondent had a prior DUI in 2016. Sacramento County Superior Court documents associated with the above-mentioned criminal case reveal Respondent was arrested for a violation of California Vehicle Code section 23152(b) [blood alcohol content of .08% or greater] on or about April 16, 2016. **(Attachment-N)** His blood alcohol level for the 2016 incident was .12%. Respondent was employed by Sacramento County as a Deputy Sheriff when the arrest occurred in 2016.

According to the arrest report, California Highway Patrol Officer Fuhrman received a call from dispatch on April 16, 2016, at approximately 2:13 a.m. The call reported an off-duty Stockton police officer was following a driver who he suspected of driving under the influence. (**Attachment-C)** Officer Fuhrman located the suspected DUI driver on State Route 99 near Florin Rd. The following was taken directly from Officer Fuhrman's arrest report to describe his observations:

"I observed the s/v (suspect vehicle) weaving from right to left in its lane. The right-side tires touched the broken painted white lines and raised pavement markers as the s/v weaved to the right, and the left side tires touched the broken painted white lines and raised pavement markers as the s/v weaved to the left. I moved from the #2 lane into the #3 lane behind the s/v, and I positioned the CHP unit closer behind the s/v to begin an enforcement stop. I activated the CHP unit's forward red lights and wig-wag lights. I advised the s/v over the CHP unit's public address system (P/A) to take the next exit on the right. The s/v began yielding to the right shoulder. I continued to advise the s/v to take the exit at 47th Avenue. The s/v continued on northbound SR-99 and eventually exited at 47th Avenue. As the s/v exited at 47th, I instructed the s/v to turn right onto 44th Street. The s/v turned right onto 44th Street. I advised the s/v to turn right into the parking lot. The s/v complied with instructions and pulled into the parking lot on the southwest corner of 47th Avenue and 44th Street."

The arrest report states that Officer Fuhrman spoke to the off-duty officer, who reported that Respondent nearly collided into the center median at one point, and almost hit a big-rig as he weaved all over the road. The big-rig honked at Respondent and Respondent continued weaving in and out of its lane.

The arrest report states Officer Fuhrman spoke to the solo male driver at the open driver's side window. He explained the reason for the stop and asked the driver for his driver's license. The male, who later verbally identified himself as Respondent, told the officer he did not have his driver's license with him; however, he did let the officer know he (Respondent) was a Sacramento County Deputy Sheriff. While talking to the driver, Officer Fuhrman noticed the strong odor of an alcoholic beverage coming from inside the vehicle. He also noted Respondent's eyes were red and watery and his speech was

slurred. When he asked Respondent if he had any alcohol during the evening, he told the officer he had one shot and two beers. He subsequently instructed Respondent to get out of his vehicle and walk to the side of the CHP unit.

While at the side of the CHP unit, Officer Fuhrman continued to smell alcohol coming from Respondent's breath and/person. Respondent was unsteady on his feet, and had slurred speech, coupled with red and watery eyes. When asked to rate his level of intoxication, using a scale from 0-10, with 10 being the most drunk he's ever been, Respondent told Officer Fuhrman he felt like he was at a "6" on the scale. When asked if he should have been driving, Respondent said, "No." Officer Fuhrman opined that Respondent had been driving under the influence of alcohol. He based his opinion on his observation of Respondent's driving mechanics, the objective signs of intoxication, and his poor performance during the field sobriety tests.

Respondent was subsequently arrested for a misdemeanor violation of Vehicle Code section 23152(a). Respondent was taken to the Sacramento County Main Jail where he completed two breath tests to measure for alcohol. Both tests registered .12% BAC. He pled no contest to a misdemeanor violation of Vehicle Code section 23152(b) on July 25, 2016. At the time of this first DUI arrest, Respondent was employed by Sacramento County as a Deputy Sheriff. He was sentenced to three years informal probation and ordered to perform 48 hours of service on the Sheriff's Work Project.

During his Internal Affairs interview, Respondent told the investigators he had two beers and three or four shots of Jim Beam within an hour and forty-five-minute timeframe before he left the bar in Stockton. When asked if he had taken any steps to correct his behavior, he had the following response:

"Um, yes I have. Um, the, ah, irony of it all is, I've …I've been well aware for the last couple of years that, ah, alcohol has been a little bit of a problem in my life and, ah, in September I was introduced to Alcoholics Anonymous and I've attended there and I've been off again, on again, and then, ah, I was 45 days sober prior to this arrest and had not touched alcohol and ah, ah, and since this arrest I've gone right back, I have a sponsor and back to the program and, ah, I met with my, ah, Lieutenant and, ah, at the Airport. I expressed my disappointment in myself and, ah, I'm taking it from there and of course I have abstained from alcohol since."

Following the Internal Affairs Investigation, he was suspended without pay for 160 hours, 80 of which were held in abeyance for one year. (**Attachment-N)** Additionally, he was transferred to a non-driving assignment for the duration of any restriction on his driver's license or the duration of his criminal probation, whichever is greater.

General Discussion

Based upon the above events that occurred in 2016 and 2024, coupled with the subsequent criminal convictions for each act, Respondent's actions meet the definition of California Penal Code section 13510.8(b)(6) and Title 11, California Code of Regulations section 1205(a)(6)-Acts that Violate the Law, and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. Respondent violated the above-mentioned criminal statute when he drove vehicles in 2016 and 2024 in violation of the California Vehicle Code restrictions for driving under the influence of alcohol. Respondent was convicted twice for driving under the influence within ten years, although the incidents were eight years apart.

According to the evidence presented in the Sacramento County Sheriff's Department's Internal Affairs investigation and my investigation, reasonable grounds exist for the suspension and/or revocation of Respondent's peace officer certifications pursuant to California Penal Code Section 13510.85(a)(1), as set forth in more detail in the attached Executive Review/Peace Officer Standards Accountability Division Recommendation (**Attachment A**)

II. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of the Commission on Peace Officer Standards and Training (POST). The investigation included a review of Sacramento County Sheriff's Department's Internal Affairs investigations, which included two interviews of the subject officer. (**Attachments E and F**). Additionally, I reviewed body worn camera footage, police reports, and court documents. Based on my review of the entire administrative investigations, the written investigative report(s), and my own independent investigation, the administrative findings were supported by reasonable grounds.

I analyzed the information I obtained in this investigation using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

III. Respondent's Background

A. Respondent's Peace Officer Certificates and Employment

The table below sets forth Respondent's employment history (**Attachment B- EDI Profile**):

Dates	Rank	Agency
06/04/2002 to 7/24/2003	Police Officer	Fortuna Police Department
09/05/2004 to present	Deputy Sheriff	Sacramento County Sheriff's Dept.

Respondent is assigned POST ID A68-U16. He received the following peace officer certificates from POST (**Attachment B – EDI Profile**):

Certificate Type	***Certificate Number***	***Date Issued***
Basic	121846	09/19/2005
Intermediate	95804	04/27/2009
Advanced	130055	02/13/2023

B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and Title 11, California Code of Regulations section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline and service record and any prior instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

Respondent had three complaints dating back to 2016, which included one for discourteous treatment which resulted in an exonerated finding. The other two were for conduct unbecoming an officer related to his 2016 and 2024 DUI arrests. According to Sacramento County Sheriff's administrative investigation report number 2016PSB-158 relating to the 2016 incident, Respondent received a 160-hour suspension, without pay

of which 80 hours were held in abeyance for one year. (**Attachment N – Proposed Discipline for the 2016 DUI**). He was also transferred to a non-driving assignment. Respectively, in conjunction with Sacramento County Sheriff's administrative investigation report number 2024PSB-0421, relating to the 2024 incident, Respondent received a 160-hour suspension, without pay, in addition to his reassignment to a non-driving assignment. (**Attachment M – Proposed Discipline for the 2024 DUI**).

IV. Factual Background

a. 2024 DUI Incident and Internal Affairs Investigation.

On August 4, 2024, Respondent was arrested by a Folsom Police Officer for violating California Vehicle Code sections 23152(a) [driving under the influence] and 23152(b) [blood alcohol content of .08% or greater]. (**Attachment D- 2024 Folsom Police Department DUI Arrest Report**). Respondent's BAC measured .11% by volume. On June 11, 2025, Respondent was convicted of California Vehicle Code 23152(b), driving under the influence with BAC of .08% or greater. (**Attachment J – 2024 Court Records**). Sergeant Yeates was assigned to conduct an administrative investigation into Respondent's arrest for DUI. The investigation was submitted to POST subsequent to its completion. During his administrative interview concerning the August 4, 2024, arrest, Deputy White told investigators he thought he was okay to drive the night of his arrest. (**Attachment F – Deputy White's Interview Transcript from the 2024 DUI Administrative Interview**).

He said he fell short and made a mistake by having his last drink before leaving the bar. He admitted there was no reason for him to be driving that night and that his actions were not in line with department policy or the department's vision, mission, and values. He said his actions brought discredit to the organization. Additionally, he told investigators he started attending Alcoholic Anonymous meetings again after his arrest in conjunction with completing [redacted] (**Attachment H – Notice of Completion** [redacted]. [redacted] Additionally, Respondent told investigators he has been sober since January 12, 2025, and continues his weekly therapy sessions with a counselor [redacted]

POST Professional Conduct Northern Bureau interviewed Respondent on December 18, 2025. (**Attachment O – Transcript of POST Interview with Deputy White**). The interview took place at POST Headquarters, specifically in training room C. Respondent's Attorney, Joseph Hoffman of Mastagni Holstedt was present for the interview in its entirety. POST and Joseph Hoffman recorded the interview. The following is a summary of the interview and not a verbatim response to every question that was asked. Respondent maintains he had not had a drink of alcohol since January 12, 2025. Since then, he has abstained from consuming alcohol.

His efforts to stay sober are supported by weekly meetings with the counselor he worked with during his [redacted] He wanted to get to the root of why he was drinking. Additionally, he attends Alcohol Anonymous meetings once a week. His efforts are also supported by meeting with a counselor from the mandated 18-month DUI completion program, which he anticipates completing in February 2027. During the aftermath of his second arrest, he met with fellow employees who offered support and guidance for him. Respondent does not maintain a log pertaining to when he meets with his therapy counselor(s).

At the time of his arrest in August 2024, Respondent's driver's license status was valid, without restrictions. At that time, he was working the North Patrol Sector as a field training officer. He is currently assigned to the Rio Consumnes Correctional Facility. Although his driver's license status is currently restricted, he has the ability to drive a county vehicle if the current administration were to sign a form acknowledging the Respondent is required to use an ignition interlock device (IID) in his personal vehicle. If the administration signed the form, Respondent could drive a county vehicle if it became necessary.

b. 2016 DUI Incident and Internal Affairs Investigation

On April 16, 2016, California Highway Patrol Officer Fuhrman arrested Respondent for violating California Vehicle Code sections 23152(a) and 23152(b), DUI. (**Attachment C - 2016 California Highway Patrol DUI Arrest Report**). Respondent's BAC measured .12% by volume. On July 16, 2016, Respondent pled no contest to a misdemeanor violation of Vehicle Code section 23152(a). (**Attachment I – 2016 Court Records**). He was sentenced to three years informal probation and 48 hours of Sheriff's Work Project. At the time of his 2016 arrest, Respondent was employed as a Deputy Sheriff (**Attachment B – EDI Profile**). The Sacramento County Sheriff's Department initiated an administrative investigation into Respondent's arrest by the California Highway Patrol on April 18, 2016. Sergeant Marcus Gregory conducted an administrative investigation. That investigation was submitted to POST subsequent to its completion.

During his administrative interview, Respondent told the investigators he was aware that alcohol was a little bit of a problem in his life. (**Attachment E – Deputy White's Interview Transcript from the 2016 DUI Administrative Interview**). He said he was introduced to Alcoholics Anonymous in September of 2015 where he attended meetings off and on. He continued by saying he had been sober for 45 days before his arrest in April 2016. Since that arrest, he went back to AA, found a sponsor, and abstained from alcohol since the arrest. He also expressed the feeling of embarrassment he had for himself.

V. Analysis and Findings

According to the Sacramento County Sheriff's Administrative Investigation report, the agency received the complaint against Respondent on August 7, 2024. The agency sustained findings against Respondent for violating SCDSA MOU 18.5(p) -any failure of good behavior either during or outside of duty hours, which is of such nature that it causes discredit to the county or his/her employment. Respondent did not file an appeal after receiving disciplinary sanctions. POST received the agency misconduct report and the completed administrative investigation on August 22, 2025.

A. Does the alleged conduct violate POST Regulation 1205(a)(6) –Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public? If so, did the Respondent's actions constitute a violation of California Penal Code Section 13510.8(b)(6)?

The clear and convincing evidence established that Respondent violated POST Regulation 1205(a)(6) and California Penal Code section 13510.8(b)(6) when he was arrested and pled guilty to driving under the influence in 2016 and 2024. On both occasions, Respondent was employed by Sacramento County as a Deputy Sheriff. Court documents related to both criminal cases articulate the criminal sentences Respondent received as a result of his conduct. Impaired driving is illegal because of the dangers it places on the drivers themselves and the general public as a whole.

Under Penal Code section 13510.8(b)(6) and POST Regulation 1205(a)(6), acts that violate the law constitute serious misconduct when they are "sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public." Impaired driving and repeated acts of impaired driving are acts that violated the law that are both sufficiently egregious and also sufficiently repeated as to be inconsistent with Respondent's obligation to uphold the law or respect the rights of members of the public. As an officer who is charged with enforcing California law, including the Vehicle Code, Respondent's actions in driving impaired on two occasions establish he engaged in serious misconduct.

The clear and convincing evidence substantiated that Respondent violated California Penal Code section 13510.8(b)(6) when:

- He drove a vehicle on April 16, 2016, with his blood alcohol content at .12% by volume.

- He pled no contest to violating California Vehicle Code section 23152(b) on July 25, 2016.
- He drove a vehicle on August 4, 2024, with his blood content at .11% by volume.
- He was convicted on June 11, 2025, for violating California Vehicle Code section 23152(b).
- He knew in 2024 that he had already been convicted of DUI in 2016. As a peace officer, Respondent is charged with upholding the law and his repeated criminal offenses are inconsistent with that obligation.

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation or suspension pursuant to California Penal Code section 13510.8.

VI. Supporting Evidence

Evidence	**Attachment**
Executive Review and Division Recommendation	A
Respondent's EDI Profile	B
2016 California Highway Patrol DUI Arrest Report	C
2024 Folsom Police Department DUI Arrest Report	D
Deputy White's Interview Transcript from the 2016 DUI Administrative Interview	E
Deputy Whites' Interview Transcript from the 2024 DUI Administrative Interview	F
Body Worn Camera Footage from Folsom Police Department	G

Evidence	Attachment
Notice of Completion [redacted]	H
2016 Court Documents and Details Related to Sentencing	I
2024 DUI Waiver and Plea	J
Informal Probation Order for 2024 DUI Conviction	K
Sacramento County Superior Court Minute Order	L
Proposed Discipline for the 2024 DUI Arrest/Administrative Investigation	M
Proposed Discipline for the 2016 DUI Arrest/Administrative Investigation	N
Transcript of POST Interview with Deputy White	O

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: 1/15/2026

CASE #: POST2507337

PEACE OFFICER: Matt White

POST ID#: A68-U16

AGENCY: Sacramento County Sheriff's Department

POST CONSULTANT / BC: LEC Rich Collins / BC Rob Guyton

ALLEGATION(S):

PC § 13510.8 (b)(6) / CCR 1205(a)(6) – Acts that violate the law

On August 4, 2024, Sacramento County Sheriff's Department Deputy Matt White (hereinafter "Respondent") was pulled over by a Folsom Police Officer for suspicion of driving under the influence (DUI). Field Sobriety tests returned a blood alcohol content of 0.116%. Respondent was arrested for violating California Vehicle Code 23152(a) - driving under the influence. On June 11, 2025, Respondent was convicted of California Vehicle Code 23152(b) for this offense.

This was Respondent's second DUI offense, as on April 16, 2016, Respondent had been arrested for California Vehicle Code 23152(b), which led to a criminal conviction.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent committed serious misconduct as defined in Penal Code §13510.8(b)(6) and Title 11, California Code of Regulations 1205(a)(6) – Acts that Violate the Law as a result of his multiple arrests for driving under the influence.

William Darden Chief Legal Counsel	Signature	1/21/26 Date
Annemarie Del Mugnaio Assistant Executive Director	Signature	1/21/2026 Date
Manny Alvarez Executive Director	Signature	01/21/2026 Date

cc: Bureau Chief Robert Guyton

cc: Jason Morlock

cc: Chandler Knapp

cc: _____

POST PROFILE NAME:

WHITE, MATT LAWRENCE

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: MATTHEW

DATE: 08/26/2025

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A68-U16	SACRAMENTO CO SD	[redacted]	Male	White

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
121846	B	09/19/2005		46.00		
95804	I	04/27/2009	52	46.00		35 UNITS @ SHASTA COLLEGE 12.5 UNITS @ AMERICAN RIVER COLLEGE 3 UNITS @ MENDOCINO COLLEGE 1 UNIT @ COLLEGE OF THE REDWOODS (W/O BASIC)
130055	A	02/13/2023	36.00	46.05	28.95	SHASTA COLLEGE

Total Number of Certificates: 3

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
06/04/2002	07/24/2003	2	PO	06/04/2002	12050	FORTUNA PD	F	P	
09/05/2004			DPTY	09/05/2004	34000	SACRAMENTO CO SD	F	P	

***Reason for Separation: 2 = Discharge**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
06/04/2002	A	2960-00100-01-002	921		Y	12050	COR		BASIC COURSE-INTENSIVE
01/14/2003	K	2960-23293-02-001	16		Y	12050	COR	*	DEV. DISAB.MENTAL.ILL/OFCR.RES
03/11/2003	K	2980-22220-02-006	16		Y	12050	SCJCTC		DRUG INFLUENCE - 11550 H&S
03/18/2003	K	2960-21065-02-024	4		Y	12050	COR	*	FORCE OPTION-SIMULATOR
03/20/2003	K	8790-29900-02-021	8	X	Y	12050	CNOA		S&K-SEARCH WARRANTS NARCOTICS
06/06/2003	K	1085-30612-02-001	8		Y	12050	NCAPCTASKF		IDENTITY THEFT INVEST/PATROL
06/19/2003	K	2960-23300-02-002	24		Y	12050	COR		RADAR OPERATOR
03/15/2004	K	2310-29506-03-033	9		Y	34000	SACTO SD	*	ARSTCTL/FIREARM(PSP)
03/16/2004	K	2310-29506-03-044	9		Y	34000	SACTO SD	*	ARSTCTL/FIREARM(PSP)
03/17/2004	K	2310-29505-03-033	2		Y	34000	SACTO SD	*	INTCOM(PSP)
03/17/2004	K	2310-29900-03-215	7		Y	34000	SACTO SD		S&K 45&46 TERROR.CIVIL DISOBED
03/18/2004	K	2310-29900-03-187	5		Y	34000	SACTO SD		S&K-FIRST AID MOD #19
03/18/2004	K	2310-29900-03-199	4		Y	34000	SACTO SD		S&K-CARDIO RESUS MOD #18
08/13/2004	K	2310-29900-04-073	8		Y	34000	SACTO SD		S&K-REPORT WRITING MOD #42
02/17/2006	K	2310-29900-05-113	4		Y	34000	SACTO SD		S&K #36 TASER M-26 OPERATOR
03/27/2006	K	2310-29900-05-116	4		Y	34000	SACTO SD		S&K-#15-COLLAPSIBLE BATON
06/01/2006	K	1039-21115-05-141	20	R	Y	34000	SACRDTF	*	DRIVER TRAINING UPDATE
08/29/2006	K	2310-20778-06-024	8	X	Y	34000	SACTO SD		NIMS/SEMS BASIC COURSE
02/09/2007	K	2970-22531-06-001	8		Y	34000	SRPSC		LEADERSHIP STRATEGIES
03/05/2007	K	2310-29506-06-021	9		Y	34000	SACTO SD	*	ARSTCTL/FIREARM(PSP)
03/06/2007	K	2310-28411-06-021	2		Y	34000	SACTO SD		WORKPLACE HARASSMENT PREVENTION
03/06/2007	K	2310-21768-06-021	2		Y	34000	SACTO SD		SUDDEN INFANT DEATH SYNDROME
03/06/2007	K	2310-32343-06-021	4		Y	34000	SACTO SD		DOMESTIC VIOLENCE UPDATE
03/07/2007	K	2310-29505-06-021	2		Y	34000	SACTO SD	*	INTCOM(PSP)
03/07/2007	K	2310-22322-06-021	2		Y	34000	SACTO SD		STRESS MANAGEMENT
03/07/2007	K	2310-32103-06-021	2		Y	34000	SACTO SD		INTERNAL AFFAIRS PROCESS
03/07/2007	K	2310-20510-06-021	3		Y	34000	SACTO SD		COURTROOM TESTIMONY
03/08/2007	K	2310-21771-06-021	9		Y	34000	SACTO SD		FIRST AID/CPR REFRESHER
11/02/2007	K	2310-22700-07-003	8		Y	34000	SACTO SD		REPORT WRITING

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
06/24/2008	K	2310-21115-07-014	20		Y	34000	SACTO SD	*	DRIVER TRAINING UPDATE
09/17/2008	K	8790-22273-08-001	8		Y	34000	CNOA		SEARCH & SEIZURE UPD.
03/08/2010	K	2310-29506-09-023	9		Y	34000	SACTO SD	*	ARSTCTL/FIREARM(PSP)
03/09/2010	K	2310-23816-09-004	3		Y	34000	SACTO SD		PATROL TACTICS-HIGH RISK
03/09/2010	K	2310-32343-09-004	2		Y	34000	SACTO SD		DOMESTIC VIOLENCE UPDATE
03/09/2010	K	2310-23412-09-004	2		Y	34000	SACTO SD		COMPUTER CRIME/HIGH TECH INVESTIGATIONS
03/09/2010	K	2310-30854-09-004	2		Y	34000	SACTO SD	*	TACTICAL COMMUNICATIONS UPDATE
03/10/2010	K	2310-21771-09-023	9		Y	34000	SACTO SD		FIRST AID/CPR REFRESHER
03/24/2010	K	2310-22650-09-001	24	X	Y	34000	SACTO SD		PEER COUNSELING
03/22/2011	K	2310-21155-10-026	4		Y	34000	SACTO SD	*	DRIVER TRAINING (EVOC) UPDATE
03/22/2011	K	2310-30854-10-026	2		Y	34000	SACTO SD	*	TACTICAL COMMUNICATIONS UPDATE
03/22/2011	K	2310-32343-10-026	2		Y	34000	SACTO SD		DOMESTIC VIOLENCE UPDATE
03/23/2011	K	2310-21771-10-026	9		Y	34000	SACTO SD		FIRST AID/CPR REFRESHER
06/20/2011	K	2310-29506-10-035	9		Y	34000	SACTO SD	*	ARSTCTL/FIREARM(PSP)
11/04/2013	K	2310-29506-13-013	9		Y	34000	SACTO SD	*	ARSTCTL/FIREARM(PSP)
11/05/2013	K	2310-23287-13-013	2	X	Y	34000	SACTO SD		RACIAL PROFILING UPDATE
11/05/2013	K	2310-29505-13-013	2		Y	34000	SACTO SD	*	INTCOM(PSP)
11/05/2013	K	2310-32343-13-013	2		Y	34000	SACTO SD		DOMESTIC VIOLENCE UPDATE
11/06/2013	K	2310-21771-13-013	9		Y	34000	SACTO SD		FIRST AID/CPR REFRESHER
04/08/2014	K	2310-21155-13-066	9		Y	34000	SACTO SD	*	DRIVER TRAINING (EVOC) UPDATE
05/21/2014	K	2310-29501-13-072	4		Y	34000	SACTO SD	*	FIREARM(PSP)
07/13/2014	K	2310-29000-14-258	2	X	Y	34000	SACTO SD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
06/22/2015	K	2310-29506-14-035	9		Y	34000	SACTO SD	*	ARSTCTL/FIREARM(PSP)
06/23/2015	K	2310-30854-14-018	2		Y	34000	SACTO SD	*	TACTICAL COMMUNICATIONS UPDATE
06/23/2015	K	2310-29000-14-247	2	X	Y	34000	SACTO SD		SOCIAL MEDIA
06/24/2015	K	2310-21771-14-035	9		Y	34000	SACTO SD		FIRST AID/CPR REFRESHER
08/04/2015	K	2310-32343-15-004	2		Y	34000	SACTO SD		DOMESTIC VIOLENCE UPDATE
05/15/2017	K	2310-21155-16-082	9		Y	34000	SACTO SD	*	DRIVER TRAINING (EVOC) UPDATE
06/19/2017	K	2310-29503-16-027	4		Y	34000	SACTO SD	*	ARSTCTL(PSP)
06/19/2017	K	2310-29501-16-028	5		Y	34000	SACTO SD	*	FIREARM(PSP)
06/20/2017	K	2310-21798-16-007	9		Y	34000	SACTO SD		FIRST AID/CPR UPDATE
05/11/2018	K	2310-20801-17-015	8	X	Y	34000	SACTO SD		CRISIS INTERVENTION
07/18/2018	K	2310-29000-18-260	2	X	Y	34000	SACTO SD		BIAS BASED POLICING: REMAINING FAIR & IMPARTIAL
07/23/2018	K	2310-12425-18-003	8		Y	34000	SACTO SD		PRINCIPLED POLICING
08/15/2018	K	9180-25583-18-046	2	X	Y	34000	POST		DOMESTIC VIOLENCE RESPONSE (WEB)
10/10/2018	K	9180-25554-18-102	2	X	Y	34000	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)
02/04/2019	K	2310-29503-18-038	4		Y	34000	SACTO SD	*	ARSTCTL(PSP)
02/04/2019	K	2310-29501-18-030	5		Y	34000	SACTO SD	*	FIREARM(PSP)
04/10/2019	K	2310-12425-18-028	8		Y	34000	SACTO SD		PRINCIPLED POLICING
05/06/2019	K	2310-30986-18-012	4	X	Y	34000	SACTO SD	*	LESS LETHAL/MUNITIONS
05/27/2019	K	2310-29000-18-258	2	X	Y	34000	SACTO SD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
06/03/2019	K	2310-21797-18-007	9	X	Y	34000	SACTO SD		FIRST AID/CPR/AED REFRESHER
08/26/2019	K	2310-21155-19-015	9		Y	34000	SACTO SD	*	DRIVER TRAINING (EVOC) UPDATE
09/03/2019	K	9180-25585-19-065	2	X	Y	34000	POST	*	TACTICAL COMMUNICATION (WEB)
07/12/2020	K	2310-29000-20-289	2	X	Y	34000	SACTO SD		DE-ESCALATION

POST PROFILE NAME:

WHITE, MATT LAWRENCE

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: MATTHEW

DATE: 08/26/2025

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/27/2020	K	9180-25589-20-180	2	X	Y	34000	POST		DV RESPONSE & LETHALITY ASSESSMENT (WEB)
03/16/2021	K	9180-25585-20-259	2	X	Y	34000	POST	*	TACTICAL COMMUNICATION (WEB)
08/06/2021	K	2310-22530-21-001	8	X	Y	34000	SACTO SD		TRANSITIONAL LEADERSHIP
08/23/2021	K	2310-21797-21-004	9	X	Y	34000	SACTO SD		FIRST AID/CPR/AED REFRESHER
10/04/2021	K	2310-29503-21-036	4		Y	34000	SACTO SD	*	ARSTCTL(PSP)
10/28/2021	K	2310-29501-21-018	4		Y	34000	SACTO SD	*	FIREARM(PSP)
11/29/2021	K	2310-21155-21-035	9		Y	34000	SACTO SD	*	DRIVER TRAINING (EVOC) UPDATE
02/14/2022	K	9180-25595-21-229	4	X	Y	34000	POST		BEYOND BIAS:RACIAL & IDENTITY PROFILING UPDATE
04/12/2022	K	2310-22530-21-008	8	X	Y	34000	SACTO SD		TRANSITIONAL LEADERSHIP
04/27/2022	K	9180-25599-21-301	4	X	Y	34000	POST	*	PSP: STRATEGIC COMMUNICATIONS-SELF PACED
06/08/2022	K	2310-32343-21-019	2	X	Y	34000	SACTO SD		DOMESTIC VIOLENCE UPDATE
07/01/2022	K	2310-31725-21-008	40		Y	34000	SACTO SD		FIELD TRAINING OFFICER
08/11/2022	K	2310-29580-22-008	4		Y	34000	SACTO SD	*	USE OF FORCE (PSP)
11/02/2022	K	9180-25587-22-125	2	X	Y	34000	POST		VEHICLE PURSUIT POLICY (WEB)
11/21/2022	K	2310-20278-22-004	8	X	Y	34000	SACTO SD		TACTICS FOR CLEARING AND SEARCHING OUTSIDE SPACES
05/08/2023	K	2310-21155-22-072	9		Y	34000	SACTO SD	*	DRIVER TRAINING (EVOC) UPDATE
10/02/2023	K	2310-21797-23-009	9	X	Y	34000	SACTO SD		FIRST AID/CPR/AED REFRESHER
02/29/2024	K	5006-30340-23-004	32		Y	34000	NBISS		BACKGROUND INVESTIGATION
05/16/2024	K	9181-25505-23-321	2	X	Y	34000	CAPLP		DOMESTIC VIOLENCE RESPONSE UPDATE
10/07/2024	K	9181-25599-24-099	4	X	Y	34000	CAPLP	*	PSP: STRATEGIC COMMUNICATIONS
10/08/2024	K	2310-29580-24-010	4		Y	34000	SACTO SD	*	USE OF FORCE (PSP)
10/09/2024	K	2310-29501-24-021	4		Y	34000	SACTO SD	*	FIREARM(PSP)
10/09/2024	K	2310-29503-24-019	4		Y	34000	SACTO SD	*	ARSTCTL(PSP)
08/10/2025	K	9181-25587-25-041	2	X	Y	34000	CAPLP		VEHICLE PURSUIT POLICY (WEB)

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

STATE OF CALIFORNIA
CALIFORNIA HIGHWAY PATROL
DRIVING UNDER THE INFLUENCE
ARREST--INVESTIGATION REPORT

CHP 202 (Rev. 5-15) OPI 061

[X] Misdemeanor [ ] Domestic Violence (Refer HPM 100.69) [ ] Felony

WHITE, MATTHEW LAWRENCE
LAST NAME, FIRST NAME, AND MIDDLE INITIAL

COURT	FILE NUMBER	EVIDENCE/PROPERTY
SACRAMENTO	CA 37111	[ ] YES [X] NO

AREA	BEAT	COLLISION REPORT NUMBER
252	192	

E

DATE/TIME OF ARREST REPORT	DATE/TIME OF INCIDENT	LOCATION OF ARREST/INCIDENT	MVARS
04/16/2016 0304	[X] SAME	47TH AVENUE AND 44TH STREET	[X] YES [ ] NO Disc # 041516-C3

CITATION NUMBER	OFFENSE(S) CHARGED OR INVESTIGATED	JUS 8715 REQUIRED
CA 37111	23152(A) CVC, 23152(B) CVC	[X] YES [ ] NO NUMBER

SUBJECT NO 1 OF 1

DEPARTMENTAL APPROVED HANDCUFFING TECHNIQUE UTILIZED [ ] YES [ ] NO [ ] OTHER OR N/A (EXPLAIN IN NARRATIVE)

NAME (last, first, middle): ~~WHITE, MATTHEW LAWRENCE~~

RESIDENCE ADDRESS: [redacted]

AKA

HOME PHONE: (916)502-1208

MAILING ADDRESS [X] SAME

RACE/ETHNICITY	SEX	BIRTHDATE	HAIR	EYES	HEIGHT	WEIGHT
White	M	[redacted]	BRN	BRN	6-02	192

PLACE OF BIRTH (city, state, country): [redacted]

DISPATCH NOTIFIED [X] YES [ ] NO

DRIVER LICENSE NUMBER	STATE	DDL STATUS	MISC (SSN, INS #, ETC.)
[redacted]	CA	VALID	[redacted]

EMPLOYER: SAC CO SHERIFF

BUSINESS PHONE

BUSINESS ADDRESS: US

TIME 0423 ID 16093 LOG ST-030

BOOKING, CII, FBI, ETC., NUMBER(S): CA 37111

WHERE BOOKED/CONFINED: Sac. Co. Main Jail

DATE/TIME: 04/16/2016 0415

FINGERPRINTED [X] YES [ ] NO

NOTIFICATION (Who, How, When) EXPLAIN IN NARRATIVE

NOTIFIED BY:

[ ] JUVENILE [ ] FOREIGN NATIONAL [ ] IMMUNITY CLAIM

VEHICLE

LICENSE	STATE	YEAR	VIN/EN NUMBER
[redacted]	CA	2016	[redacted]

VEHICLE WAS [X] PARKED [ ] RELEASED [ ] STORED [ ] RECOVERED [ ] IMPOUNDED

STORAGE AUTHORITY

VEH YEAR	MAKE	BODY STYLE	COLOR	BODY TYPE
2001	FORD	EXPLORER	BLK	SUV

LOCATION OF VEHICLE/RELEASED TO/ADDRESS/TELEPHONE NUMBER: 47TH AVENUE AND 44TH STREET

NAME OF REGISTERED OWNER [redacted] [ ] SAME AS SUBJECT

ADDRESS [redacted]

NAME OF LEGAL OWNER [X] SAME AS R/O

ADDRESS

LOCATION OF KEYS: PROPERTY BAG

WITNESS/PASSENGER/VICTIM

BIRTHDATE	SEX	NAME	ADDRESS/AGENCY	PHONE
	M	[X] WITNESS [ ] PASSENGER [ ] VICTIM OFFICER STAHR, ID# 19279	SOUTH SACRAMENTO CHP	RES: BUS: (916)681-2300
	M	[X] WITNESS [ ] PASSENGER [ ] VICTIM [redacted]	STOCKTON POLICE DEPARTMENT	RES: [redacted]
	M	[X] WITNESS [ ] PASSENGER [ ] VICTIM SERGEANT MATTHEWS, ID# 14510	SOUTH SACRAMENTO CHP	RES: BUS: (916)681-2300
		[ ] WITNESS [ ] PASSENGER [ ] VICTIM		RES: BUS:

ADMONITION OF RIGHTS

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.
4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

[ ] NOT ADVISED [ ] ARRESTING OFFICER [ ] OR: NOT QUESTIONED I.D. TIME:

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?	HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?	WAIVER STATEMENT
[ ] YES [ ] NO	[ ] YES [ ] NO	NOT QUESTIONED / NOT ADMONISHED

MISDEMEANOR INCARCERATION

(To be completed upon physical arrest for any misdemeanor, pursuant to Penal Code Section 853.6)

The person arrested:

1. [ ] was so intoxicated as to be a danger to himself/herself or others.
2. [ ] required medical examination or medical care or was otherwise unable to care for his/her own safety.
3. [X] was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code (Note 5 and 8 if also applicable).
4. [ ] had one or more outstanding arrest warrants issued.
5. [ ] could not provide satisfactory evidence of personal identification.
6. [X] if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
7. [X] would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
8. [ ] demanded to be taken before a magistrate or refused to sign the citation.
9. [ ] would not appear at the time and place specified in the notice.
10. [ ] domestic violence (refer to HPM 100.69)

ARRESTING/INVESTIGATING OFFICER (Print name/rank)	I.D. NUMBER	REVIEWED BY (Print name/rank)	I.D. NUMBER	DATE
Fuhrman / Officer	019542	S. KENT / Sgt	13432	4/16/16

WHITE, MATTHEW LAWRENCE | CA 37111/CA 37111

ALL ASKED PRIOR TO FSTS — INVESTIGATION INTERVIEW

DO YOU KNOW OF ANYTHING MECHANICALLY WRONG WITH YOUR VEHICLE? DESCRIBE. ☐ YES ☒ NO	ARE YOU SICK OR INJURED? DESCRIBE. ☐ YES ☒ NO	
ARE YOU DIABETIC OR EPILEPTIC? ☐ YES ☒ NO	DO YOU TAKE INSULIN? (Pills/Injection) ☐ YES ☒ NO	DO YOU HAVE ANY PHYSICAL IMPAIRMENTS? DESCRIBE. (Feet, Legs, Ankles or Hips) ☐ YES ☒ NO
WHEN DID YOU LAST SLEEP? LAST NIGHT	HOW LONG? 7 HOURS / WHEN DID YOU LAST EAT? 5:30 PM	DESCRIBE 4 SLICES OF PIZZA
WERE YOU DRIVING THE VEHICLE? ☐ YES ☐ NO ☒ N/A	IF NO, WHO?	WHERE DID YOU START DRIVING? FROM STOCKTON / WHERE WERE YOU GOING? TO CITRUS HEIGHTS

WHERE WERE YOU STOPPED?	WHAT HAVE YOU BEEN DRINKING?	HOW MUCH?	TIME STARTED	TIME STOPPED
44TH AND 47TH	JIM BEAM / MILLER BEER	1 SHOT / 2 BEERS	7:30 PM	10:00 PM

LOCATION WHERE YOU WERE DRINKING? NAME/ADDRESS	DO YOU FEEL THE EFFECTS OF THE DRINKS? DESCRIBE. ☒ YES ☐ NO
AT A BAR IN STOCKTON	"6" ON A SCALE OF ZERO TO TEN

DID YOU BUMP YOUR HEAD?	HAVE YOU BEEN DRINKING SINCE THE ACCIDENT?	IF YES, WHAT?	HOW MUCH?
☐ YES ☒ NO ☐ N/A	☐ YES ☐ NO ☒ N/A		

ARE YOU UNDER THE CARE OF A DOCTOR OR DENTIST?	IF YES, NAME AND ADDRESS	RECENT SURGERY PERFORMED?
☐ YES ☒ NO		☐ YES ☒ NO *(Explain in Narrative)

HAVE YOU TAKEN ANY MEDICINE OR DRUGS?	IF YES, WHAT?	HOW MUCH?	TIME OF LAST DOSAGE
☐ YES ☒ NO			

DO YOU FEEL THE EFFECTS OF THE MEDICINE/DRUGS? DESCRIBE. ☐ YES ☐ NO

N/A

OBJECTIVE SIGNS/APPEARANCE/FIELD SOBRIETY TEST LOCATION

BREATH ODOR OF ALCOHOLIC BEVERAGE PRESENT	GLASSES/LENSES	EYES (appearance)	DEMEANOR	SPEECH
☒ YES ☐ NO STRONG	☐ YES ☒ NO	RED & WATERY	COOPERATIVE & NERVOUS	SLURRED

CLOTHING WORN: CONDITION AND DESCRIPTION

BLACK T-SHIRT, BROWN VEST, BLUE DENIM JEANS, BROWN BOOTS. CASUAL AND IN USED CONDITION.

DESCRIBE TEST LOCATION, SURFACE, WEATHER, AND LIGHTING

FLAT ASPHALT PARKING LOT SURFACE. COOL, DRY, NO WIND. FLASHLIGHT, PV, AND STREET LIGHTING.

PRELIMINARY ALCOHOL SCREEN INFORMATION

P.A.S. Admonition: I am requesting that you take a preliminary alcohol screening test to further assist me in determining whether you are under the influence of alcohol. You may refuse to take this test; however, this is not an implied consent test and if arrested, you will be required to give a sample of your blood, breath, or urine for the purpose of determining the actual alcoholic and drug content of your blood.

THE SUBJECT WAS ADVISED OF THE ABOVE STATEMENT BY:

☐ N/A ☒ ARRESTING OFFICER ☐ OR I.D. TIME 0251

PAS SERIAL NUMBER	TEMPERATURE	ZEROED	RESULTS NO. 1	TIME 1	RESULTS NO. 2	TIME 2	RESULTS NO. 3 (if needed)	TIME 3
082906	17 C	☒ YES ☐ NO	☐ Refused .138	0301	.139	0303		

LOCATION OF TEST	BREATH SAMPLE	OFFICER ADMINISTERING PAS TEST	I.D. NUMBER	AREA
☒ At scene	☒ Automatic ☐ Manual	☐ OR ☒ ARRESTING OFFICER		

CHEMICAL TEST INFORMATION

☒ Implied Consent Admonishment, 23612 V.C. ☐ Refused Test(s) (Complete DS 367)	DRUG ADMONISHMENT ☒ N/A ☐ Yes ☐ Refused (Complete DS 367)	ATTACHMENTS ☐ CHP 202 DRE ☒ OTHER ONE SHEET FROM BREATH TEST

TYPE OF TEST	TIME			I.D. OF SAMPLE(S)	RESULTS IF AVAILABLE	DISPOSITION OF SAMPLE(S)
1 ☒ Breath	0333	0336		ARWD-0115	.12 .12	ATTACHED TO REPORT
2 ☐ Blood						
3 ☐ Urine						

TEST GIVEN	LOCATION WHERE TEST WAS CONDUCTED	NAME AND TITLE OF PERSON GIVING TEST OR TAKING SAMPLE
1	Sac. Co. Main Jail	☒ ARRESTING OFFICER ☐ OR
2		☐ ARRESTING OFFICER ☐ OR
3		☐ ARRESTING OFFICER ☐ OR

TROMBETTA ADVISEMENT

A. The breath testing equipment does NOT retain any breath sample for later analysis by you or anyone else.

B. If you want a sample retained, you may provide a blood or urine sample that will be retained at no cost to you. If you do so, the blood or urine sample may be tested for alcoholic or drug content by either party in a criminal prosecution.

C. Do you wish to provide an additional sample? ☐ YES ☒ NO ☐ N/A "NO"

FIELD SOBRIETY TESTS (FSTS)

Prior to beginning each field sobriety test (FST), I instructed White to put his heels and toes together and keep his hands at his sides, and not to move from that position until I instructed him to begin. I explained and demonstrated each test to White and asked if he understood the test. Prior to beginning each FST, White stated that he understood the test.

1-Horizontal Gaze Nystagmus: White was not wearing glasses, and he did not appear to have been wearing any contact lenses. White's eyes were red and watery. White exhibited lack of smooth pursuit in both eyes while following the tip of my stimulus (pen). White exhibited distinct sustained nystagmus at maximum deviation in both eyes.

2-One Leg Stand (Right Leg Lifted): While explaining and demonstrating the test to White, he lifted his right foot, which touched the top of my left foot. I reminded White again not to begin until I instructed him to do so. White put his right foot down. White counted to "7-1000" and put his right foot down. White stopped, and did not continue the test on his own. I reminded White to continue. White continued the test and put his right foot down again on "12-1000." When White continued he counted "13,14" then White put his right foot behind his left foot as he stumbled backwards. White then counted "15" with his foot still down. At this point, I instructed White to discontinue the test. During the test, White swayed side to side and lifted both arms up for balance.

3-Romberg: White tried beginning the test during my instruction. I reminded White again not to begin until I instructed him to. I continued with the instructions. White tilted his head back and closed his eyes after I explained the test to him, but he did not wait for my instruction to do so. When White closed his eyes, I instructed him to begin. White exhibited eyelid tremors during the test. White finished the test, looked at me and said "30". I asked White how many seconds he estimated. White stated "30." I asked White how many sets I asked him to estimate. White stated "30." White estimated 30 seconds in a 24 second time period on my watch.

4-Finger Count (Right Hand): I requested White to perform 3 sets. On the first set in the reverse direction, White counted "4" on his pinky finger, skipped his ring finger and counted "3" on his middle finger. White then went back to his ring finger but did not speak, then counted "2" on his middle finger, and "1" on his index finger. On the third set in the reverse direction, White went to touch his pinky finger to his thumb and completely missed. White finished the test and I asked him how many sets he completed. White stated "3". I asked White how many sets I asked him to complete. White stated "3." White performed 3 sets improperly.

5-Preliminary Alcohol Screening Device (PAS): I read White the PAS admonishment verbatim from the CHP 202S form at 0251 hours and he agreed to submit to a PAS test. Because White put a mint in his mouth at 0246 hours, I had to wait 15 minutes (until 0301 hours) to obtain the first breath sample. I advised White of this. White provided two moderate breath samples, which the

PAS device captured automatically. White completed the PAS with results of .138% BAC and .139% BAC at 0301 hours and 0303 hours, respectively. The PAS test indicated the presence of Ethyl alcohol in White's blood. The PAS serial number was 082906. (See page two for additional information).

FIRST OBSERVATIONS

On April 16, 2016 at approximately 0213 hours, I was on patrol in the county of Sacramento. I was in a fully marked CHP unit (2485) wearing full CHP uniform and traveling on northbound SR-99 in Galt. I was driving and my partner Officer Stahr, ID# 19279, was in the right front passenger seat. I received a call from CHP dispatch that an off-duty Stockton Police Officer [redacted] was following behind a possible DUI driver. The vehicle was described as a black Ford Explorer (subject vehicle – s/v) with a license plate number of [redacted] The vehicle was described as weaving all over the road. The off-duty police officer [redacted] activated his flashing emergency lights so that we could easier locate him. I obtained a visual of [redacted] following the s/v at a location of northbound SR-99, south of Florin Road in the #3 lane at approximately 0231 hours. I observed the s/v weaving from right to left in its lane. The right side tires touched the broken painted white lines and raised pavement markers as the s/v weaved to the right, and the left side tires touched the broken painted white lines and raised pavement markers as the s/v weaved to the left. I moved from the #2 lane into the #3 lane behind the s/v, and I positioned the CHP unit closer behind the s/v to begin an enforcement stop. I activated the CHP unit's forward red lights and wig-wag lights. I advised the s/v over the CHP unit's public address system (P/A) to take the next exit on the right. The s/v began yielding to the right shoulder. I continued to advise the s/v to take the exit at 47th Avenue. The s/v continued on northbound SR-99 and eventually exited at 47th Avenue. As the s/v exited at 47th Avenue, I instructed the s/v to turn right onto 44th Street. The s/v turned right onto 44th Street. I advised the s/v to turn right into the parking lot. The s/v complied with instructions and pulled into the parking lot on the southwest corner of 47th Avenue and 44th Street.

OBSERVATIONS AFTER THE STOP

I exited the CHP unit and contacted the solo male driver through an open driver's side window at 0234 hours. I advised him the reason for the stop and asked for his driver license. The male driver stated he did not have his driver license with him. The male driver then stated he was a Sacramento County Sheriff's Deputy. While speaking with the male driver, I immediately noted the strong odor of an alcoholic beverage emitting from within the s/v, he had red and watery eyes, and his speech was slurred. I asked the male driver if he had consumed any alcohol that evening. The male driver stated he had one shot and two beers. I asked the male driver to exit the s/v and had him walk to the right side of the CHP unit.

Once at the right side of the CHP unit, the male driver identified himself verbally as Matt White, and stated his driver license number as [redacted] White stated to me that he was texting and

that was why he was weaving. I asked White a series of pre field sobriety test questions and had him perform a series of field sobriety tests (FSTS). While speaking with White, I continued to note the strong odor of an alcoholic beverage emitting from his breath and person, he had red and watery eyes, his speech was slurred, and he stood with an unsteady gait. While asking White pre-FST questions, I asked White on a scale of zero to ten, zero being sober and ten being the drunkest he has ever been, how he felt. White stated a "6". I asked White what he had to drink that evening. White stated he had two Miller beers and one shot of Jim Beam. While I was explaining the Romberg test to White, he put a mint in his mouth. Officer Stahr asked White what he put in his mouth. White stated a mint. I advised White to take the mint out of his mouth. White removed the Mint at 0246 hours (on my watch) and threw it on the ground. White asked us if he could just call a ride. I told White we could not let him call a ride. White also stated that he was going to get fired. I asked White if he thought he should be driving. White stated "no". Sergeant Matthews, ID# 14510, arrived on scene to assist prior to the PAS test. White did not perform the FSTS as explained and demonstrated. I formed the opinion White had been driving while under the influence of an alcoholic beverage. This was based on his improper driving, his objective signs of intoxication, his performance on the FSTS, and by my observations. I determined that further operation of a motor vehicle would be unsafe.

ARREST

I arrested White for 23152(a) VC (Misdemeanor DUI alcohol). I handcuffed White in accordance with CHP policy. The handcuffs were checked for proper fit and double-locked. I advised White of implied consent (23612 VC) and he chose the breath test. I searched White and placed him in the right rear passenger seat of the CHP unit. White was transported to the Sacramento County Main Jail for a breath test and booking. I observed White for over fifteen minutes prior to the breath test. White did not do anything to compromise the validity of the test. White completed the breath test with results of .12% BAC and .12% BAC at 0333 hours and 0336 hours, respectively. I advised White of Trombetta and he declined. I booked White into the Sacramento County Main Jail #1 for 23152(a) VC (Misdemeanor DUI alcohol) and 23152(b) VC (Misdemeanor DUI .08% BAC or above) at 0415 hours. The breath results are attached to this report.

ADDITIONAL INFORMATION

The off-duty police officer witness was identified by CHP dispatch as [redacted] with the Stockton Police Department. Officer [redacted] contacted me via telephone on 4/16/2016 at approximately 2020 hours to provide his statement. Officer [redacted] provided me a statement of what he had observed. Officer [redacted] related the following, in essence: He was driving on northbound SR-99 at Armstrong in the #3 lane. The s/v was to his left in the #2 lane. SR-99 at that location is three lanes. As he was driving, the s/v weaved to the right into the #3 lane. Officer [redacted] had to swerve to the right into the shoulder to avoid a collision. The s/v fluctuated its speeds during the entire time he saw the s/v driving. The s/v would slow to 40 mph, speed up to 70 mph, and drop back down to 40 mph and back up to 70 mph several times. SR-99 eventually

became two lanes and he pulled to the left of the s/v. He observed the driver with his cell phone in his hand, looking down at his phone, and scrolling and touching the phone with his thumb. He continued to watch the s/v and the s/v could not maintain its lane the entire time he observed the s/v. The s/v nearly collided into the center median at one point, and almost hit a big-rig as it weaved all over the road. The big rig honked at the s/v and the s/v continued weaving in and out of its lane. [redacted] stated he then got behind the s/v and called 911.

After placing White under arrest, I gave him the option for us to lawfully store the s/v or to park it. White wanted us to park s/v at the location of the stop. The s/v was parked and locked by Officer Stahr at the location of the stop at 47th Avenue and 44th Street. The keys were booked into White's property at the jail.

"This event involved a CHP patrol vehicle equipped with an MVARS (Mobile Video/Audio Recording System) that was activated during the event which may or may not have captured all information relevant to the event. The recording is maintained at the CHP office where the officer is assigned" (MVARS disk #041516 / C3, Event #17).

RECOMMENDATIONS

I recommend this report be forwarded to the Sacramento County District Attorney's office for review and prosecution of White for the following charges:

23152(a) VC - Misdemeanor DUI alcohol
23152(b) VC - Misdemeanor DUI .08% BAC or above

Dräger Alcotest® 7110 MK III-C Precautionary Checklist

Subject WHITE MATTHEW L. Date 4.16.16

Officer FUHRMAN #19542 Agency CHP S.

1. Continuously observe subject for at least fifteen minutes prior to starting the test, during which time the subject must not have ingested alcoholic beverages or other fluids, regurgitated, vomited, eaten, or smoked.

ATTACH BREATH RECORD HERE

2. Insert new, clean mouthpiece into Breath Inlet Hose.

3. Push the orange button next to the display to start the test. If the instrument displays "NOT READY" and "WARMING UP", it will take two minutes for the instrument to warm up. When the display shows "READY", press the orange button again to start the test.

4. Enter your LAST NAME and then your CERTIFICATION NUMBER. You can review your information by pressing "Y" at the "REVIEW DATA <Y/N>" prompt.

5. At the prompt, indicate if the subject's driver license is in possession. If yes, swipe the card and then review the subject's information for accuracy. If no, manually enter the subject's information. The subject's information can be reviewed by pressing "Y" at the "REVIEW DATA <Y/N>" prompt.

6. Enter the first time observed in the following format: MMDDYYYY HHMM. Be sure to put a space between the date and time. (If 15 minutes has not passed since the first time observed, the instrument will start a countdown timer for the remaining time before the test can be continued.)

7. Ask the subject if they regurgitated during the observation period and enter their response at the "REGURGITATED <Y/N>" prompt. If "Y" is selected, the instrument will initiate a 15-minute timer before the test can be continued.

8. Instrument will display "PURGING", then "AMBIENT AIR CHECK" and then "AIR BLANK CHECK". When instrument displays "PLEASE BLOW/R", obtain the first breath sample from the subject.

9. Instrument will display "PURGING", then "AMBIENT AIR CHECK" and then "AIR BLANK CHECK". When instrument displays "PLEASE BLOW/R", obtain the second breath sample from the subject.

10. If the two sets do not agree by 0.02%, the instrument will display "NO.02 AGREEMENT" and then repeat step 8 to obtain a third breath sample from the subject.

11. Instrument will display "DATA STORED", and then print out two copies of the results. Sign both copies. Attach the first copy to this checklist. Place the other copy in the designated drop box.

12. Remove and dispose of the mouthpiece in a sanitary manner.

Revised 10/06/2005

```
**********************
*  SACRAMENTO COUNTY  *
*    LABORATORY OF    *
*  FORENSIC SERVICES  *
**********************
  ALCOTEST 7110 MKIII-C
SERIAL NO.:    ARWD-0115
SEQ. TEST#:        08249
TEST DATE :  04/16/2016
LOCATION  :      JAIL-B
**********************
*     SUBJECT DATA     *
LAST:             WHITE
FIRST:          MATTHEW
MIDDLE INIT.:
D.O.B.:
DL #:
DL STATE:
ID #:
**********************
*     SUBJECT TEST     *
OBSERVATION START: 02:46
REGURGITATED:         NO
DIAGNOSTIC:           OK
AIR BLANK 0.00     03:32

BREATH SAMPLE #1
SUBJ.TEST 0.12     03:33
SUBJ. EC  PASS     03:33
AIR BLANK 0.00     03:35

BREATH SAMPLE #2
SUBJ.TEST 0.12     03:36
SUBJ. EC  PASS     03:36
AIR BLANK 0.00     03:36

UNITS:----G/210L -----TIME
DIAGNOSTIC:           OK
**********************
*     OFFICER DATA     *
NAME:          FUHRMAN
BADGE #:         19542
DEPT.:           SCHP
CASE #:       CA37111
OFFICER SIGNATURE:
                 19542
**********************
```

STATE OF CALIFORNIA DMV DEPARTMENT OF MOTOR VEHICLES
A Public Service Agency

AGE 21 AND OLDER OFFICER'S STATEMENT

SECTIONS 13353, 13353.1, 13353.2 & 13389 CALIFORNIA VEHICLE CODE (CVC)

APS

FORWARD THIS FORM WITHIN 5 BUSINESS DAYS TO YOUR LOCAL DRIVER SAFETY OFFICE, LISTED ON THE BACK OF PAGE 2

COMPLETE IN BLACK INK

AW ENFORCEMENT AGENCY CASE NO.	DETENTION/ARREST DATE	FOR DMV USE ONLY
CA 37111	4-16-16	

DRIVER'S NAME (LAST, FIRST, M.I.): WHITE MATTHEW L

DRIVER LICENSE NO.: [redacted] | COMMERCIAL? ☐ Yes ☒ No | STATE: CA | THUMB PRINT (Rig [redacted]

MAILING ADDRESS: [redacted] STATE ZIP CODE

DOB: [redacted] Sex: M Hair: BRN Eyes: BRN Ht.: 6-2 Wt.: 195

Driver License: ☐ Suspended/Revoked ☒ Surrendered (Attached) ☐ Unlicensed

- ☐ 0.01% or more BAC DUI Probation
- ☐ 0.04% or more BAC/COMM VEH
- ☒ 0.08% or more BAC Chemical Tests Results
- ☐ PAS or other Chemical Test Refusal – (DUI Probation) (Complete reverse)
- ☐ Chemical Test Refusal (Complete reverse)
- ☐ Forced Blood Test (Complete reverse)

Vehicle Lic. No. or VIN [redacted]

☐ **COMMERCIAL VEHICLE:** Vehicle operation requires a **commercial** driver license (Section 15210 CVC).

☐ **HAZARDOUS MATERIALS:** (transporting materials requiring placards/markings per Section 27903 CVC).

On 4-16-16 at 2:31 (AM)/PM in *(City and County)* SACRAMENTO CA, the above named driver was:

☒ Driving: ☒ observed by this officer or ☐ the observer shown in the shaded area on the second page, ☐ admitted to driving.

☐ Contacted per Section 40300.5 CVC. (Describe details in probable cause section on second page.)

☐ Involved in a collision. Attach collision report. In the probable cause section on the second page, describe how time of collision was established.

I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the shaded area on the second page on 4-16-16 (Month/Day/Year) at 3:04 (AM)/PM for violation of Section 23152 or 23153, 23154 CVC.

PROBABLE CAUSE. Describe in detail the facts and circumstances that led to the stop or contact. If driving was observed by someone other than the arresting officer, what did the observer say? State details on second page of this form hereby incorporated by reference.

OBJECTIVE SYMPTOMS OF INTOXICATION: ☒ Bloodshot/watery eyes ☒ Odor of alcoholic beverage ☒ Unsteady gait ☒ Slurred speech ☐ Other: _____ Observed by: FUHRMAN at 3:03 (AM)/PM

PRELIMINARY ALCOHOL SCREENING TEST 0.01% OR MORE BLOOD ALCOHOL CONCENTRATION (BAC) DUI PROBATION

Driver submitted to and completed a Preliminary Alcohol Screening (PAS) test with the results of:

TEST 1 .138 % BAC on 4-16-16 (DATE) at 3:01 (TIME) (AM)/PM **TEST 2** (Optional) .139 % BAC on 4-16-16 (DATE) at 3:03 (TIME) (AM)/PM

OFFICER'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that (1) I obtained the above PAS test results in the regular course of my duties, (2) I used PAS Model (Name/Number) ALCO SENSOR IV, Serial# 082906, Manufactured by INTOXIMETERS INC, (3) I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, (4) I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and (5) the device was functioning properly at the time of the test. ☐ PAS Test Unavailable

Date 4-16-16 Signature X [signature] BADGE/ID NO. 19542 Agcy./Div. CHP SOUTH SAC

CHEMICAL TEST

Breath Test Results (Attach copy of the results, if available)

TEST 1 .12 % BAC on 4-16-16 (DATE) 3:33 (TIME) (AM)/PM **TEST 2** .12 % BAC on 4-16-16 (DATE) 3:36 (TIME) (AM)/PM **TEST 3** ___ % BAC on _____ (WHEN APPLICABLE) (DATE) (TIME) AM/PM

BREATH TEST MACHINE OPERATOR'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the California Code of Regulations.

Date 4-16-16 Signature X [signature] Badge/ID No. 19542 Agcy./Div. CHP SOUTH SAC

Blood Test Results ☐ Blood Test on _____ (DATE) (TIME) AM/PM ☐ Breath Test Unavailable

Urine Test Results ☐ Both Breath and Blood tests unavailable. ☐ Drug use suspected. ☐ Urine required.

☐ Urine Test First Void on _____ (DATE) (TIME) AM/PM Test on _____ (DATE) (TIME) AM/PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date 4-16-16 AT: City SACRAMENTO County SACRAMENTO State CA

OFFICER'S PRINTED NAME	BADGE/ID NO.	TELEPHONE NO.
FUHRMAN	19542	(916) 681-2300
AGENCY	**AREA**	**COURT CODE (IF UNKNOWN, COURT NAME)**
CHP SOUTH SAC	252	SA

I ☒ did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.

ISSUE DATE OF ORDER	SIGNATURE OF ARRESTING OFFICER
4-16-16	X [signature]

IF ORDER SERVED BY ANOTHER OFFICER: I personally served a copy of the order to the driver on the date shown below:

ISSUE DATE	OFFICER'S PRINTED NAME	BADGE/ID NO.	SIGNATURE OF OFFICER
			X

A Public Service Agency

OFFICER'S STATEMENT - PAGE 2
SECTIONS 13353, 13353.1, 13353.2 AND 13389 CVC

APS

COMPLETE IN BLACK INK

LAW ENFORCEMENT AGENCY CASE NO.	DETENTION/ARREST DATE	FOR DMV USE ONLY
CA 37111	4-16-16	

DRIVER'S NAME (LAST, FIRST, M.I.): WHITE MATTHEW L

DRIVER LICENSE NO.: [redacted] | COMMERCIAL? ☐ Yes ☒ No | STATE: CA | THUMB-PRINT: [redacted]

MAILING ADDRESS: [redacted] STATE ZIP CODE

DOB: [redacted] Sex: M Hair: BRN Eyes: BRN Ht.: 6-2 Wt.: 195

Driver License: ☐ Suspended/Revoked ☒ Surrendered (Attached) ☒ Temporary Possession ☐ Unlicensed

- ☐ 0.01% or more BAC DUI Probation
- ☐ 0.04% or more BAC/COMM VEH
- ☒ 0.08% or more BAC Chemical Tests Results
- ☐ PAS or other Chemical Test Refusal – (DUI Probation)
- ☐ Chemical Test Refusal
- ☐ Forced Blood Test

Complete shaded area only if driving/collision observed by someone other than arresting officer or arrest done by another officer.

☐ Driving observed ☐ Driver arrested ☐ Collision witnessed By ☐ Another Officer ☐ Citizen	☐ Driving observed ☐ Driver arrested ☐ Collision witnessed By ☐ Another Officer ☐ Citizen
NAME (PLEASE PRINT)	NAME (PLEASE PRINT)
ADDRESS	ADDRESS
TELEPHONE NO. ( ) OFFICER'S BADGE/ID NO. OFFICER'S AGENCY	TELEPHONE NO. ( ) OFFICER'S BADGE/ID NO. OFFICER'S AGENCY

PROBABLE CAUSE ***(DESCRIBE IN DETAIL THE FACTS AND CIRCUMSTANCES THAT LED TO THE STOP OR CONTACT.) THE NARRATIVE MUST BE AN ORIGINAL. PRINT OR WRITE DIRECTLY ON THIS PAGE. (A SYNOPSIS OF THE SUPPLEMENTAL REPORT MAY BE CUT AND PASTED BELOW AND MUST BE DATED AND CONTAIN AN ORIGINAL SIGNATURE.) (FOR DUI PROBATION VIOLATIONS) CLEARLY INDICATE BELOW HOW YOU DETERMINED THE DRIVER WAS ON DUI PROBATION.***

On April 16, 2016 at approximately 0213 hours, I was on patrol in the county of Sacramento. I was in a fully marked CHP unit (2485) wearing full CHP uniform and traveling on northbound SR-99 in Galt. I was driving and my partner Officer Stahr, ID# 19279, was in the right front passenger seat. I received a call from CHP dispatch that an off-duty Stockton Police Officer [redacted] D# [redacted] was following behind a possible DUI driver. The vehicle was described as a black Ford Explorer (subject vehicle – s/v) with a license plate number of [redacted] The vehicle was described as weaving all over the road. The off-duty police officer [redacted] activated his flashing emergency lights so that we could easier locate him. I obtained a visual of [redacted] following the s/v at a location of northbound SR-99, south of Florin Road in the #3 lane at approximately 0231 hours. I observed the s/v weaving from right to left in its lane. The right side tires touched the broken painted white lines and raised pavement markers as the s/v weaved to the right, and the left side tires touched the broken painted white lines and raised pavement markers as the s/v weaved to the left. I moved from the #2 lane into the #3 lane behind the s/v, and I positioned the CHP unit closer behind the s/v to begin an enforcement stop. I activated the CHP unit's forward red lights and wig-wag lights. I advised the s/v over the CHP unit's public address system (P/A) to take the next exit on the right. The s/v began yielding to the right shoulder. I continued to advise the s/v to take the exit at 47th Avenue. The s/v continued on northbound SR-99 and eventually exited at 47th Avenue. As the s/v exited at 47th Avenue, I instructed the s/v to turn right onto 44th Street. The s/v turned right onto 44th Street. I advised the s/v to turn right into the parking lot. The s/v complied with instructions and pulled into the parking lot on the southwest corner of 47th Avenue and 44th Street.

E Le ID#19542 4-16-2016

ARREST REPORT-BLACK INK ONLY
SACRAMENTO COUNTY JAIL

Packet ID: 030422

Arrest Report Number: CA 37111

Arresting Agency: .CAL HIGHWAY PATROL

Arresting Type: Fresh

Arrestee: WHITE, MATTHEW

XREF: 3981864

Charge	CNT	MISD	FEL	WRNT	CRIME TITLE
VC 23152(A)	1	X			Driving Under Influence Of Alcohol
VC 23152(B)	1	X			Driving With B.A. Of 0.08 Percent Or More

BAIL	
Registry	
Fingerprint	
CII	
FBI	
XREF	3981864

Last Name	First Name	Middle Name	Nickname
WHITE	MATTHEW	LAWRENCE	

Home Address	City	State	Zip	Place of Birth
[redacted]	[redacted]	CA	[redacted]	[redacted]

DOB	Sex	Race	HGT	WGT	Hair	Eye	Home Phone	Alt Phone
[redacted]	M	W	601	195	BRO	BRO	[redacted]	--

OLN	State	SSN	Employer	Employer Phone
[redacted]	CA	[redacted]		--

NOK/Parent/Guardian	Address	Phone	Notified
		--	No

Vehicle License	Make	Model	Year	Style	Color
[redacted]	Ford	Explorer	2001	SUV	Black

Towed By	Left at Address	Other
	47TH AND 44TH	

Location of Crime	Date/Time of Crime	Victim/Complainant Name	Victim/Complainant Address
47TH AND 44TH CA			

Location of Arrest	Date/Time Arrested	Date/Time Booked
47TH AND 44TH , CA	04/16/2016 03:04	

Arrestee Sobriety	BAC	Tested
~~Under Influence~~	0.12	Breath

Accomplices/Crime Partners:	Assaultive	Combative	Uncooperative	Cooperative

Fingerprint

I declare the above named person has been arrested and is detained in the Sacramento County Jail. I am informed of and believe the facts below, which establish probable cause to detain this individual. **Evidence establishing a crime was committed and the arrested person committed the crime:**

☐ Witness ☐ Victim ☒ Officer stated he/she saw/heard the following:

ON 4-16-2016 AT APPROXIMATELY 0213 HOURS, I RECIEVED A CALL FROM CHP DISPATCH THAT AN OFF DUTY STOCKTON POLICE OFFICER [redacted] WAS FOLLOWING BEHIND A POSSIBLE DRUNK DRIVER. THE VEHICLE WAS DESCRIBED AS A BLACK FORD EXPLORER (SUBJECT VEHICLE - S/V) WEAVING ALL OVER THE ROAD. I RESPONDED FROM N/B SR-99 IN GALT. THE OFF DUTY POLICE OFFICER ACTIVATED HIS FLASHING EMERGENCY LIGHTS SO THAT WE COULD LOCATE HIM EASIER. I OBTAINED A VISUAL OF THE S/V AT A LOCATION OF N/B SR-99 SOUTH OF FLORIN IN THE #3 LANE AT APPROXIMATELY 0231 HOURS. I OBSERVED THE S/V WEAVING FROM RIGHT TO LEFT IN ITS LANE. THE RIGHT SIDE TIRES TOUCHED THE BROKEN PAINTED WHITE LINES AND RAISED PAVEMENT MARKERS, AND THE LEFT SIDE TIRES ALSO TOUCHED THE BROKEN PAINTED WHITE LINES AND RAISED PAVEMENT MARKERS AS THE S/V WEAVED. I POSITIONED MY CHP UNIT BEHIND THE S/V AND INITIATED AN ENFORCEMENT STOP ON THE S/V. I ADVISED THE S/V TO TAKE THE NEXT EXIT AT 47TH AVE. THE S/V EXITED AT 47TH AVE. I INSTRUCTED THE S/V TO PULL INTO THE PARKING LOT AT 47TH AVE AND 44TH ST AND THE S/V COMPLIED WITH INSTRUCTIONS. I EXITED MY CHP UNIT AND MADE CONTACT WITH THE SOLO MALE DRIVER THROUGH AN OPEN

******* Probable Cause Continues on Next Page. Exceeded 14 Lines *******

ARREST REPORT-BLACK INK ONLY
SACRAMENTO COUNTY JAIL

Packet ID: 030422

Arrest Report Number: CA 37111

Arresting Agency: CAL HIGHWAY PATROL

Arresting Type: Fresh

Arrestee: WHITE, MATTHEW

XREF: 3981864

RIVER'S SIDE WINDOW AT 0234 HOURS. I ADVISED THE DRIVER THE REASON FOR THE STOP AND ASKED FOR HIS DRIVER LICENSE. THE MALE DRIVER IDENTIFIED HIMSELF VERBALLY AS MATT WHITE, AND STATED HE DID NOT HAVE HIS DRIVER LICENSE, BUT THAT HIS DRIVER LICENSE NUMBER WAS [redacted] WHITE STATED HE WAS A SACRAMENTO COUNTY SHERIFF'S DEPUTY. WHILE SPEAKING WITH WHITE, I IMMEDIATELY NOTED THE STRONG ODOR OF AN ALCOHOLIC BEVERAGE EMITTING FROM WITHIN THE S/V, HIS SPEECH WAS SLURRED, AND HIS EYES WERE RED AND WATERY. I ASKED WHITE IF HE HAD CONSUMED ANY ALCOHOL THAT EVENING. WHITE STATED HE HAD TWO BEERS AND ONE SHOT. I ASKED WHITE TO EXIT THE S/V AND HAD HIM WALK TO THE RIGHT SIDE OF MY CHP UNIT. ONCE AT THE RIGHT SIDE OF MY CHP UNIT, I ASKED WHITE A SERIES OF PRE-FST QUESTIONS AND HAD HIM PERFORM A SERIES OF FSTS. WHILE ASKING WHITE PRE-FST QUESTIONS, I ASKED HIM ON A SCALE OF ZERO TO TEN HOW, ZERO BEING SOBER AND TEN BEING THE DRUNKEST HE HAS EVER BEEN, HOW HE FELT. WHITE STATED '6' WHITE ASKED IF HE COULD CALL A RIDE, AND HE PLEADED ME NOT TO ARREST HIM. WHITE DID NOT PERFORM THE FSTS AS EXPLAINED AND DEMONSTRATED. I DETERMINED FURTHER OPERATION OF A MOTOR VEHICLE WOULD BE UNSAFE. THIS WAS BASED ON HIS IMPROPER DRIVING, HIS OBJECTIVE SIGNS OF INTOXICATION, HIS PERFORMANCE ON THE FSTS, AND BY MY OBSERVATIONS. I PLACED WHITE UNDER ARREST FOR 23152(A) CVC AT 0304 HOURS. THE S/V WAS PARKED AND LOCKED AT 47TH AVE AND 44TH ST PER WHITE'S REQUEST. I ADVISED WHITE OF IMPLIED CONSENT AND HE CHOSE THE BREATH TEST. WHITE WAS TRANSPORTED TO SACRAMENTO COUNTY MAIN JAIL FOR A BREATH TEST AND BOOKING. ONCE THE BREATH TEST WAS CONCLUDED, WHITE WAS BOOKED INTO THE SACRAMENTO COUNTY MAIN JAIL FOR 23152(A) CVC AND 23152(B) CVC.

BLACK T-SHIRT, BROWN VEST, BLUE JEANS, BROWN BOOTS.

Arresting Officer Name	Badge	Division	Officer Signature
M. Fuhrman	19542		

Judges Signature	☐ Declaration DOES establish probable cause to believe this arrested person committed a crime. ☐ Declaration DOES NOT establish probable cause to believe this arrested person committed a crime


CALIFORNIA DRIVER LICENSE

DL [redacted]
EXP 07/07/2020 CLASS CM1
LN WHITE
FN MATTHEW LAWRENCE
[redacted]
RSTR
SEX M HAIR BRN EYES BRN
HGT 6'02" WGT 192 lb
DD 07/13/2015430900CCF0/20 ISS 04/05/2016

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
NOTICE TO APPEAR
CHP 215 (REV. 06-15)

CA 37111

☒ MISDEMEANOR ☐ Traffic ☐ Nontraffic

Date of Violation	Time		Day of the Week	
4-16-16	3:04	☒ AM ☐ PM	S M T W T F (S)	☐ CHP 215s ☐ Accident

Name (First, Middle, Last): MATTHEW LAWRENCE WHITE ☐ Owner's Responsibility (§40001 VC)

Addre [redacted]

City [redacted] State CA ZIP Code [redacted]

Driver Li [redacted] State CA Commercial ☐ Yes ☒ No Age Birth Date [redacted]

Sex	Hair	Eyes	Height	Weight	Race/Ethnicity
M	BRN	BRN	6-02	192	W

V [redacted] State CA Reg Exp. 09-16 ☐ COMMERCIAL VEHICLE (§15210(b) VC)

Yr. of Veh.	Make	Body Style	Color	Veh. Type	☐ HAZARDOUS MATERIAL (§353 VC)
01	FORD	EXPLORER	BLK	07	

Evidence of Financial Responsibility or CHP/DOT/PUC/ICC: BINDER

[redacted] ☐ Same as Driver

☐ Same as Driver

Ci [redacted]

Correctable Violation (§40610 VC) ☒ Booking Required (See Reverse) Misdemeanor or Infraction (Circle)

Yes	No	Code and Section	Description	
☐	☒	23152(A) VC	MISD. DUI ALCOHOL	M I
☐	☒	23152(B) VC	DUI ALCOHOL .08% BAC OR ABOVE	M I
☐	☐			M I
☐	☐			M I

Speed Approx.	P.F./Max Spd.	Veh. Lmt.	Safe	Special
>				

Location of Violation(s) at: 47TH AVE AND 44TH ST.

Beat	Area	Perm. Area	☐ Radar/Lidar Unit/Patrol Vehicle No.	☒ MVARS
192	30	252		

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
Executed at (place): SAC CO., California

Dec. Date	Arresting or Citing Officer	I.D. No.	Vacation Dates
4-16-16	FUHRMAN	19542	to

Perm Area: to

Dec. Date	Name of Arresting Officer, if different from Citing Officer	I.D. No.	Vacation Dates

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X SIGNATURE: IN CUSTODY

CA 37111

WHEN: DATE: TIME: ☐ AM ☐ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE: ☒ SUPERIOR COURT ☐ JUVENILE

ADDRESS: 720 9TH ST.

PHONE NO.: SACRAMENTO, CA 95814 916-874-5522

☐ To be notified
☐ You may arrange with the clerk to appear at a night session of the court.

Judicial Council of California Form TR-130
Rev. 08-26-15 (§§ 40500(b), 40513(b), 40522, 40600 VC; § 853.9 PC.) SEE REVERSE

CA37111

FOLSOM POLICE DEPARTMENT

46 NATOMA ST FOLSOM, CA 95630 916-355-7230

CRIME REPORT

Case FPD24-3123

OFFENSES

F/M	A/C	Offenses (A/C - Attempt/Completed)
M	C	23152(A) VC Dui alcohol
M	C	23152(B) VC Dui alcohol/0.08 percent

Date Occurred	Time Occurred	Incident #
08/04/2024	0004	2408040001

Date Reported	Time Reported
08/04/2024	0004

Related Cases:

Date Printed	Time Printed	Printed By
08/05/2024	09:21:00	3233

Latitude	Longitude
38.706260	-121.169650

Location	Beat	Area	Disposition	Dispo Date
Folsom Auburn Rd/Folsom Dam Rd, Folsom, CA 95630	1	1	Cleared by Arrest	08/04/2024

Location Type	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)

Victim	Drivers License	Cell Phone	Email			
Residence Address	**Notified of Victim Rights**	**Residence Phone**	**DOB**	**Age**	**Sex**	**Race**
Business Name and Address		**Business Phone**	**Height**	**Wt**	**Hair**	**Eyes**
Assistance Rendered/Victim Disposition		**Transporting Agency**	**Means of Attack (Assaults)**			
Description of Injuries		**Other Information**				

Name	Drivers License	Cell Phone	Email			
Residence Address		**Residence Phone**	**DOB**	**Age**	**Sex**	**Race**
Business Name and Address		**Business Phone**	**Height**	**Wt**	**Hair**	**Eyes**

Suspect Arrested	Action Taken	Charges			
White, Matthew Lawrence	On-View Arrest	23152(A) VC, 23152(B) VC			
Residence Address	**Residence Phone**	**DOB**	**Age**	**Sex**	**Race**
[redacted]	[redacted]	[redacted]	[redacted]	M	W
Business Name and Address	**Business Phone**	**Height**	**Wt**	**Hair**	**Eyes**
		6`2"	205	BRO	BRO
Identifying Features	**Cell Phone**	**Drivers License**		**Arrest Number**	
		[redacted]			
Aliases				**CII**	

VEHICLES

Status	Vehicle Make and Model	License/State	VIN	Val Damgd
Involved	2005 Merc	[redacted]		

OFFICERS

Prepared By	Date	Assisted By	Approved By	Date
272 - Vavak, Eathan	08/04/2024		171 - Triplett, John	08/04/2024

Routed To	Date	Routed To	Date	Notes

CONTROLLED DOCUMENT - DO NOT DUPLICATE

FIRST OBSERVATIONS:

On 8/4/2024 at approximately 0004 hours, I (Officer Vavak #272) observed a gold Mercury sedan [redacted] driving northbound on Folsom Auburn Rd in the City of Folsom and County of Sacramento. The vehicle was primarily driving in the number one lane. I was driving behind the vehicle making observations from Oak Ave to Folsom Lake Crossing where I initiated the stop.

During this time I observed the vehicle cross over the lane divide line and fog lane multiple times. The vehicle was also swerving back and forth within the lane. I observed the vehicle driving at inconsistent speeds from 40-55 mph in the 50mph zone. The vehicle was also breaking irregularly by going on and off the breaks while coming to a red light. The driving was captured on my in car camera which was uploaded into evidence.com.

I was driving a fully marked patrol vehicle equipped with overhead lights. I activated my emergency lights and the vehicle stopped on Folsom Dam Rd. I was equipped with a body worn camera that was activated during the investigation.

OBSERVATIONS AFTER THE STOP:

I approached the vehicle along the driver's side and contacted the driver through the open window. I immediately noticed the odor of an alcoholic beverage coming from the vehicle. I advised the driver and solo occupant of the reason for the stop. He was identified via CADL as MATTHEW WHITE [redacted] During this time I noticed S-WHITE's speech to be slurred.

Due to the objective signs of intoxication displayed, I requested that S-WHITE conduct field sobriety tests.

I asked S-WHITE the following investigative questions in no particular order:

When did you eat last?	Today at about 5pm
Were you driving?	Yes
Where were you going?	Home
Where were you coming from?	Folsom Hotel
What have you been drinking?	I had a couple shots.
Do you think you should be driving?	It's a tough call.

STANDARDIZED FIELD SOBRIETY TESTS (SFST's):

The S-WHITE was wearing cowboy boots during the SFST's. The tests were performed on the sidewalk. The

ground was flat and level.

HORIZONTAL GAZE NYSTAGMUS (HGN):

S-WHITE displayed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and nystagmus prior to 45 degrees in both eyes.

WALK AND TURN:

S- WHITE asked not to do the tests.

ONE LEG STAND:

S- WHITE asked not to do the tests.

PRELIMINARY ALCOHOL SCREENING TEST (P.A.S #16460140)

I read S- WHITE the PAS admonition verbatim from my field interview card. Results were .116 at 0012 hours and .116 at 0014 hours.

Based on my personal observations of his driving, the objective signs of intoxication displayed, his performance on the SFST's, and PAS results, I formed the opinion that S- WHITE was under the influence of alcohol and unable to operate a motor vehicle safely.

ARREST/BOOKING:

At approximately 0016 hours, I advised and placed S- WHITE under arrest for violation of Vehicle Code section 23152(a/b). I then placed him in handcuffs, double locking and checking for tightness.

The vehicle was moved to an open parking lot at 7700 Folsom-Auburn Rd.

S-WHITE chose the voluntary breath test. He was transported to the Folsom Police Department. I administered the chemical breath test (no: 01349) on the Drager Alcotest 9510 (sn: ARJN-0054). Results were 0.11 at 0040 hours and 0.11 at 0044 hours.

S-WHITE was served the temporary driver's license from the DS367.

S-WHITE was transported to the Sacramento County Main Jail where he was booked without incident.

RECOMMENDATIONS:

I recommend a copy of this report be forwarded to the District Attorney for review and prosecution.

FOLSOM POLICE DEPARTMENT

ARREST REPORT
WHITE, MATTHEW LAWRENCE

08/05/2024

Address	Mailing Address
8220 AUBURN FOLSOM DR, GRANITE BAY, CA 95746	

ID	Phone	Cell Phone	DOB	Age	Sex	Height	Weight
644257	[redacted]		[redacted]	[redacted]	M	6`2"	205

Race	Hair	Eyes	CII
WHITE	BROWN	BROWN	

Drivers License	Vehicle	FBI #
[redacted]		

Business Name	Address	City & State

Business Phone	Email	Arrest ID

Next of Kin/Parent/Guardian	Address	Phone

Occupation	Gang Affiliation	School ID

Officer Safety	Note

Aliases

Arrest Date	Arrest Time	Location of Arrest	Action Taken	Cite #	
08/04/2024	00:16	Folsom Dam Rd	On-View Arrest		
Level Misdemeanor (Adult And Juvenile)	**Bail**	**Case #** FPD24-3123	**Arrest Disposition** Adult - Complaint Sought	**Booking #**	**Warrant #**

Arresting Officers
Vavak, Eathan

Counts	Charges	
1	23152(A) VC	Dui alcohol (M)
1	23152(B) VC	Dui alcohol/0.08 percent (M)

CONTROLLED DOCUMENT - DO NOT DUPLICATE

ARREST REPORT
SACRAMENTO COUNTY JAIL

Arresting Agency *		Arrest Report Number *
FOLSOM PD 10/23		24-3123

REF * 3981864	CII [redacted]	FBI [redacted]	Fingerprint 0000770754

Case Type *	Warrant #	Count	Qualifier	Charge	Sev	Crime Title
ARREST-FRESH		(1)		VC 23152(A)	M	DUI ALCOHOL/DRUGS
ARREST-FRESH		(1)		VC 23152(B)	M	DUI ALCOHOL/0.08 PERCENT

Last Name *	First *	Middle	Nickname
WHITE	MATTHEW	LAWRENCE	

Address	Direction	Street Name *	Suffix	Unit Type	Unit #
[redacted]		[redacted]			

City *	State *	Zip *	COB: *	Country/State of Birth *	Home Phone	Cell Phone
sacramento	CA	95822	[redacted]	UNITED STATES		

DOB *	Sex *	Race *	Hgt *	Wgt *	Hair: *	Eyes: *
[redacted]	MALE	WHITE	6 2	215	BLACK	BROWN

OLN	OLN State	SSN	Employer	Phone
[redacted]	CA	[redacted]		

Next Of Kin Relationship *	Next of Kin Name *
UNKNOWN	N/A

Address	Direction	Street Name	Suffix	Unit Type	Unit #	City	State	Zip	Phone

Vehicle License	Make	Model	Year	Type	Color1	Color2
[redacted]	MERCURY	GRAND MARQUIS	2005		BEIGE	

Disposition	Location-Impound/Tow	Victim/Complainant Name/Address *
LEFT AT SCENE		none

Location of Arrest *	Date/Time of Arrest *		Military Service *
FOLSOM AUBURN RD/ FOLSOM DAM	08/04/2024	00:16	Yes ○ No ◉

Arrestee Condition	BAC	Behavior
DRUNK	0.11/0.11 BREATH	

Accomplice/Crime Partner:

I declare the above named person had been arrested and is detained in the Sacramento County Jail. I am informed of and believe the facts below which establish probable cause to detain this individual. **Evidence establishing a crime was committed and the arrested person committed the crime:**

☑ **Officer** / * ☐ **Witness** / * ☐ **Victim** he/she saw/heard the following: *

Matthew White was contacted on a traffic stop and showed obvious signs of intoxication. A DUI investigation was conducted and ultimately White was arrested for 23152 (A/B). White chose to do a breath test and his BAC was .11. White was transported to SCMj where he was booked for the above charges.

Arresting Officer Name *	Badge *	Division *
VAVAK	58	patrol

Judicial Decision Regarding Probable Cause to Detain.	☐ Declaration DOES establish probable cause to believe this arrested person committed a crime.
Judges **Signature**	☐ Declaration DOES NOT establish probable cause to believe this arrested person committed a crime.

To be completed upon a physical arrest for any misdemeanor, pursuant to Penal Code Section 853.6. Indicate reason for non-release by citation.

The person arrest:

1.	☑	Person arrested was so intoxicated that he/she could have been a danger to self or others.
2.	☐	Person arrested required medical examination or medical care or otherwise unable to care for own safety.
3.	☐	Person was arrested under one or more circumstances listed in Sections 40302 and 40303 of the Vehicle Code.
4.	☐	There were one or more outstanding warrants for the person.
5.	☐	The person could not provide satisfactory evidence of personal identification.
6.	☐	The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
7.	☐	There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
8.	☐	The person arrested demanded to be taken before a magistrate or refused to sign a notice to appear.
9.	☐	There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated:
10.	☐	The person was subject to Section 1270.1.

AGE 21 AND OLDER OFFICER'S STATEMENT

California Vehicle Code (CVC) §§13353, 13353.1, 13353.2 & 13389

DMV — A Public Service Agency

LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
24-3123	8/4/24	

DRIVER NAME (LAST, FIRST, M.I.): WHITE, MATTHEW

DRIVER LICENSE NUMBER: [redacted] | COMMERCIAL? ☐ Yes ☒ No | STATE: CA

[redacted] STATE | ZIP CODE [redacted]

DATE OF B[redacted] | SEX: M | HAIR: BRN | EYES: BRN | HEIGHT: 6'2 | WEIGHT: 195

Arrest Type (For statistical purposes only. Check all that apply.)
☒ Alcohol Use ☐ Cannabis Use ☐ Other Drug Use

LICENSE: ☐ Suspended/Revoked ☒ Surrendered (*Attached*) ☐ Not in Possession ☐ Unlicensed

VIOLATION: ☒ 0.08% or more BAC Chemical Test Results ☐ 0.01% or more BAC (*DUI Probation*) ☐ 0.04% or more BAC (*Commercial Vehicle*)
☐ Chemical Test Refusal (*Complete Reverse*) ☐ PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

VEHICLE: License Number or VIN: [redacted]
☐ Commercial Vehicle: Vehicle requires a commercial driver license (CVC §15210). ☐ Hazardous Materials: Transporting materials requiring placards/markings (CVC §27903).

NARRATIVE: Describe in detail the facts, observations, and circumstances that led to the stop or contact with the driver in *Narrative* section on Page 2 of this form.

Contact: On date: 8/4/24 at 0004 ☒ AM ☐ PM in City/County FOLSOM CA, the above driver was contacted.

DRIVING: ☒ Driving observed by this officer or ☐ Driving observed by another observer (complete *Observation/Arrest* section on Page 2)
Admission of Driving: ☒ Driver admitted to driving the vehicle Collision: ☐ Driver involved in a collision

TIME: (If driving not observed by an officer.) What time did you stop driving or how long after driving/collision did you wait for law enforcement to arrive? Driver Response: _____ ☐ AM ☐ PM ☐ HR ☐ MIN

ARREST OR DETENTION STATEMENT: I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the *Observation/Arrest* section on Page 2, on date 8/4/24 at 0016 ☒ AM ☐ PM for violation of CVC §§23152, 23153, or 23154.

OBJECTIVE SYMPTOMS OF INTOXICATION: ☒ Bloodshot/watery eyes ☒ Odor of alcoholic beverage ☐ Unsteady gait ☐ Slurred speech ☐ PAS results (*complete below*)
☐ Other: _____ Observed by: ☒ This officer ☐ Another observer: _____

PRELIMINARY ALCOHOL SCREENING TEST (PAS)

DUI Probation: Required. Non-DUI Probation: Optional. Always complete section if PAS results available.

Driver submitted to and completed a PAS test with the results of:

Test 1 .116 % BAC on 8/4/24 (DATE) at 0012 (TIME) ☒ AM ☐ PM Test 2 .116 % BAC on 8/4/24 (DATE) at 0014 (TIME) ☒ AM ☐ PM

OFFICER CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that: (1) I obtained the above PAS test results in the regular course of my duties, (2) I used PAS Model (*Name/Number*) FC 10, Serial# 1646C140 Manufactured by EFE LOC, (3) I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, (4) I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and (5) the device was functioning properly at the time of the test.

Date 8/4/24 Signature X [signature] Badge/ID Number 272 Agcy./Div FOLSOM PD

Attach copy of the results, if available.

CHEMICAL TEST

Breath Test Results:

Test 1 _____ % BAC on 8/4/24 (DATE) at _____ (TIME) ☐ AM ☐ PM Test 2 _____ % BAC on 8/4/24 (DATE) at _____ (TIME) ☐ AM ☐ PM Test 3 (WHEN APPLICABLE) _____ % BAC on __/__/__ (DATE) at _____ (TIME) ☐ AM ☐ PM

BREATH TEST MACHINE OPERATOR CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the *California Code of Regulations*.

Date 8/4/24 Signature X [signature] Badge/ID Number 272 Agcy./Div FOLSOM PD

BLOOD TEST RESULTS: Blood test on date: __/__/__ at _____ ☐ AM ☐ PM

URINE TEST RESULTS: First void on date: __/__/__ at _____ ☐ AM ☐ PM Test on date: __/__/__ at _____ ☐ AM ☐ PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date 8/4/24 in City FOLSOM County SACRAMENTO

OFFICER'S PRINTED NAME	BADGE/ID NUMBER	TELEPHONE NUMBER
J AVJAK	272	(916) 461-6400
AGENCY	**AREA**	**COURT CODE (IF UNKNOWN, COURT NAME)**
FOLSOM PD	SACRAMENTO	SACRAMENTO

I ☒ did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.

Date 8/4/24 Signature of Arresting Officer X [signature]

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by another officer have that officer complete this section.

I personally served a copy of the order to the driver on the date shown below:

Date __/__/__ Serving Officer's *Printed* Name _____ Badge/ID Number _____ Signature Of Serving Officer X _____

continued on reverse

CHEMICAL TEST ADMONITION

(CVC §§23154, 23612)

I admonished the driver on date: ___/___/___ at _____ ☐ AM ☐ PM

1. You are required by state law to submit to and complete a chemical test to determine the alcohol and/or drug content of your blood.
2. Because I believe you are under the influence of alcohol or a combination of alcohol and drugs, you have a choice of taking a breath or blood test. If you are on DUI Probation you are required to submit to a Preliminary Alcohol Screening Test.
3. Availability of Tests. (*Read only when applicable.*)
   - ☐ **When Applicable:** Since the breath and blood tests are unavailable; you are incapable of completing a breath or blood test; or you are afflicted with hemophilia or are using an anticoagulant medication, you are deemed to have given your consent to chemical testing of your urine.
   - ☐ **When Applicable:** Since you need medical treatment, your choice is limited to the (*check all available*) ☐ blood, ☐ breath, and/or ☐ urine test(s), the only test(s) available at _____.
4. If you refuse to submit to, or fail to complete a chemical test, your driving privilege will be administratively suspended for one year or administratively revoked for two or three years by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while under age 21; or a separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.04% or more while operating a commercial motor vehicle, or a BAC of 0.08% or more at any age, or you refused a test, will result in a two-year administrative revocation. Three or more offenses within ten years of any combination of the above violations, convictions or separate administrative determinations will result in a three-year administrative revocation.
5. Refusal or failure to complete a chemical test may be used against you in court.
6. Refusal or failure to complete breath or urine testing will result in a fine and mandatory imprisonment if you are convicted of a violation of CVC §§23152 or 23153.
7. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.
8. If you cannot, or state you cannot, complete the test you choose, you must submit to and complete a remaining test.

DRIVER RESPONSE: Include statements or actions by the driver that indicate a refusal or failure of each test.

☐ **Will you take a Preliminary Alcohol Screening Test?** (*DUI Probation*) _____

☐ **Will you take a Breath Test?** _____

☐ **Will you take a Blood Test?** _____

TEST UNAVAILABLE: One or more tests were unavailable. ☐ PAS test unavailable ☐ Breath test unavailable ☐ Blood test unavailable

Explain: _____

LANGUAGE: If not given in English, admonition was given in ☐ Spanish ☐ Other language (*specify*): _____

Admonition Read by a Different Officer: If the above Chemical Test Admonition was read to arrestee by another officer, indicate that officer's information:

OFFICER NAME	BADGE/ID NUMBER	AGENCY/DIVISION	TELEPHONE NUMBER
			( )

DRUG ADMONITION

1. Because I believe you are under the influence of drugs or a combination of drugs and alcohol, you are required by state law to submit to a blood, breath, or urine test. A urine test is available only if you are afflicted with hemophilia or are using an anticoagulant medication.
   - ☐ **When Applicable:** Because you have already submitted to or refused or failed to complete a breath test or a breath test is unavailable, your choice is limited to a blood test or a urine test, when applicable.
2. If you refuse to submit to, or fail to complete a chemical test, your driving privilege will be administratively suspended for one year or administratively revoked for two or three years, by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while under age 21, or a separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.04% or more while operating a commercial motor vehicle, or a BAC of 0.08% or more at any age, or you refused a test, will result in a two-year administrative revocation. Three or more offenses within ten years of any combination of the above violations, convictions or separate administrative determinations will result in a three-year administrative revocation.
3. Refusal or failure to complete a chemical test may be used against you in court.
4. Refusal or failure to complete breath or urine testing will result in a fine and mandatory imprisonment if you are convicted of a violation of CVC §§23152 or 23153.
5. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.

DRIVER RESPONSE: Include statements or actions by the driver that indicate a refusal or failure of each test.

☐ **Will you take a Blood Test?** _____

☐ **Will you take a Urine Test?** _____

TEST UNAVAILABLE: One or more tests were unavailable. ☐ Blood test unavailable ☐ Urine test unavailable

Explain: _____

LANGUAGE: If not given in English, admonition was given in ☐ Spanish ☐ Other language (*specify*): _____

Admonition Read by a Different Officer: If the above Drug Admonition was read to arrestee by another officer, indicate that officer's information:

OFFICER NAME	BADGE/ID NUMBER	AGENCY/DIVISION	TELEPHONE NUMBER
			( )

continued on next page

DMV
A Public Service Agency

AGE 21 AND OLDER OFFICER'S STATEMENT

CVC §§13353, 13353.1, 13353.2 & 13389

DS 367
Page 2

LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
24-1123	8/4/24	

DRIVER NAME (LAST, FIRST, M.I.): [redacted]
DRIVER LICENSE NUMBER: [redacted] COMMERCIAL? ☐ Yes ☒ No STATE: CA
MAILING ADDRESS: [redacted] STATE: [redacted] ZIP CODE: [redacted]
DATE OF BIRTH: [redacted] SEX: M HAIR: BLK EYES: BRN HEIGHT: 6'2" WEIGHT: 195

Arrest Type
For statistical purposes only. Check all that apply.
☒ Alcohol Use
☐ Cannabis Use
☐ Other Drug Use

LICENSE: ☐ Suspended/Revoked ☒ Surrendered (*Attached*) ☐ Not in Possession ☐ Unlicensed

VIOLATION: ☒ 0.08% or more BAC Chemical Test Results ☐ 0.01% or more BAC (*DUI Probation*) ☐ 0.04% or more BAC (*Commercial Vehicle*)
☐ Chemical Test Refusal (*Complete Reverse*) ☐ PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

OBSERVATION/ARREST: If driving or collision was observed by someone other than the arresting officer, or if arrest was completed by another officer or person, input that person's information.

☒ Driving or Collision observed by: ☒ Arrest made by:	Observation or Arrest made by ☒ Officer ☐ Citizen	☐ Driving or Collision observed by: ☐ Arrest made by:	Observation or Arrest made by ☐ Officer ☐ Citizen
NAME (PLEASE PRINT): OFC. VAVAK		NAME (PLEASE PRINT):	
ADDRESS: 46 NATOMA ST		ADDRESS:	
TELEPHONE NUMBER: ( )	BADGE/ID NUMBER: 272 / AGENCY/DIVISION: FOLSOM	TELEPHONE NUMBER: ( )	BADGE/ID NUMBER: / AGENCY/DIVISION:

NARRATIVE

Describe in detail the facts, observations, and circumstances that led to the stop or contact. Print or write directly on this page.
A portion of another report may be **cut and pasted** below but should be dated and contain an original signature.
Attach arrest, collision, and/or supplemental report(s) if available.
If arrest was made per CVC **§40300.5** state the facts and circumstances that support the arrest.
DUI Probation Violations: Indicate below how you determined the driver was on DUI probation.

ON 8/4/24 AT APPROX 0004 HRS, I (OFC VAVAK #272) OBSERVED THE VEHICLE DRIVING NORTHBOUND ON FOLSOM AUBURN RD. THE VEHICLE WAS SWERVING AND BREAKING IRREGULARLY. THE VEH WAS STOPPED AND THE DRIVER WAS IDENTIFIED VIA CADL. HE DISPLAYED OBJECTIVE SIGNS OF INTOXICATION AND INDICATORS OF IMPAIRMENT ON SFSTS. PAS WAS ADMINISTERED. WHITE WAS ARRESTED FOR VIOLATION OF 23152 (A/B) CVC.

[redacted]

continued on reverse

AGE 21 AND OLDER ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ORDER AND TEMPORARY DRIVER LICENSE

DS 367

DMV A Public Service Agency

Driver must be given a copy of this order. DMV telephone number (916) 657-0214.

LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
21 123	7/7/24	

DRIVER NAME (LAST, FIRST, M.I.)	DRIVER LICENSE NUMBER	COMMERCIAL?	STATE
[redacted] MATTHEW	[redacted]	☐ Yes ☒ No	CA

ADDRESS	STATE	ZIP CODE
[redacted]		[redacted]

DATE OF BIRTH	SEX	HAIR	EYES	HEIGHT	WEIGHT
[redacted]	M	BRN	BLU	6'2"	195

Arrest Type
For statistical purposes only. Check all that apply.
- ☒ Alcohol Use
- ☐ Cannabis Use
- ☐ Other Drug Use

LICENSE: ☐ Suspended/Revoked ☒ Surrendered (*Attached*) ☐ Not in Possession ☐ Unlicensed

VIOLATION: ☒ 0.08% or more BAC Chemical Test Results ☐ 0.01% or more BAC (*DUI Probation*) ☐ 0.04% or more BAC (*Commercial Vehicle*)
☐ Chemical Test Refusal (*Complete Reverse*) ☐ PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

You are hereby notified that your privilege to operate a motor vehicle will be suspended or revoked effective 30 days from the issue date of this order as shown below, and until you pay a $125 reissue fee and file proof of financial responsibility as shown on the reverse.
For additional information call (916) 657-0214.

TEMPORARY DRIVER LICENSE

This document must be carried with you and shall serve as your temporary California driver license. It is subject to the same class(es) and all restrictions as your permanent driver license. **This temporary driver license does not provide you with any driving privileges if you do not have a California driver license or your license is expired, suspended, revoked, canceled, or denied.** It expires at midnight 30 days from the issue date of this order shown below.

This action is taken under authority of *California Vehicle Code* (*CVC*) §§13353, 13353.1, 13353.2 and 13389 because you were arrested or detained for driving under the influence of alcohol and/or drugs and:

BAC 0.01% PAS, Breath, Blood or Urine Test DUI Probation	You completed a PAS, breath, blood, or urine test and the officer believes the results will show 0.01% BAC or more. If the laboratory results show your BAC was less than 0.01%, this suspension will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
BAC 0.08% Breath, Blood, or Urine Test	You completed a breath test with 0.08% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.08% BAC or more. If the laboratory results show that your BAC is less than 0.08%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
BAC 0.04 % Breath, Blood or Urine Test while driving a Commercial Vehicle	You completed a breath test with 0.04% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.04% BAC or more. If the laboratory results show that your BAC is less than 0.04%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
Chemical Test Refusal	You refused to submit to, or failed to complete, a chemical test of the alcohol and/or drug content of your blood.

COMMERCIAL DISQUALIFICATION

A commercial disqualification action will be taken due to any of the following: if you refused a chemical test, if you had a 0.04% BAC or more while operating a commercial motor vehicle as defined in CVC §15210 or while transporting hazardous materials, or held a commercial driver license and were driving any vehicle when you had a 0.08% BAC or more.

HEARING INFORMATION

YOU HAVE **10 DAYS** FROM RECEIPT OF THIS NOTICE TO REQUEST A HEARING TO SHOW THAT THE SUSPENSION OR REVOCATION IS NOT JUSTIFIED. ***The suspension or revocation will not be stayed (delayed) unless you request a hearing within 10 DAYS from the issue date of this order and DMV cannot provide a hearing before the effective date of the suspension or revocation and make a determination.*** Hearings are conducted only to determine questions of fact as described on the reverse. Your need for a license cannot be considered at a hearing. **If you want a hearing or have questions regarding this matter, contact the DMV at (916) 657-0214.** A telephone hearing will be conducted unless you request an in-person hearing. Before the hearing you may see or obtain copies of the department's evidence. ***You must request copies of the department's evidence at least 10 DAYS prior to the date set for commencement of the hearing in order to receive them prior to the hearing date.*** If you want the information released to someone else, give them signed permission. ***You have the right to have a sign or language interpreter present at your hearing. If you require the service of an interpreter, immediately notify DMV of the need for such service.*** ***During the hearing*** you may present oral testimony and/or other evidence. Testimony is taken under oath or affirmation, and the hearing is recorded. You may be represented by legal counsel, or you may represent yourself. The arresting officer(s) may be subpoenaed in this matter, if it is determined that his or her testimony is needed. If you wish to question the arresting officer(s), you have the right to have subpoenas issued on your behalf. You may subpoena any other witness(es) you feel may help your case, and you have the right to cross-examine any opposing witness(es). Blank subpoenas may be obtained on the internet at the following address *http://www.dmv.ca.gov/portal/dmv/detail/forms/formsds* or provided to you by the hearing officer upon request prior to the hearing. You are responsible for service of your subpoena(s) and any witness fee required by law. ***After the hearing,*** the hearing officer shall make findings and render a decision.

OFFICER'S PRINTED NAME	BADGE/ID NUMBER	TELEPHONE NUMBER
[illegible]	[illegible]	(916) [illegible]
AGENCY	AREA	COURT CODE (IF UNKNOWN, COURT NAME)
[illegible]	[illegible]	[illegible]

☒ did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.

Date 7/7/24 Signature of Arresting Officer X [signature]

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by another Officer have that officer complete this section.
I personally served a copy of the order to the driver on the date shown below:

Date	Serving Officer's *Printed* Name	Badge/ID Number	Signature Of Serving Officer
/ /			X

continued on reverse

```
JB2PF2                    ***** PERSONAL DESCRIPTOR ***** (PF2)
 HELP-
XREF- 3981964                                        DATA ENTRY- _  UPDATE- _

  ALIAS-    ADDRESS-    REMARK- _   O/I- _   MH- _        LOCAL-
NAME- WHITE             MATTHEW     LAWRENCE              PHONE- [redacted]
ADDR- [redacted]                                                  [redacted]
                                CA  USA- UNITED STATES
[redacted]
                    SEX- M  RACE- W  HGT- 602  WGT- 215  HAIR- BLK  EYES- BRO
IDENTIFIERS:
[redacted]                [redacted]                [redacted]
[redacted]                [redacted]                [redacted]


CAUTION-
 SPECIAL NOTIFICATION NAME-                                    PHONE-
 FLAGS:  GUN PERMIT-     DEATH FLAG-     PC290-       PAROLE-     DATE-
       DO NOT MERGE-       PC457.1-     H311590-     PROB    /   DATE-
 WARRANTS: FEL- 00 MIS- 00 INF- 00                    CA03400CC 08042024 022427
 PF: 1 MENU      2 PERSON     3 ARREST     4 CRIME      5 JAIL CUST
                              9 BUSINESS  10 WARRANT   11 DUE DIL   12 CASE HIST
W0313-I HAS 01 NAMES, 04 ADDRESSES      W0333-I HAS REMARKS
```

```
JB3DF2        *****  A R R E S T   R E P O R T  *****  (PF03)
XREF- 3981864 DATA ENTRY- _ UPDATE- _ HIST- _
     NAME- WHITE                MATTHEW        LAWRENCE                    CITERT- _
                                                      SACRAMENTO          CA [redacted]
                 [redacted] PO3- [redacted]                CA
        SEX- M RACE- W HGT- 602 WGT- 215 HAIR- Bla EYES- Bro OLN-
ARREST# 24051592 01  CRIME REPORT- CA0340100 24-3123      CART-      FRAME-
 ARREST:  DATE- 080424 TIME- 0016 LEA- CA0340100 OFFICER- 2910  VAVAK
  HOW ARR- PU WARR#            LOCATION- FOLSOM AUBURN RD/ FOLSOM DAM   L/C-
 CHARGES: VIOLATION SEV CNT |     VIOLATION  SEV CNT |     VIOLATION   SEV  CNT
     VC  23152(B)   MIS  01 | VC  23152(A)   MIS  01 |
                            |                        |
                            |                        |
RELEASE: DATE 080424 853.6? X CIT#            DENY   OR'D?   BAIL $0.00
 COURT-  34100 G1             APPEAR- 102324 1330 BAIL       $5,000.00 FORFEIT?
  NOTES(POSTED BY)-                                            RECEIPT-
         ADDR-
 REJECT:    DATE-          STATUTE-                  REASON-
 BOOKING:  DATE- 080424 TIME- 0216 LEA-             OFFICER-        MOUA
  VLN/DISPO-                                  HOLD LEA/STATUS-
   NEXT OF KIN-                                      RELATIONSHIP-
  ADDR-                                             PHONE-
```

24-3123

Dräger Alcotest® 9510 Precautionary Checklist

Subject WHITE, MATTHEW Date 8/4/24

Officer VAVAK Agency FOLSOM PD

1. **Continuously observe subject for at least fifteen minutes prior to starting the test, during which time the subject must not have ingested alcoholic beverages or other fluids, regurgitated, vomited, eaten, or smoked.**

2. Push the green button near the display to start the test. If the instrument displays "NOT READY" and "WARMING UP", the instrument will proceed to warm up. When the display shows "READY", press the green button again to start the test.

3. Enter your OPERATOR LAST NAME, OPERATOR FIRST NAME, OPERATOR AGENCY, OPERATOR BADGE #, and AGENCY CASE NUMBER, pressing enter on the keyboard after each field is completed. Review your information then press enter on the keyboard or SAVE on the touch screen to proceed to Step 4.

4. Enter the subject's information as prompted: SUBJECT LAST NAME, SUBJECT FIRST NAME, SUBJECT MI, SUBJECT DATE OF BIRTH, SUBJECT DRIVER LICENSE NUMBER, SUBJECT DRIVER LICENSE STATE, and SUBJECT OTHER ID NUMBER.

5. Enter the date first observed in the indicated format. Enter the time first observed in the indicated format. (If 15 minutes has not passed since the first time observed, the instrument will start a countdown timer for the remaining time before the test can be continued.) Review subject information on the summary screen. Press Enter on the keyboard or SAVE on the touch screen to proceed to Step 6.

6. Ask the subject if they regurgitated during the observation period and enter their response at the "SUBJECT REGURGITATED" prompt. Review regurgitation information on the summary screen. (If "Y" is selected, the instrument will abort the test sequence.) Press Enter on the keyboard to proceed.

7. Insert new, clean mouthpiece into Breath Inlet Hose.

8. Instrument will display "PURGING", then "BLANK CHECK", then "AMBIENT AIR CHECK." When instrument displays "PLEASE BLOW", obtain the first breath sample from the subject. Once a sample has been successfully provided, the instrument will display "TWO MINUTE WAIT PERIOD IN PROGRESS." To terminate or indicate a subject refusal at any time, push the "R" button on the screen during this testing procedure.

9. Once the two minute wait period is completed, the instrument will display "PURGING", then "BLANK CHECK", then "AMBIENT AIR CHECK". When instrument displays "PLEASE BLOW", obtain the second breath sample from the subject.

10. <u>If the two sets do not agree by 0.02%,</u> the instrument will display "TESTS OUTSIDE TOLERANCE" and repeat Step 9 to obtain a third breath sample from the subject.

11. Instrument will display "PLEASE WAIT", then print out **<u>TWO</u>** copies of the results. Sign both copies. Attach the first copy to this checklist for your record. Place the other copy in the designated drop box.

12. Remove and dispose of the mouthpiece in a sanitary manner and return the breath hose to its original position.

SACRAMENTO COUNTY
LABORATORY OF
FORENSIC SERVICES

ALCOTEST 9510

SERIAL NO.:	ARJN-0054
TEST NO.:	01349
DATE:	08/04/2024
START TIME:	00:36
LOCATION:	FPD

SUBJECT INFORMATION:

LAST:	WHITE
FIRST:	MATTHEW
MI:	L
DOB:	[redacted]
DL STATE:	
DL #:	
ID #:	-

BREATH ANALYSIS

OBSERVATION START:		00:04
REGURGITATED:		NO
DIAGNOSTIC		OK
	g/210L	TIME
AIR BLANK	0.00	00:39
TEST 1 IR	0.11	00:40
TEST 1 EC	PASS	00:40
AIR BLANK	0.00	00:41
AIR BLANK	0.00	00:44
TEST 2 IR	0.11	00:44
TEST 2 EC	PASS	00:44
AIR BLANK	0.00	00:45
DIAGNOSTIC		OK

OFFICER INFORMATION:

LAST:	VAVAK
BADGE #:	272
AGENCY:	FOLSOM PD
CASE #:	24-3123

SIGNATURE: VAVAK 272


California USA DRIVER LICENSE
FEDERAL LIMITS APPLY
CLASS CM1
EXP
END NONE
LN WHITE
FN MATTHEW LAWRENCE
DOB
RSTR
SEX M
HGT 6'-02"
HAIR BRN
WGT 205 lb
EYES BRN
ISS 12/30/2020

COUNTY OF SACRAMENTO

Inter-Department Correspondence

SCOTT R. JONES
Sheriff

Date: June 6, 2016

To: LIEUTENANT LISA GAYMAN
Professional Standards Division

From: SERGEANT MARCUS GREGORY
Professional Standards Division

Subject: INTERVIEW WITH MATTHEW WHITE, 2016PSB-158

Today is Tuesday, May 31, 2016 and the time is 1820 hours. I'm Sergeant Marcus Gregory of the Sacramento Sheriff's Department Professional Standards Division. With me is Sergeant Mike Abbott, also from the Professional Standards Division. We are at the Division Office located at 711 G Street, Sacramento, California. Present today is Deputy Matt White. Deputy White has declined to have any representation during this interview.

GREGORY: Is that correct?

WHITE: Yes.

GREGORY: This interview is regarding investigation 2016PSB-158 where it is alleged that Deputy Matthew White was arrested by the California Highway Patrol for driving under the influence of an alcoholic beverage and subsequently booked into the Sacramento County Main Jail on April 16, 2016. Deputy White's actions and conduct was of such nature to cause discredit to the Sacramento County Sheriff's Department. Prior to going on tape I gave Deputy White a Lybarger Warning explaining his Miranda Rights. Deputy White has invoked his Miranda Rights and has been ordered to make a truthful statement regarding this investigation. He has read and signed the Lybarger Warning. Deputy White, you are advised this investigation is confidential. You are hereby instructed not to discuss the substance of the investigation, nor any questions or answers presented during the course of this interview with anyone with the exception of your representative or attorney pending the conclusion of the investigation. Do you understand this conversation is being recorded?

WHITE: Yes sir.

GREGORY: Before we start would you please say your full name and spell your first and last name.

WHITE: It's Matthew Lawrence White, M-A-T-T-H-E-W, White like the color, W-H-I-T-E.

GREGORY: By who are you employed?

WHITE: The Sacramento County Sheriff's Department.

GREGORY: For how long?

WHITE: Approximately 12 years.

GREGORY: What is your current position with the department?

WHITE: Deputy Sheriff at the, ah, Sacramento County, ah, Airport.

GREGORY: How long have you been assigned out there?

WHITE: Three and a half years.

GREGORY: Did you have an opportunity to read the California Highway Patrol report I provided you, CA37111?

WHITE: Yes I did.

GREGORY: Were there any discrepancies or corrections that you would like to address in that report?

WHITE: Ah, no.

GREGORY: Were you traveling northbound State Route 99 on April 16, 2016, at approximately 2:30 in the morning?

WHITE: Yes I was.

GREGORY: Were you subsequently pulled over around that time by a member of the California Highway Patrol?

WHITE: Yes I was.

GREGORY: After being pulled over did you advise the officer that you were a Sacramento County Sheriff's Deputy?

WHITE: Yes I did.

GREGORY: Why did you advise him you were a Deputy?

WHITE: Um, I was afraid of, ah, ah, unfair treatment or being, ah, arrested.

GREGORY: Is it correct you did not have your license on your person that morning?

WHITE: Ah, that is true.

GREGORY: Was that part of the reason for telling him you were a Deputy?

WHITE: I, ah, prior to…I think two weeks prior to that I lost my, ah, Sheriff's I.D. along…my…my whole wallet was lost and I submitted a…a Info Report just a day or two before this. That's the reason I didn't have a driver's license on me.

GREGORY: Were you in possession of your duty weapon when you got pulled over?

WHITE: I was not.

GREGORY: Do you recall what you had to drink that evening?

WHITE: Ah, to the best of my knowledge I know I had, ah, ah, two, um, Miller beers and I think three to four shots of Jim Beam throughout the course of the night.

GREGORY: Do you recall what time you started drinking that night?

WHITE: Um, I know it was later. I would probably estimate it the first beer was probably around a quarter to 12 and I took three shots prior to leaving, which would have been I believe, ah, estimated around 1:30.

GREGORY: Where were you coming from?

WHITE: I don't re…remember the name of the bar actually, but I know it's from Stockton. If I think hard enough I can think of it, but now I don't know.

GREGORY: Did you ask Officer Fuhrman or his partner, Officer Stahr, if you could just call a ride?

WHITE: Yes I did.

GREGORY: Were you looking for consideration based on your peace officer status when you asked them that?

WHITE: No, just as a citizen I was trying to avoid a driving under the influence arrest.

GREGORY: Do you believe that based on your peace officer status that that put the CHP Officers in an uncomfortable position?

WHITE: I can, ah, guess that it probably did. I don't know for sure, but they were very, ah, professional and, ah, throughout the, ah, encounter.

GREGORY: It mentioned in the report that you stated you thought you were gonna get fired. Is that the case?

WHITE: I did, yeah.

GREGORY: Did the officer conduct Field Sobriety Tests on you?

WHITE: Yes.

GREGORY: Did he tell you whether or not you passed those tests?

WHITE: Ah, I…I don't believe he ever informed me that I failed them, but given the current position we're in I assumed that I failed them poorly.

GREGORY: The officers subsequently arrested you and transported you to the Sacramento County Jail to conduct a breathalyzer examine on you, is that correct?

WHITE: Yes sir.

GREGORY: Were you booked into jail that night?

WHITE: Yes I was.

GREGORY: What is the current status of your court case related to this arrest?

WHITE: Um, you know, I…I spoke with the, ah, lawyer. I paid him his fees, um, I know that it's going through the process. I…I don't think it's complete. I know the DMV hearing was not done and then for the actual court case I'm…I'm unaware what the status is right now.

GREGORY: Do you currently have a valid driver's license?

WHITE: I, ah, I do…I do. It's…I just received one today in the mail. Ah, picture I.D. and everything. It said, ah, subject to, ah, being surrendered upon the, ah, completion of the investigation per DMV.

GREGORY: Prior to this interview I provided you with a copy of the Sacramento Sheriff's Department Vision, Mission and Values. Upon reviewing that document do you believe the arrest was good ethical behavior?

WHITE: I'm sorry, can you say that one more time for me.

GREGORY: After reviewing the Vision, Mission and Values there, do you believe your arrest was good ethical behavior?

WHITE: On my part, no.

GREGORY: Have you taken any steps in correcting your behavior since the incident?

WHITE: Um, yes I have. Um, the, ah, irony of it all is, ah, I've…I've been well aware for the last couple of years that, ah, alcohol has been a little bit of a problem in my life and, ah, in September I was introduced to Alcohol Anonymous and I've attended there and I've been off again, on again and then, ah, I was 45 days sober prior to this arrest and had not touched alcohol and, ah, ah, and since this arrest I've gone right back, I have a sponsor and back to the program and, ah, I met with my, ah, Lieutenant and, ah, at the Airport. I expressed my disappointment in myself and, ah, I'm taking it from there and of course, ah, ah, I have abstained from alcohol since.

ABBOTT: Obviously part of this case will go up to be reviewed by your commanders and the chiefs. Is there anything that you would like to add on your own behalf?

WHITE: Absolutely, yeah, thank you for, ah, asking me. Ah, I think that the two things that, ah, stick, ah, there's a handful of things that really stick out to me and most sincerely I say, ah, how humbled I've been by this overall experience and regardless of what happens, as far as discipline goes, I mean, the, ah, DMV, courts, down to my appointment, the part that hurts me the most is my own personal pride. I can truly say with astonishment, ah, how embarrassed I was to be booked into the Main Jail and to have this a stigma of going through that and I'm the first to, ah, recognize the values that our department has, but, ah, and I, ah, I…I, ah, tend to, ah, concur with these values 'cause that's how I want to conduct my own personal life and that's how I want to be, so just as damaging as it's been to the department, it's been to myself and I can't reiterate the humbleness that I feel overall and in…in the course of that they…I think the one thing I really need to do is obviously come clean and be honest about alcohol is a problem in my life. That's

embarrassing to say, but also I tend to be the hero of my own story and move on and try to, ah, I mean, as we were talking before about the number of alcohol related incidents that we have as a department I hope to be somewhat of a contributor to…to that and would hope to…that my supervisors would put me in a position that they can count on me again to help to attempt that is all that I would hope to say.

GREGORY: Okay. The time is 1830 hours and that will conclude the interview.

(WHITE.158) tli

INTERVIEW WITH DEP. MATT WHITE
HAYNES=SGT. ANDREA HAYNES
SHELTON=SGT. KENNY SHELTON
WHITE=DEP. MATT WHITE
HOFFMANN=ATTY. JOSEPH HOFFMANN

HAYNES: Today is Tuesday, July 8, 2025. The time is 2:08 pm. I am Sergeant Andrea Haynes of the Sacramento County Sheriff's Office Internal Affairs Bureau. With me is Sergeant Kenny Shelton, also with the Internal Affairs Bureau. We are at the Rio Cosumnes Correctional Center located at 12500 Bruceville Road in Elk Grove. We are here today with Deputy Matt White. Also present is Attorney Joseph Hoffmann, who will be representing Deputy White during this interview. This interview is regarding Internal Affairs case 2024PSB-421, where it is alleged that on August 4, 2024, Deputy White exhibited signs of driving while under the influence and was subsequently arrested for California Vehicle Code 23152(A), driving while under the influence of alcohol and/or drugs, and California Vehicle Code 23152(B), driving while under the influence of alcohol with a blood alcohol concentrate of 0.08 or greater. Prior to going on record, I provided Deputy White with an administrative admonishment and a Lybarger warning explaining his Miranda rights. Deputy White has invoked his Miranda rights. He has been ordered to make a truthful statement regarding this investigation. Deputy White has read and signed the Lybarger warning. Deputy White also read and signed the Administrative Admonishment Form. Deputy White, you are advised this administrative internal investigation is confidential. Prior to beginning the interview, I will have everyone present introduce themselves in their own voice for transcription purposes. I am Sergeant Andrea Haynes.

SHELTON: Sergeant Kenny Shelton.

HOFFMANN: Joe Hoffmann with Mastagni.

WHITE: Deputy Matt White.

HAYNES: Deputy White, can you spell your first and last name?

WHITE: Matt -- M-A-T-T -- White -- W-H-I-T-E.

HAYNES: Deputy White, do you understand this conversation is being recorded?

WHITE: Yes, I do.

HAYNES: By whom are you employed?

WHITE: The Sacramento County Sheriff's Office.

HAYNES: How long?

WHITE: For 22 years.

HAYNES: And what is your current rank?

WHITE: I'm a Deputy Sheriff.

HAYNES: Okay. Where are you currently assigned?

WHITE: The Rio Cosumnes Correctional Center.

HAYNES: And how long have you been with the Rio Cosumnes Correctional Center?

WHITE: For approximately 11 months now.

HAYNES: What shift are you assigned to?

WHITE: A-Days.

HAYNES: Prior to the Rio Cosumnes Correctional Center, where were you assigned?

WHITE: To our Sheriff's North Patrol.

HAYNES: And what shift were you assigned to?

WHITE: Boy Watch.

HAYNES: Prior to this interview, were you able to review Folsom Police Department's Report 24-3123?

WHITE: Yes, I was.

HAYNES: The in-car camera and body-worn camera footage associated with your arrest?

WHITE: Yes.

HAYNES: Your DMV printout?

WHITE: Yes.

HAYNES: Sacramento County Sheriff's Standards of Conduct Policy?

WHITE: Yes, I had.

HAYNES: And the Sacramento Sheriff's Office Vision, Mission and Values?

WHITE: Yes, I did.

HAYNES: Were you driving your personal vehicle on August 4, 2024 in the vicinity of Folsom-Auburn Road and Folsom Dam Road?

WHITE: Yes, I was.

HAYNES: And what type of vehicle were you operating?

WHITE: A 2005 Mercury.

HAYNES: Was anyone in the vehicle with you?

WHITE: No.

HAYNES: Can you tell me where you were going?

WHITE: I was heading home.

HAYNES: And where were you coming from?

WHITE: The Folsom Hotel Bar.

HAYNES: Who were you with at this location?

WHITE: Friends and family.

HAYNES: Okay. Had you consumed any alcohol prior to driving that night?

WHITE: Yes, I did.

HAYNES: And do you recall what you were drinking and how much?

WHITE: I was drinking Jim Beam. I don't recall how much. I know I initially took a shot of Jim Beam approximately three hours before this incident. And then I know I waited an hour. And then while leaving the bar, closing out my tab, I took one more shot.

HAYNES: Okay. Were you feeling the effects of the alcohol?

WHITE: Yes.

HAYNES: And based on how much you had to drink or based on the effects of the alcohol, do you feel like you should have been operating a vehicle?

WHITE: You know, the interesting thing about alcohol is it really impairs your judgment.

HAYNES: Mm-hm.

WHITE: So I can say with confidence that I felt in that moment that I was capable of operating a vehicle and traveling home.

HAYNES: Okay.

HOFFMANN: But in retrospect, do you have a different opinion?

WHITE: Absolutely. In retrospect, because of that impairment, I was over the legal limit.

HAYNES: So when asking you why you made that decision to drive home that evening, you would say it's because at that moment, you felt like you were okay?

WHITE: I did.

HAYNES: Okay. Were you stopped by a Folsom police officer?

WHITE: I was.

HAYNES: Where at?

WHITE: Right before the dam, or right at the dam, right past Natomas Crossing, which is on Auburn-Folsom Boulevard.

HAYNES: Did you know at the time why you were stopped?

WHITE: Did I? I'm sorry, did I understand the reason I was stopped?

HAYNES: Mm-hm.

WHITE: He said that I weaved in my lane.

HAYNES: Okay. Did you recognize that you had too much to drink?

WHITE: I had an instant regret and a fear that I may have overdrank.

HAYNES: Did you identify yourself as a Sacramento County Sheriff's deputy?

WHITE: Yes, I did.

HAYNES: Did the Folsom police officer request that you conduct field sobriety tests?

WHITE: He did.

HAYNES: And did you cooperate with these tests?

WHITE: I did.

HAYNES: Can you describe these tests to me?

WHITE: Yeah, I recall that he did, I'm going to say it wrong, horizontal nystagmus gaze or whatever, with my eyes to follow his pen and also a Romberg stand and a breathalyzer.

HAYNES: Do you recall the results of the PAS?

WHITE: Yes, I believe I was 0.11.

HAYNES: And as a result of the traffic stop and DUI investigation, were you arrested for driving under the influence of alcohol?

WHITE: I certainly was.

HAYNES: Having reviewed the police report and the associated camera footage, is there anything that you believe is inaccurate or should be clarified?

WHITE: No, I don't.

HAYNES: What were you charged with?

WHITE: 23152 vehicle - driving while intoxicated over a legal limit of 0.08.

HAYNES: And how did you plead your charges?

WHITE: No contest.

HAYNES: What was the outcome of your plea?

WHITE: I received 4 years of probation.

HAYNES: And what are the terms of your probation?

WHITE: To sustain from all alcohol and alcohol possession and consumption or where it can be consumed.

HAYNES: Was there any other results of your plea besides the 4 years of probation?

HOFFMANN: I can shine some light on it because there were some technical terms that were deemed satisfied.

HAYNES: Mm-hm.

HOFFMANN: So what I conveyed was it was 10 days of jail but credit time served to include giving him credit for the time that he did at a treatment facility.

HAYNES: Mm-hm.

HOFFMANN: Four years of informal probation. Take the 18-month DUI course. And for the duration of probation - I'm sorry, it was 14 days credit time served.

HAYNES: Right. Okay.

HOFFMANN: During the course of probation, he can't have any alcohol, any measurable amount of alcohol and drive a vehicle or other standard terms and conditions like obey all laws. So.

WHITE: Thank you.

HAYNES: Okay. And what is the status of your driver's license currently?

WHITE: It's currently suspended or revoked.

HAYNES: And is there something that you have to do in order to get your driving status back?

WHITE: Yes. November 25 will be the date I can have it reissued as long as I'm signed up for the 18-month DUI program and also kind of show a SR-22 for insurance.

HAYNES: What is SR-22?

WHITE: It's a completion of insurance that you actively have insurance and that it's on record with DMV that if you ever miss a payment or any type of declinement of that insurance, or I didn't pay it that they would automatically suspend my license again. So I must currently have insurance.

HAYNES: And once you get your driver's license reissued, does that put you back into a valid status or does that...

WHITE: It does.

HAYNES: ...give you back just driving to and from work?

WHITE: No, it'll be a valid status.

HAYNES: Okay. And I guess this answers my next question. Were you court ordered to take any classes?

WHITE: Yes.

HAYNES: And what class is that?

WHITE: An 18-month DUI completion of classes.

HAYNES: And you said you start that class when?

WHITE: I have not signed up yet, but I have until August 3 to sign up and complete.

HAYNES: Okay. Since this incident, have you reached out to any department resources

for support relating to your alcohol use?

WHITE: Oh my gosh. Yeah, it's been quite the experience. Immediately after being booked into jail, you know, [redacted] was able to give me a ride home and was the first of many beginnings of addressing alcoholism and my status at the Sheriff's Department and then also the conduct of what is expected. And since then, that has led into the following morning, I spoke with [redacted] about this same incident and so forth. But since then, I've reached out to Peer Support and also continue doing therapy, which I explain later. But yeah, I've talked to several people.

HAYNES: Okay. Any other programs?

WHITE: Yeah, I've, you know, there was a - this incident happened on August 4. And in my past, I've been through AA meetings, I've continued to do that off and on. And so I jumped right back into AA and started going through there. And since August 4 to January 12, I had two drinks. And I knew that there would be this moment that I was sitting across from an Internal Affairs investigator. And I remember thinking, why am I drinking? What is going on with me? And I knew that this moment was pretty significant for me that I knew that I had to say, Am I good? Am I not good? And what have I done? And AA wasn't cutting it at the time, I didn't understand why I was still having, in this case, two drinks over four months. So 1st of year, I decided I'd look into outpatient programs or attempts to really counter my own internal problems with alcohol. So I began to look at outpatient programs in the area. And they were pretty sufficient, you know, they were all generally like six to eight weeks and outpatient therapy, or they were all alcohol counselors. And the one thing I really settled in kind of stuck my teeth in I was, like, I wanted therapy, I wanted something to really address past traumas, and everything the reasons I was drinking, that was really important to me.

HAYNES: Mm-hm.

WHITE: So with that said, I was able to through therapy found [redacted] My research to my insurance and also the union to know what type of systems was available. And I believe my insurance covered all of it. And it's a bit of a sacrifice. [redacted] And the big selling point for me was two to three times a week, you did meet one on one with the therapist. And that it was, again, [redacted], but it was one of the most beneficial times in my life where I realized why I was drinking for things and the causes of those things

and how to overcome addiction, trauma, and overall happiness with what I was doing [redacted], I've met with her for once a week and talk to her and continue to see her. And probably about one of the best experiences I've ever had. It was very challenging, but I was very thankful I did it.

HAYNES: And when did you complete this program?

WHITE: April 29.

HAYNES: And just to clarify, since completing this program, on April 29, you're continuing to talk to one of the counselors from this program?

WHITE: Yeah, and also remains sober, since January 12 I've not drank and done anything like that, nor ever desired to go back, and maybe it's a moot point, but really I know I've told Joe this and other things, if I had known how well I could feel now, I would almost get another DUI just to do it again. Because I know how that sounds terrible. But if I had known how great I felt now, I would have done anything possible to be how I feel now.

HAYNES: Right. I understand what you're saying.

WHITE: Yeah. Yeah.

HAYNES: Okay.

WHITE: Yeah. Thank you.

HAYNES: Are there any other programs? I mean, I know you said you attempted AA. You went to AA off and on for a while. Are there any other programs? You said you looked into outpatients programs, are there any other programs that you completed?

WHITE: No, [redacted] I continue to go to AA meetings now twice a week.

HAYNES: Okay.

HOFFMANN: And so your aftercare is two AA meetings a week and then a weekly counseling session...

WHITE: Yes.

HOFFMANN: ..[redacted]

WHITE: Yes.

HOFFMANN: Okay.

WHITE: And I have a sponsor through AA that I continue to talk to.

HAYNES: Okay. Are your AA meetings, are they in person? Are they online?

WHITE: There in person.

HAYNES: Okay.

WHITE: Yeah. They fortunately right by my house. I walk there.

HAYNES: Okay. And then is this meeting you have with the counselor through the what's it called again, the...

WHITE: [redacted]

HAYNES: [redacted]

WHITE: Yeah.

HAYNES: Is that over the phone or Zoom?

WHITE: It's either Zoom or FaceTime.

HAYNES: Okay. And we talked a little, had you attended any programs related to alcohol prior to your incident on August 4?

WHITE: Yeah. For the last I would say 5 or 6 years I've been on and off with AA, and never obviously had in and outs of it. But that was the only thing I had attempted prior.

HAYNES: Okay. Being that this isn't your first DUI conviction since being employed with the Sacramento County Sheriff's Office, what are you doing to ensure this type of incident or behavior won't happen again in the future?

WHITE: You know, I really appreciate that question because I think I personally I've been struggling with that for years now. And when you go through a DUI, there's a lot of peaks and valleys and a lot of good days and bad days and always a challenge of something whether it's your driver's license, your employment or your status or a criminal case or jail time. And I think in my case, I really have conquered all those things, and the last regrettable thing I have is guilt and shame that will not really shake. And as I continue to go through therapy, I've found ways to cope with that and move forward. So since the first DUI or the second one, I've learned that I'm moving forward. I am being someone that has been knocked down and continuing getting to back up and that this time I'm finally standing and that I'm also a lot more mature than I was prior - before now that I'm married and also have a child now, and there's a lot more at stake. And I think going through this process on a personal note to the Sheriff's Department has been so wonderful to me that this will never happen again and, nor will I ever be an alcoholic or be alcohol related problems.

HAYNES: Okay. Looking back at this entire situation, is there anything you would have done differently?

WHITE: Absolutely. You know, I think it should be at least mentioned that, like, prior to this, I did have, like, 50 days sober and was trying to do best. This was not a throw up my hands and don't give a heck about it. You know, I went there to this bar, drove because I had full intentions of not drinking and that I fell short. And even in my midst of falling short, I had a ride that lined up, and I called several times they unfortunately didn't answer. I did wait an hour. And the mistake I made was taking that last drink while I was closing out. And I do live 5 minutes away and I had some music equipment in the car that I didn't feel like leaving, and it was a poor lapse of judgment. But in hindsight, I wish I would have all done it completely different. There was no reason at all for me to drive.

HAYNES: Okay. In this situation, do you feel you followed department policy and procedure?

WHITE: No.

HAYNES: Do you believe your actions brought discredit upon our agency and profession?

WHITE: 100%.

HAYNES: Okay. Do you feel you conducted yourself appropriately and within the Sheriff's Office Vision, Mission and Values?

WHITE: No.

HAYNES: Sergeant Shelton, do you have any questions?

SHELTON: I do. Referring to your plea deal, your probation status is informal. Is that searchable or non -searchable?

WHITE: Searchable.

SHELTON: And then your...

HOFFMANN: Well, so it's searchable in the sense of he would have to submit to search and seizure by a police officer who wants to check his bodily fluids for the presence of alcohol. But I don't believe it's searchable in the sense of where they can just go in and toss his house in the middle of the night as a pretext or whatever.

SHELTON: And then for your driver's license is currently suspended until you complete your class, correct? Or is it revoked?

WHITE: No, it's suspended until I sign up for the class. The classes will be 18 months, but I will have it prior.

SHELTON: Okay, so you'll - I guess my ultimate question is, is there a work exemption? Or when will you be able to operate a motor vehicle in the course of your duties at work?

WHITE: Well, I'm eligible for a breathalyzer now, but that would obviously not be accountability for work. November 25 will be reinstated fully for my driver's license.

SHELTON: Okay. And prior to November, are there any kind of exemptions that allow you to drive to and from work?

WHITE: Yeah, with a breathalyzer, I would be able to.

HOFFMANN: So if he has an IID installed in his vehicle, he can get a restricted license where he can drive his private vehicle with the breathalyzer in it, anywhere he wants any time. If he goes that route, then there's a notice form that he could provide to his employer that would allow him to drive a county vehicle that does not have the IID installed in it so long as the employer receives the notice. So there is another route to go if he needs to drive in the course of his duties, we can get him there.

SHELTON: Okay, if need be?

HOFFMANN: Yes.

SHELTON: And then my last question, just one more. Have you learned from this incident? What I mean by that is, have you learned in a way that will make you a better employee in the future? And if so, how?

WHITE: Thank you for asking that because, like, [redacted] that I had, it ultimately led me to better happiness and to be a better person. So not only am I a better employee, but also a better father, better husband. But as far as my work status, I've come to terms of gratitude, and that I will continue to sustain from alcohol. And I've learned [redacted] coping skills of stress management, personal defect. And I also believe I have a great outpatient program for that with a therapist online. And I've been very open to friends and contacts too that I've been able to rely on that honestly, before I didn't care to have nor did I have, unfortunately. That's all I have.

HAYNES: Attorney Hoffmann, do you have any clarifying questions?

HOFFMANN: No.

HAYNES: Okay. Deputy White, is there anything important to this investigation that I have not asked?

WHITE: No, I don't think so. I appreciate your thorough investigation and the questions asked. I think the only thing I would add is that, I'm very proud of the Sheriff's Department, very proud that I've been here. It's not only provided me a lifestyle and everything I have, but it's pro- provided me integrity, and it's provided me professionalism and how to overcome things. And I'm deeply, like, very shameful and apologetic of how I reflected that it's something that I

really cared about. And my personal reflections of how I feel about myself during that time will always be a little bit damaged towards the Sheriff's Department. So I'm very sorry for the incident. And I hope to spend the rest of my career, continue to be a advocate for the Sheriff's Department and to help other employees avoid the situation.

HAYNES: Thank you. If no one else has anything else, this will end our interview. The time is 2:30 pm.

This transcript has been reviewed with the audio recording submitted and it is an accurate transcription.

Signed 

[redacted]

Re: Matthew White
Date of Birth:[redacted]

May 23, 2025

To Whom It May Concern:

Matthew White was a patient under our care from 03/15/2025 to 04/29/2025. Mr.

White [redacted] which included supportive

[redacted]

Should any other questions arise, please contact (949) 594-0060.

We greatly appreciate your attention to this matter.

Respectfully,

[redacted]

Case Information

Case Information

Defendant Name	MATTHEW LAWRENCE WHITE
Case Number	16MI008180
Xref	3981864
Filing Date	04/27/2016
Charge Document	Complaint
Case Status	Disposed
Court ID	34100

Aliases

First Name	Middle Name	Last Name	Suffix
MATTHEW	LAWRENCE	WHITE	

Other Cases

Case Number	Filing Date	Court ID
No other cases found.		

Charges

Count	Charge	Severity	Degree	Allegation	Blood Alcohol %
C001	VC 23152(A)	Misdemeanor	N/A	N/A	N/A
C002	VC 23152(B)	Misdemeanor	N/A	N/A	12

Future Hearings

Date	Time	Dept.	Reason	Outcome
No future hearings found.				

Hearing History

** **NOTE:** There is a cost associated with **court reporter transcripts**. When you request a court reporter transcript, you will be contacted by the court reporter regarding the cost and method of payment accepted.

Date	Time	Dept.	Reason	Outcome	**Request Transcript
07/25/2016	1:30 PM	04	FURTHER PROCEEDINGS	DEFENDANT SENTENCED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=04&eventDate=07%2F25%2F2016
07/25/2016	1:30 PM	04	JAIL INSTRUCTIONS	JAIL INSTRUCTIONS	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=04&eventDate=07%2F25%2F2016
07/25/2016	1:30 PM	04	MOTION FOR DISMISSAL	MOTION GRANTED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=04&eventDate=07%2F25%2F2016
06/27/2016	1:30 PM	04	FURTHER PROCEEDINGS	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=04&eventDate=06%2F27%2F2016
06/06/2016	1:30 PM	04	COUNSEL INFORMATION	RETAINED COUNSEL	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=04&eventDate=06%2F06%2F2016

Date	Time	Dept.	Reason	Outcome	**Request Transcript
06/06/2016	1:30 PM	04	FURTHER PROCEEDINGS	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=04&eventDate=06%2F06%2F2016
05/09/2016	1:30 PM	04	ARRAIGNMENT	CONTINUED	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=04&eventDate=05%2F09%2F2016
05/09/2016	1:30 PM	04	COUNSEL INFORMATION	RETAINED COUNSEL	Request (/PublicCaseAccess/Criminal/RequestCourtReporterTranscript?dept=04&eventDate=05%2F09%2F2016

Charge Dispositions

Count	Plea	Charge	Disposition Code	Disposition Date	Severity	Degree
C001	No Plea	VC 23152(A)	Dismissed	07/25/2016	Misdemeanor	
C002	No Contest	VC 23152(B)	No Contest	07/25/2016	Misdemeanor	

Sentence Summary

Count	Sentence Type	Sentence Date	Prob. Type	Prob. Status	Prob. Term	Prob. Sup.	Custody Program	Custody Length	Non LT Code	Non LT Time	Non LT Susp.
CASE	Original	07/25/2016	Informal Probation	Granted / Non-Searchable	3Y		Sheriff's Work Project	48H			

____ COURT APPEARANCE DETAILS (PF11A) JI67F2

HELP- _ RET- _ CMTS- _ NEXT: CASE- DEF.- UPDATE-

COURT ID- 34100 CASE NO.- 16MI008180

DEFENDANT NO.- 01 WHITE MATTHEW LAWRENCE

XREF- 3981864 CASE STATUS- CLEAR-PEND CUSTODY STATUS-

BAIL: SET- $.00 POSTED- $.00 BOND NO.-

DATE- 07/25/2016 TIME- 01:30 PM DEPT- 04 CAL CODE- 8C PRESENT- N

REASON- FP PLEA/SET

OUTCOME- SENT NOLO CT2 VC 23152(B),3Y INF PROB,48H CJ CTS 1D,CRT HAS NO OBJ TO WORK REL,QUAL/SURR 09/30/16 6PM R3C,PLEA IN ABSENTIA

REASON- MOT/DISM MOTION FOR DISMISSAL

OUTCOME- MOT/GRANT CRT DISM BAL OF CHRGS IOJ/IVOP GTD

REASON- JAILINST SPECIAL NOTIFICATION TO JAIL (HAIRCUTS, DR'S APPT ETC.)

OUTCOME- JAILINST CTS 1D

ALL DEFENDANTS- THIS DEFENDANT ONLY-

PF: 1 MENU 2 PERSON 3 CHARGES 4 CHG DISPO 5 CASE INFO

7 SENTENCE 9 TRACKING 11 CASE HIST 12 PERS HIST

CB219-I NO MORE REASONS FOR APPEARANCE CB201-I CASE HAS 01 DEFENDANT RECORDS

```
                                SENTENCE (PF7A)                          JI0DF2
HELP- _
CONDITIONS- _       CHANGE TO: CASE- _ CHG- ____
PRINT JAIL COMMITMENT ORDER- _
COURT- 34100 CASE NO- 16MI008180 CASE STATUS- CLEAR-PEND   CUST STATUS-
  T NO- 01 XREF- 3981864 WHITE              MATTHEW      LAWRENCE
 SENTENCE- CASE  VC  23152(B)   TYPE- O DATE- 07/25/2016 CORR- __________
  DEPT- 04 JUDGE- HOWELL,_S._____________________ RPTR- DR__________ _ SUSP- _
    PROBATION: STATUS- GN TYPE- I SUP- N TERM- 3Y_____ OR ENDING- __________
    LOCAL TIME: TYPE- SWP__ TERM- 48H_____ LAST ________ SWP- _ WF- _ WE- _
     OPT: TYPE- ST___ TERM- 15D_____                          MAND FINE- _
       OR FINE- ____480.00 + PA- ____816.00 CHOICE (T OR F)- F
      CS ALL- Y  SUSP ALL- _  SUSP TERM- ________ DAYS- __ __ __ __ __ __
    ALT SENT PROG: TERM- ________ END DATE- __________ TIME LIMIT- ________
    NON-LOCAL TIME: TYPE- __ TERM- ________ SUSP- _ REVIEW- _
  STAY DATE- 09/30/2016 TIME- 06:00PM REPT FACILITY- R3C
  TIME CREDITS (DAYS): 001   TIME LOST (DAYS OR "ALL"): GOOD- 000 WORK- 000
  REGISTER PER: PC 290- _  PC 457.1- _  HS 11590- _
SPEC INST- ____________________________________________________________________
_______________________________________________________________________________
 PF: 1 MENU      2 PERSON    3 CHARGES    4 CHG DISPO  5 CASE INFO
     7 SENTENCE              9 TRACKING              11 CASE HIST 12 PERS HIST
C7406-I CASE HAS 1  DEFENDANT RECORD(S)
```

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT NAME	DEF	XREF	CASE
WHITE MATTHEW LAWRENCE	1	3981864	24MI015578 SUP

CUSTODY STATUS: 8536 pnb
DOB: [redacted]
LEA: FOLSOM POLICE DEPARTMENT
BAIL SET: $5,000.00
BAIL POSTED:

DATE FILED: 09/04/2024
ARREST #: 24051592-01

BOND #:

PROSECUTOR: CANTRELL, CHRIS

DEFENSE: HOFFMAN, JOSEPH
TYPE: RET

SECTION(S) VIOLATED:

08/04/2024 (CT 1) VC 23152(A), WITH 1 PRIOR
PRIORS: 04/16/16
ALLEGATIONS: VC 23546, 23548, 23550

08/04/2024 (CT 2) VC 23152(B), WITH 1 PRIOR - 10
PRIORS: 04/16/16 4d
ALLEGATIONS: VC 23546, 23548, 23550

30 days i/p rehab

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
061125 08:30	CRESS Sheppard	02	8536 pnb	OR	plea
	Deft. pres.: ☐ I/C ☐ O/C ☐ Remote Deft. App. Wvd: ☒ PC 977; ☐ GCA: Attorney Appearances: ☒ DA: ☐ PD: ☒ ~~CAC~~/ATTY:				PLEA IN ABSENTIA INFORMAL PROBATION ORDER ORDER FILED; : $40 COA; $30 CCA ASLE: ☒ DRR/ ☐ FORTHWITH pnb [redacted] DA stips Δ T/S

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

SUPERIOR RT OF CALIFORNIA, COUNTY OF S MENTO
MINUTE ORDER - PLEA

WHITE MATTHEW LAWRENCE 1 3981864 24MI015578 SUP

PLEA DATE: 6.11.25 JUDGE: R. Shepard DEPT: 7

RIGHTS:

ADV	WVD		ADVISED	
S		COUNSEL, retained or appointed	S	possible maximum sentence
		PRELIMINARY HEARING		possibility of 1203.03 PC
S	S	JURY TRIAL, speedy and public		parole rights
		CONFRONTATION, of witness		option changing plea re: West
		SELF INCRIMINATION, remain silent	S	consequences of plea
				Registration purs:
				No firearm/ammo purs 29810 PC
				Auto relief purs 1203.425 PC
			S	DUI purs 23593 VC

S If you are not a citizen, you are hereby advised that a conviction of the offense for which you have been charged may, or will if the offense is an aggravated felony, have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

Video mass advisement transcript on request

I Digital recording Number 8:49

Court Reporter

I The written Waiver and Plea form filed herein is ordered incorporated in the record

Defendant advised of above rights, penalties and consequences of plea. Court found defendant understood same. Court found that defendant knowingly, intelligently, voluntarily and expressly waived the rights as indicated by initials above. Defendant entered a plea of:

PLEA IN ABSENTIA

GUILTY

X NOLO CONTENDERE (Acknowledged it is same as guilty)

NGRI (PC 1026)

I And ADMITS ALLEGATION(S)/PRIOR(S) to the charges (and allegations/priors) of: Ct 2 VC 23152(B); adm Prior 4.16.16

BAC/TOX: .11

Court dismissed: Bal Chg clsr

Insufficient Evidence

X Interest of Justice

I In View of Plea

Harvey Waiver

Court found that the above plea(s) was voluntary and there was a factual basis for same.

Superior Court of California, County of Sacramento
Waiver and Plea to Driving Under the Influence Second Offense (Vehicle Code 23152)

(For Court Use Only)

JUN 11 2025

Defendant Name: Matthew White

Case Number: 24M101-5578

I, Matthew White, understand that I am charged with driving a vehicle on (Date) 8-4-2024 while under the influence of an alcoholic beverage or drugs or both (Vehicle Code Section 23152(a)), and/or while having 0.08 percent or more, by weight, of alcohol in my blood (Vehicle Code Section 23152(b)).

I understand that I am also charged with having a conviction for a separate violation of any of the offenses specified in 23540 of the Vehicle Code with an offense date of: 4-16-2016, and that this conviction shall be a prior offense for the purpose of subsequent sentencing as specified in Sections 23540, 23546, 23550, 23566 or 23622 of the Vehicle Code if I am convicted of a subsequent offense under Sections 23152 or 23153 of the Vehicle Code which occurs within ten years of this offense. In such a case, this conviction shall not be stricken by the court to avoid imposing the minimum penalties provided in the Vehicle Code for a violation of Sections 23152 or 23153 with prior convictions.

I understand the penalties are:

A. **Maximum: Fine of $1,000.00,** plus penalty assessments of $2,700.00, plus additional fees up to an amount of $889.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $1,000.00, 1 year in jail, DMV suspension of driving privilege for 2 years, vehicle impoundment at defendant-owner's expense for 30 days (unless defendant was driving another's vehicle or is exempted pursuant to Vehicle Code Section 23594), installation of an Ignition Interlock Device for 1-3 years pursuant to Vehicle Code Section 23575, possible court disallowance of DMV's ability to issue a restricted license pursuant to Vehicle Code Section 23542(d), and surrender to the court of driver's license.

B. **Minimum Without Probation:** Fine of $390.00, plus penalty assessments of $1053.00, plus additional fees up to an amount of $767.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $150.00, 90 days in jail, a t least 48 hours of which shall be continuous or at least 10 days of community service in lieu of the 48 continuous hours, suspension of driving privilege for 2 years, installation of an Ignition Interlock Device for 12 months, and surrender to the court of driver's license.

C. **Minimum With 3 to 5 Years Probation:** Fine of $390.00, plus penalty assessments of $1053.00, plus additional fees up to an amount of $767.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $150.00 plus an additional $150.00 suspended pending violation of probation, installation of an Ignition Interlock Device for 12 months, license suspension for 2 years, and either (1) 10 days in jail, or (2) 96 hours in jail, which shall be served in two increments of 48 continuous hours each, and either: (1) participation in an 18-month driving-under-the-influence program, or (2) participation in a 30-month driving-under-the-influence program. (Note: defendant will not be eligible for a license until an approved driving-under-the-influence program is completed.) Standard probation terms and conditions to include: obey all laws, not drive a motor vehicle with any drugs or measurable amount of alcohol in your system, not refuse to complete a blood alcohol chemical test when offered by any peace officer, not drive without a valid California driver's license or without valid insurance.

D. **Assessment Program:** I understand that I may be ordered to attend an alcohol and drug problem assessment program, and that I will be required to do so if I have been required to attend a licensed program pursuant to court order and failed at least once to comply with the rules and policies of the licensed program other than a rule related to the payment of fees (Vehicle Code Section 23646(b)).

E. **Ignition Interlock Device:** I understand that, if convicted of an offense that occurred on or after July 1, 2010, I will be required to install a certified ignition interlock device in any vehicle owned or operated by me, which will prevent the vehicle from starting if I have alcohol in my body, for a specified term of up to 48 months as required by the Department of Motor Vehicles prior to receiving reissuance of license or restricted license. Additionally, the court may also require this device for a term of one to three years. This requirement will be imposed if I am convicted hereafter of driving while my license is suspended or in violation of license restrictions.

F. **Refusal:** If I refused a chemical test (Vehicle Code Section 23577) 96 hours will be added to the jail term imposed.

G. **Commercial Vehicle:** I understand that the DMV will prohibit me from operating a commercial vehicle for one year if I am convicted of either of the following that occurred in any vehicle: 1) a first DUI offense or, 2) willful refusal to submit to or complete a chemical test to determine my blood alcohol level. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of either of the following that occurred in any vehicle: 1) a second or subsequent DUI offense or, 2) willful refusal to submit to or complete a chemical test.

I understand that if I am not a citizen of the United States, a plea of guilty or no contest could result in my being deported from the United States, excluded from admission to the United States, or denied naturalization as a United States Citizen.

I have discussed any applicable immigration consequences with my attorney.

I understand that if I am currently on probation or parole for any other criminal offense, that such probation could be revoked as a result of my plea today.

I understand that in order to become eligible for a California driver's license, I must give satisfactory proof to the Department of Motor Vehicles of successful completion of an 18-month alcohol rehabilitation program.

I understand that my driver's license suspension or revocation from DMV administrative proceedings is independent of court-imposed penalties and that my driving privilege will not be restored until I provide satisfactory proof to the DMV that I successfully completed the required driving-under-the-influence program, whether or not such a program is required by the court.

READ AND COMPLETE REVERSE

Sacramento Superior Court, Plea in Absentia

Defendant Name	Case Number
Matthew White	24M01557S

Defendant Certification

☐ NON DUI

I certify that I have read the attached form # _____ entirely, that I understand it; that my attorney has orally explained it to me; that I have personally and voluntarily placed the answers in the boxes and I enter a plea of _____ to the charge of violation of the code section(s) _____.

I authorize and direct my attorney, _____, in my absence to enter my plea and admit any prior convictions and/or any allegation(s) as indicated on the attached waiver form(s). My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence in my absence. My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence in my absence. I specifically waive my right to personally enter my plea, I waive my right to be personally present when the sentence is imposed. I waive my right to delay sentencing not less than six hours nor more than five days after entry of the plea, and I waive my right to personally address the court in mitigation of any sentence which may be imposed. I understand that if the court grants probation, it shall be for not less than 3 years nor more than 5 years, and the terms and conditions of probation shall include, but not be limited to , fine, jail time, restitution and obey all laws. I authorize my attorney to accept the conditions on my behalf.

☒ DUI (VC 23152, 23153, 23103)

I certify that I have read the attached form # CR-172 entirely, that I understand it; that my attorney has orally that my attorney has orally explained it to me; that I have personally and voluntarily placed the answers in the boxes and I enter a plea of No Contest to the charge of violation of the Veh. Code Sections 23152(b).

I authorize and direct my attorney, Joseph Hoffman, in my absence to enter my plea and admit any prior convictions and/or any allegation(s) as indicated on the attached waiver form(s). My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence in my absence. I spe cifically waive my right to personally enter my plea, I waive my right to be personally present when the sentence is imposed. I waive my right to delay sentencing not less than six hours nor more than five days after entry of the plea, and I waive my right to personally address the court in mitigation of any sentence which may be imposed. I understand that if the court grants probation, it shall be for not less than 3 years nor more than 5 years, and the terms and conditions of probation shall include, but not be limited to , fine, jail time, restitution and the conditions that I not drive without a valid California driver's license, not drive with any measurable amount of alcohol in my system, not refuse to take a chemical test or tests of blood, breath or urine when requested to do so by a peace officer, and obey all laws. I authorize my attorney to accept the conditions on my behalf.

Defendant Signature	Date
[signature]	06-10-25

Attorney Certification

I certify that I am the attorney of record for the defendant; that I have fully discussed the matters on the attached form # CR-172 with the defendant and advised the defendant thereon; that the representations above are the defendant's own; that I believe the plea and waivers were intelligently, voluntarily and expressly made; that I join in the plea and waivers, and that the above signature and the signature on the waiver form, if not notarized, were made in my presence. I stipulate there is a factual basis for the plea, and that time is waived for the judgment and sentencing. I have discussed potential conditions of probation with the defendant and I am satisf ied that he/she understands them.

Attorney Signature	Date
[signature]	6-10-2025

Findings and Order

This document having been completed and presented to the Court; the Court being satisfied that the plea and waivers were expressly, intelligently and voluntarily made; and the Court finding that there is a factual basis for said plea, the Court accepts such plea and enters it on the record.

Judge / ~~Commissioner~~ Signature	Date
Ronald F. Shepard	6/11/25

R. SHEPARD

DEFENDANT TO PERSONALLY WRITE YES OR NO IN EACH BOX:		I understand this right	I give up this right
1	Right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be found guilty unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my lawyer, to participate in jury selection.	MW	MW
2.	Right to confront and cross examine all witnesses against me.	MW	MW
3.	Right to remain silent and not incriminate myself.	MW	MW
4.	Right to subpoena and produce evidence.	MW	MW
5.	Right to be sentenced by a judge: I understand that by giving up this right I stipulate that I may be sentenced by a temporary judge.	MW	MW
6.	Right to be represented by an attorney at all stages of the proceedings and to have the court appoint one at no charge if I cannot afford my own.	MW	MW
7.	Right to delay sentencing not less than 6 hours nor more than 5 days after the entry of this plea.	MW	MW

DEFENDANT TO PERSONALLY WRITE YES IN ONE OF THE TWO BOXES:	
REPRESENTED BY SELF: I give up my right to an attorney	X
REPRESENTED BY AN ATTORNEY: I have discussed my case with an attorney, we discussed the rights I am giving up by my plea, the elements of the offense(s) charged, the possible defenses and the consequences of my plea.	MW

Vehicle Code Section 23593(a) states: "You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder."

I have read this document or have had it read for me, and I understand it. I have personally and voluntarily placed the answers in the boxes.

I enter a plea of No Contest (No Contest or Guilty) to the charge(s) of violation of the Vehicle Code Section 23152(b) and I admit the separate conviction as alleged.

Signed: MW Date: 06-10-25

ATTORNEY'S STATEMENT

I certify that I am the attorney of record for the defendant; that I have fully discussed matters herein with the defendant and advised the defendant thereon;

- that I have explained each of the above rights to the defendant, and the representations of the defendant are the defendant's own;
- that I have explored the facts with defendant and studied defendant's possible defenses to the charge(s);
- that I have discussed the nature of the charges and direct consequences of entering a plea;
- that I have advised about the immigration consequences of a proposed disposition, and defended against those consequences consistent with the goals of and with the informed consent of the defendant and professional standards;
- that I believe that the plea and waivers are intelligently and expressly made;
- that I join the plea and waivers; that I stipulate there is a factual basis for the plea and that the time is waived for judgment and sentencing.

The immigration aspect is based on California Penal Code Section 1016.3 (a).

☑ Absentia form attached.

Signed: _____ Date: 6-10-2025

INTERPRETER'S STATEMENT

I, _____, a certified/registered interpreter, having been sworn, truly translated this form and all the questions therein to the defendant in the language. With the exception of the defendant's signature, I have completed this form at the defendant's direction. The defendant indicated understanding the contents of the form and then signed the form.

Signed: _____ Date: _____

SACRAMENTO SUPERIOR COURT - ORDER OF INFORMAL PROBATION DUI SECOND

Case Number: 24M01558 | Def. Name (Last, First, Middle): White, Matthew Lawrence

Violations: ☐ 23152(a) VC – One prior ☑ 23152(b) VC – One prior ☐ 23152(e) VC – One prior ☐ 23152(f) VC – One prior ☐ 23152(g) VC – One prior | Date of Prior: 4.16.16

The defendant appeared before this Court for judgment and sentence, and having been duly arraigned for said purpose for the above violation(s) and no legal cause being shown why judgment should not be pronounced, **IT IS ORDERED THAT** imposition of sentence be suspended and that the defendant be placed on INFORMAL probation to this court for the term of **FOUR (4)** years from this date on the conditions checked below:

☒ 1. **(OAL)** Obey all laws

☒ 2. **(DRINK/DRIVE)** Do not drive a motor vehicle with any drugs or any measurable amount of alcohol in your system.

☒ 3. **(CHEMTEST)** Do not refuse to complete blood alcohol chemical test when offered by any peace officer with reasonable cause to do so.

☒ 4. **(VALID/LIC)** Do not drive without a valid California driver's license or in violation of California Vehicle licensing laws.

☒ 5. **(VALID/INS)** Do not drive without insurance.

☐ 6. **(REST/LOSS)** Make restitution for personal injury/property damage/loss caused in this offense. Pursuant to 1202.4(f)(7) & (11) PC, you shall prepare and file a financial disclosure form (CR-115) with the court and an updated form within 120 days prior to release from probation if there is any unpaid restitution or fine.

☐ 7. **(REST/TBD)** Restitution to be determined by Probation ☐ Amt.: $ _____ Victim(s): _____

☐ Restitution to the responding LEA. *(Specify agency)*: _____

☒ 8. **(FINE/ASMT)(FINE/TIME)** Fine & Assessments: Pay the following fines/assessments or serve 4 days County Jail.

Fine / Assessment Type	Amount		Reduced Amt.	
Base Fine per VC 23538(a)	$500.00	JAIL CREDIT		OR SERVE
☒ *CIF (PC1465.7(a)) **(CIF)**	$100.00			
*Penalty Assessment (PC 1464, GC 76000)	$850.00			
*Court Construction Penalty Assessment **(CTCONST)** (GC 70372(a)) (Effective 01/01/03)	$150.00			
*ICNA Penalty Assessment GC 70372(a) (Effective 01/01/09)	$100.00			
*DNA Penalty Assessment (GC 76104.6) **(DNA1)** (Effective 11/04/04)	$50.00			
*DNA Penalty Assessment (GC 76104.7) **(DNA2)** (Effective 07/12/06)	$50.00	DAY(S) REDUCES FINE(S)		DAYS CJ C/S IN LIEU OF FINE
*DNA Penalty Assessment (GC 76104.7) **(DNA2A)** (Effective 06/10/10)	$100.00			
*DNA Penalty Assessment (GC 76104.7) **(DNA2B)** (Effective 06/24/12)	$50.00			
*EMS-Co. Penalty Assessment **(EMSCOPA)** (GC 76000.5) (Eff. 01/01/2018)	$100.00			

** **THE FINES & ASSESSMENTS LISTED BELOW ARE NOT CONVERTIBLE TO COUNTY JAIL OR REDUCED BY CREDITS. SEE REVERSE SIDE OF THIS DOCUMENT FOR A CALCULATION OF PENALTY ASSESSMENTS****

☒ **(REST MISD)** Restitution Fine in the amount of $150.00 pursuant to PC 1202.4(b)

☒ **(1202.44 PC)** Additional Restitution Fine in the amount of $150.00 pursuant to PC 1202.44 stayed pending revocation of probation.

☒ **(ALC/ASMT)** Alcohol Abuse Education & Prevention Assessment (VC 23645) $50.00 ☒ **(ALC/ASMT2)** Alcohol & Drug Program Assessment (VC 23649) $10.00

☒ **(NCA)** Night Court Assessment (VC 42006) $1.00

All fines/fees payable through: ☑ **PAY/DRR** through DRR ☐ **(PAY/FW)** Forthwith ☐ **Fine Stayed**, payments to begin _____. ☐ Stay fee waived.

☐ **(ASP/LIEUF)** Alternative Sentencing Program in lieu of fine, _____ hours to be completed by/within _____ days/months.

☑ Jail in lieu of fine to be served 4 DAYS TIS, consecutive. ☐ Work Release

☒ 9. **(JAIL) SERVE** 10 days in the CJ, credit for time served 1 days. ☒ Plus 6 days good time work time (GTWT) = 1

☒ Consecutive ☐ Concurrent to _____

☐ Straight time ☐ Jail stayed pending completion of _____

☐ Court has no objection to a Work Release Program. Qualify or surrender at ☐ Main Jail ☐ RCCC on: _____

☐ Stay to sign up on or before: _____ **Court objects to:** ☐ SWP ☐ HD/Medical HD.

☐ CJ may be done in _____ County. ☐ Show proof of enroll/ completion on: _____ at _____ in Dept. 14

☐ County Jail converted to _____ hours of ASP by / within _____ days / months.

☒ 10. **(CONF/96 HRS)** Including 96 hours continuous custody (23542(b)(1) VC ☒ Per court, Hours to be completed straight time, in custody; no HD/SWP.

☒ Report to RCCC / Main Jail on _____ at _____ and be released on _____ at _____

☐ 11. **(NO/DRUGS)** Do not use, handle or possess controlled substances of any kind unless lawfully prescribed to you by a licensed medical practitioner.

☐ 12. **(NO/ASSOC)** Do not associate with persons known to be illegal users/sellers of controlled substances, or be in a place where you know illegal controlled substances are present.

☐ 13. **(NO/ALC)** Do not knowingly consume or possess any alcoholic beverages in any amount whatsoever nor be in places where you know alcohol is the chief item for sale.

☒ 14. **(DUI/2ND)** You are hereby ordered to report and enroll in the ☒ SB38 Program within 72 hours from today or release from custody.

☐ Provide proof of enrollment by: _____ (date). ☑ Stay to sign up on or before 10.3.25 (date).

☐ Program may be done in _____ County. ☐ Program to run C/C with case number: _____.

☐ 15. **(ATTEND/AA)** Defendant to attend _____ AA or 12-Step meetings and provide proof of attendance on _____ at _____, in Dept. _____ or in the alternative serve _____ days in the county jail consecutive.

☐ 16. **(LIC/REST)** Driver's License revoked/suspended / restricted for a period of _____ months/years pursuant 13202.5 VC (under the age of 21 years).

☐ 17. **(S&S)SEARCH:** Deft shall submit his/her person, property and automobile and any object under defendant's control to search and seizure, in or out of the presence of the defendant, by any law enforcement officer and/or Probation Officer, at any time of the day or night, with or without his/her consent, with or without a warrant. Defendant being advised of his/her constitutional rights in this regard, and having accepted probation, is deemed to have waived same.

☒ 18. **(ADV23593VC)** Advised pursuant 23593(a) VC that a DUI resulting in someone's death can be charged as murder.

☒ 19. **(BBSS)** Defendant shall not refuse to complete a blood alcohol chemical test when offered by any peace officer with reasonable cause to do so. Your blood and/or breath will be subject to search and seizure by any law enforcement officer at any time of the day or night, with or without your consent, and with or without a warrant.

☐ 20. Install an Ignition Interlock Device (IID) on any vehicle you own or operate for a period of _____ months/years.

☐ 21. Other: _____

Judge of the Superior Court	Dept.	Date
R. Shepard	2	6.11.25

CR-75 Second (Eff. 05/20/2023) Original – Court, Yellow – Defendant ***READ AND SIGN THE OTHER SIDE OF THIS ORDER***

GENERAL CONDITIONS OF INFORMAL PROBATION

NOTICE: This is your order of probation. It limits what you can do. A violation of probation can result in your arrest and confinement. If you do not understand any condition of probation, discuss it with your attorney or the judge who sentenced you.

WHAT MUST YOU DO?

You must obey all of the rules set out for you on the front side of this sheet. You do not have to report to a probation officer. But, if you are notified to return to court and do not do so, a warrant will be issued for your Arrest. Any notice will normally be sent to the address you gave on the front of this sheet. Be sure to notify the Post Office to forward your mail if you move.

WHAT IF YOU VIOLATE PROBATION?

If you fail to obey any of the rules set out for you, your probation can be revoked and a warrant be issued for your Arrest. If, after a hearing in court, the judge finds that you did, in fact, violate probation, you can be sentenced to the maximum jail term allowed by law. You could also receive additional fines or additional conditions of probation.

WHAT IF YOU SUCCESSFULLY COMPLETE PROBATION?

In general, at any time after the termination of the period of probation and upon completion of the requirements of Penal Code section 1203.4, probationers may petition the court to exercise its discretion to allow the probationer to withdraw a plea of guilty or nolo contendere or to set aside a verdict of guilty and dismiss the accusations against the probationer. If such relief is granted by the court, the probationer may also petition the court for a certificate of rehabilitation and pardon upon completion of the requirements of Penal Code section 4852.01. Probationers convicted of certain offenses are not eligible for this relief. (See Penal Code Section 1203.4(b).)

WHAT IF YOU FEEL YOUR PROBATION SHOULD BE ENDED EARLY OR CERTAIN CONDITIONS SHOULD BE CHANGED?

Talk to your attorney, or petition this Court if you want to change your probation order in any way. Remember though, only a judge of the Sacramento Superior Court can change any condition or term of your probation. No other person, agency, or court can do that.

WHAT DOES PROBATION REALLY MEAN?

Before you plead guilty or no contest, the judge explained to you what the maximum penalty was. In most cases it is one year in jail and a fine of one thousand dollars. The judge could have imposed that maximum penalty when you were sentenced. The imposition of that maximum penalty has simply been held back to see if you complete your period of probation without violating any of the special rules now established for you. Therefore, being on probation means that you do not have the same rights as other citizens. The special rules that apply to you are set forth on this form. Make sure that you understand and follow those rules.

PENALTY ASSESSMENT CALCULATION (See reverse):

PENALTY ASSESSMENT TYPE AND AUTHORITY	AMOUNT BASED ON...
Penalty Assessment pursuant PC 1464 (State) (Effective 07/09/91)	$10 for each $10, or part of $10, of base fine
Penalty Assessment pursuant GC 76000 (County) (Effective 07/09/91)	$7 for each $10, or part of $10, of base fine
Court Construction Penalty Assessment GC 70372(a) (Effective 01/01/03)	$3 for each $10, or part of $10, of base fine
ICNA Penalty Assessment GC 70372(a) (Effective 01/01/09)	$2 for each $10, or part of $10, of base fine
DNA Penalty pursuant GC 76104.6(Effective 11/04/04)	$ 1 for each $10, or part of $10, of base fine
DNA Penalty pursuant GC 76104.7(Effective 07/12/06)	$ 1 for each $10, or part of $10, of base fine
DNA Penalty pursuant GC 76104.7 (Effective 06/10/10)	$ 2 for each $10, or part of $10, of base fine
DNA Penalty pursuant GC 76104.7 (Effective 06/27/12)	$ 1 for each $10, or part of $10, of base fine
EMS-Co. Penalty pursuant to GC 76000.5 (Effective 01/01/18)	$ 2 for each $10, or part of $10, of base fine
SURCHARGES / ASSESSMENTS AND AUTHORITY	
Criminal Impact Assessment Fee pursuant PC1465.7(a) (Effective 01/01/02)	20% of the base fine amount
Court Operations Assessment PC 1465.8 (Effective 01/01/10)	$40 per conviction
Criminal Conviction Assessment GC 70373 (Effective 01/01/09)	$30 per conviction

The foregoing terms and conditions of informal probation have been explained to me and I fully understand them and agree in every particular to abide by them.

DEFENDANT SIGNATURE FTA FINES ROOM DATE 6/11/25

DEFENDANT ADDRESS, CITY, STATE, ZIP

TELEPHONE NUMBER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT NAME	DEF	XREF	CASE
WHITE MATTHEW LAWRENCE	1	3981864	24MI015578 SUP

CUSTODY STATUS: 8536 pnb
DOB: [redacted]
LEA: FOLSOM POLICE DEPARTMENT
BAIL SET: $5,000.00
BAIL POSTED:

DATE FILED: 09/04/2024
ARREST #: 24051592-01

BOND #:

PROSECUTOR: CANTRELL, CHRIS

DEFENSE: HOFFMAN, JOSEPH
TYPE: RET

SECTION(S) VIOLATED:

08/04/2024 (CT 1) VC 23152(A), WITH 1 PRIOR
PRIORS: 04/16/16
ALLEGATIONS: VC 23546, 23548, 23550

08/04/2024 (CT 2) VC 23152(B), WITH 1 PRIOR - 10
PRIORS: 04/16/16 4d
ALLEGATIONS: VC 23546, 23548, 23550

30 days i/p rehab

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
061125	CRESS Sheppard	02	8536 pnb	OR	plea
08:30	Deft. pres.: ☐ I/C ☐ O/C ☐ Remote Deft. App. Wvd: ☒ PC 977; ☐ GCA: Attorney Appearances: ☒ DA: ☐ PD: ☒ ~~CAC~~/ATTY:				PLEA IN ABSENTIA INFORMAL PROBATION ORDER ORDER FILED; : $40 COA; $30 CCA ABLE: ☒ DRR/ ☐ FORTHWITH pnb
					[redacted]

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

SUPERIOR RT OF CALIFORNIA, COUNTY OF S MENTO
MINUTE ORDER - PLEA

WHITE MATTHEW LAWRENCE 1 3981864 24MI015578 SUP

PLEA DATE: 6.11.25 JUDGE: R. Shepard DEPT: 7

RIGHTS:

ADV	WVD		ADVISED	
S		COUNSEL, retained or appointed	S	possible maximum sentence
		PRELIMINARY HEARING		possibility of 1203.03 PC
S	S	JURY TRIAL, speedy and public		parole rights
		CONFRONTATION, of witness		option changing plea re: West
		SELF INCRIMINATION, remain silent	S	consequences of plea
				Registration purs:
				No firearm/ammo purs 29810 PC
				Auto relief purs 1203.425 PC
			S	DUI purs 23593 VC

S If you are not a citizen, you are hereby advised that a conviction of the offense for which you have been charged may, or will if the offense is an aggravated felony, have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

Video mass advisement transcript on request

I Digital recording Number 8:49

Court Reporter

I The written Waiver and Plea form filed herein is ordered incorporated in the record

Defendant advised of above rights, penalties and consequences of plea. Court found defendant understood same. Court found that defendant knowingly, intelligently, voluntarily and expressly waived the rights as indicated by initials above. Defendant entered a plea of:

PLEA IN ABSENTIA

GUILTY

X NOLO CONTENDERE (Acknowledged it is same as guilty)

NGRI (PC 1026)

I And ADMITS ALLEGATION(S)/PRIOR(S) to the charges (and allegations/priors) of: Ct 2 VC 23152(B); adm Prior 4.16.16

BAC/TOX: .11

Court dismissed: Bal Chg clsr

Insufficient Evidence

X Interest of Justice

I In View of Plea

Harvey Waiver

Court found that the above plea(s) was voluntary and there was a factual basis for same.

Superior Court of California, County of Sacramento
Waiver and Plea to Driving Under the Influence Second Offense (Vehicle Code 23152)

(For Court Use Only)

JUN 11 2025

Defendant Name: Matthew White

Case Number: 24M101-5578

I, Matthew White, understand that I am charged with driving a vehicle on (Date) 8-4-2024 while under the influence of an alcoholic beverage or drugs or both (Vehicle Code Section 23152(a)), and/or while having 0.08 percent or more, by weight, of alcohol in my blood (Vehicle Code Section 23152(b)).

I understand that I am also charged with having a conviction for a separate violation of any of the offenses specified in 23540 of the Vehicle Code with an offense date of: 4-16-2016, and that this conviction shall be a prior offense for the purpose of subsequent sentencing as specified in Sections 23540, 23546, 23550, 23566 or 23622 of the Vehicle Code if I am convicted of a subsequent offense under Sections 23152 or 23153 of the Vehicle Code which occurs within ten years of this offense. In such a case, this conviction shall not be stricken by the court to avoid imposing the minimum penalties provided in the Vehicle Code for a violation of Sections 23152 or 23153 with prior convictions.

I understand the penalties are:

A. **Maximum: Fine of $1,000.00,** plus penalty assessments of $2,700.00, plus additional fees up to an amount of $889.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $1,000.00, 1 year in jail, DMV suspension of driving privilege for 2 years, vehicle impoundment at defendant-owner's expense for 30 days (unless defendant was driving another's vehicle or is exempted pursuant to Vehicle Code Section 23594), installation of an Ignition Interlock Device for 1-3 years pursuant to Vehicle Code Section 23575, possible court disallowance of DMV's ability to issue a restricted license pursuant to Vehicle Code Section 23542(d), and surrender to the court of driver's license.

B. **Minimum Without Probation:** Fine of $390.00, plus penalty assessments of $1053.00, plus additional fees up to an amount of $767.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $150.00, 90 days in jail, a t least 48 hours of which shall be continuous or at least 10 days of community service in lieu of the 48 continuous hours, suspension of driving privilege for 2 years, installation of an Ignition Interlock Device for 12 months, and surrender to the court of driver's license.

C. **Minimum With 3 to 5 Years Probation:** Fine of $390.00, plus penalty assessments of $1053.00, plus additional fees up to an amount of $767.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of $150.00 plus an additional $150.00 suspended pending violation of probation, installation of an Ignition Interlock Device for 12 months, license suspension for 2 years, and either (1) 10 days in jail, or (2) 96 hours in jail, which shall be served in two increments of 48 continuous hours each, and either: (1) participation in an 18-month driving-under-the-influence program, or (2) participation in a 30-month driving-under-the-influence program. (Note: defendant will not be eligible for a license until an approved driving-under-the-influence program is completed.) Standard probation terms and conditions to include: obey all laws, not drive a motor vehicle with any drugs or measurable amount of alcohol in your system, not refuse to complete a blood alcohol chemical test when offered by any peace officer, not drive without a valid California driver's license or without valid insurance.

D. **Assessment Program:** I understand that I may be ordered to attend an alcohol and drug problem assessment program, and that I will be required to do so if I have been required to attend a licensed program pursuant to court order and failed at least once to comply with the rules and policies of the licensed program other than a rule related to the payment of fees (Vehicle Code Section 23646(b)).

E. **Ignition Interlock Device:** I understand that, if convicted of an offense that occurred on or after July 1, 2010, I will be required to install a certified ignition interlock device in any vehicle owned or operated by me, which will prevent the vehicle from starting if I have alcohol in my body, for a specified term of up to 48 months as required by the Department of Motor Vehicles prior to receiving reissuance of license or restricted license. Additionally, the court may also require this device for a term of one to three years. This requirement will be imposed if I am convicted hereafter of driving while my license is suspended or in violation of license restrictions.

F. **Refusal:** If I refused a chemical test (Vehicle Code Section 23577) 96 hours will be added to the jail term imposed.

G. **Commercial Vehicle:** I understand that the DMV will prohibit me from operating a commercial vehicle for one year if I am convicted of either of the following that occurred in any vehicle: 1) a first DUI offense or, 2) willful refusal to submit to or complete a chemical test to determine my blood alcohol level. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of either of the following that occurred in any vehicle: 1) a second or subsequent DUI offense or, 2) willful refusal to submit to or complete a chemical test.

I understand that if I am not a citizen of the United States, a plea of guilty or no contest could result in my being deported from the United States, excluded from admission to the United States, or denied naturalization as a United States Citizen.

I have discussed any applicable immigration consequences with my attorney.

I understand that if I am currently on probation or parole for any other criminal offense, that such probation could be revoked as a result of my plea today.

I understand that in order to become eligible for a California driver's license, I must give satisfactory proof to the Department of Motor Vehicles of successful completion of an 18-month alcohol rehabilitation program.

I understand that my driver's license suspension or revocation from DMV administrative proceedings is independent of court-imposed penalties and that my driving privilege will not be restored until I provide satisfactory proof to the DMV that I successfully completed the required driving-under-the-influence program, whether or not such a program is required by the court.

READ AND COMPLETE REVERSE

Sacramento Superior Court, Plea in Absentia

Defendant Name	Case Number
Matthew White	24M01557S

Defendant Certification

☐ NON DUI

I certify that I have read the attached form # _____ entirely, that I understand it; that my attorney has orally explained it to me; that I have personally and voluntarily placed the answers in the boxes and I enter a plea of _____ to the charge of violation of the code section(s) _____.

I authorize and direct my attorney, _____, in my absence to enter my plea and admit any prior convictions and/or any allegation(s) as indicated on the attached waiver form(s). My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence in my absence. My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence in my absence. I specifically waive my right to personally enter my plea, I waive my right to be personally present when the sentence is imposed. I waive my right to delay sentencing not less than six hours nor more than five days after entry of the plea, and I waive my right to personally address the court in mitigation of any sentence which may be imposed. I understand that if the court grants probation, it shall be for not less than 3 years nor more than 5 years, and the terms and conditions of probation shall include, but not be limited to , fine, jail time, restitution and obey all laws. I authorize my attorney to accept the conditions on my behalf.

☒ DUI (VC 23152, 23153, 23103)

I certify that I have read the attached form # CR-172 entirely, that I understand it; that my attorney has orally that my attorney has orally explained it to me; that I have personally and voluntarily placed the answers in the boxes and I enter a plea of No Contest to the charge of violation of the Veh. Code Sections 23152(b).

I authorize and direct my attorney, Joseph Hoffman, in my absence to enter my plea and admit any prior convictions and/or any allegation(s) as indicated on the attached waiver form(s). My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence in my absence. I spe cifically waive my right to personally enter my plea, I waive my right to be personally present when the sentence is imposed. I waive my right to delay sentencing not less than six hours nor more than five days after entry of the plea, and I waive my right to personally address the court in mitigation of any sentence which may be imposed. I understand that if the court grants probation, it shall be for not less than 3 years nor more than 5 years, and the terms and conditions of probation shall include, but not be limited to , fine, jail time, restitution and the conditions that I not drive without a valid California driver's license, not drive with any measurable amount of alcohol in my system, not refuse to take a chemical test or tests of blood, breath or urine when requested to do so by a peace officer, and obey all laws. I authorize my attorney to accept the conditions on my behalf.

Defendant Signature	Date
[signature]	06-10-25

Attorney Certification

I certify that I am the attorney of record for the defendant; that I have fully discussed the matters on the attached form # CR-172 with the defendant and advised the defendant thereon; that the representations above are the defendant's own; that I believe the plea and waivers were intelligently, voluntarily and expressly made; that I join in the plea and waivers, and that the above signature and the signature on the waiver form, if not notarized, were made in my presence. I stipulate there is a factual basis for the plea, and that time is waived for the judgment and sentencing. I have discussed potential conditions of probation with the defendant and I am satisf ied that he/she understands them.

Attorney Signature	Date
[signature]	6-10-2025

Findings and Order

This document having been completed and presented to the Court; the Court being satisfied that the plea and waivers were expressly, intelligently and voluntarily made; and the Court finding that there is a factual basis for said plea, the Court accepts such plea and enters it on the record.

Judge / ~~Commissioner~~ Signature	Date
Ronald F. Shepard	6/11/25

R. SHEPARD

DEFENDANT TO PERSONALLY WRITE YES OR NO IN EACH BOX:		I understand this right	I give up this right
1	Right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be found guilty unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my lawyer, to participate in jury selection.	MW	MW
2.	Right to confront and cross examine all witnesses against me.	MW	MW
3.	Right to remain silent and not incriminate myself.	MW	MW
4.	Right to subpoena and produce evidence.	MW	MW
5.	Right to be sentenced by a judge: I understand that by giving up this right I stipulate that I may be sentenced by a temporary judge.	MW	MW
6.	Right to be represented by an attorney at all stages of the proceedings and to have the court appoint one at no charge if I cannot afford my own.	MW	MW
7.	Right to delay sentencing not less than 6 hours nor more than 5 days after the entry of this plea.	MW	MW

DEFENDANT TO PERSONALLY WRITE YES IN ONE OF THE TWO BOXES:	
REPRESENTED BY SELF: I give up my right to an attorney	X
REPRESENTED BY AN ATTORNEY: I have discussed my case with an attorney, we discussed the rights I am giving up by my plea, the elements of the offense(s) charged, the possible defenses and the consequences of my plea.	MW

Vehicle Code Section 23593(a) states: "You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, you can be charged with murder."

I have read this document or have had it read for me, and I understand it. I have personally and voluntarily placed the answers in the boxes.

I enter a plea of No Contest (No Contest or Guilty) to the charge(s) of violation of the Vehicle Code Section 23152(b) and I admit the separate conviction as alleged.

Signed: MW Date: 06-10-25

ATTORNEY'S STATEMENT

I certify that I am the attorney of record for the defendant; that I have fully discussed matters herein with the defendant and advised the defendant thereon;

- that I have explained each of the above rights to the defendant, and the representations of the defendant are the defendant's own;
- that I have explored the facts with defendant and studied defendant's possible defenses to the charge(s);
- that I have discussed the nature of the charges and direct consequences of entering a plea;
- that I have advised about the immigration consequences of a proposed disposition, and defended against those consequences consistent with the goals of and with the informed consent of the defendant and professional standards;
- that I believe that the plea and waivers are intelligently and expressly made;
- that I join the plea and waivers; that I stipulate there is a factual basis for the plea and that the time is waived for judgment and sentencing.

The immigration aspect is based on California Penal Code Section 1016.3 (a).

☑ Absentia form attached.

Signed: _____ Date: 6-10-2025

INTERPRETER'S STATEMENT

I, _____, a certified/registered interpreter, having been sworn, truly translated this form and all the questions therein to the defendant in the language. With the exception of the defendant's signature, I have completed this form at the defendant's direction. The defendant indicated understanding the contents of the form and then signed the form.

Signed: _____ Date: _____

SACRAMENTO SUPERIOR COURT - ORDER OF INFORMAL PROBATION DUI SECOND

Case Number: 24M01558 | Def. Name (Last, First, Middle): White, Matthew Lawrence

Violations: ☐ 23152(a) VC – One prior ☑ 23152(b) VC – One prior ☐ 23152(e) VC – One prior ☐ 23152(f) VC – One prior ☐ 23152(g) VC – One prior | Date of Prior: 4.16.16

The defendant appeared before this Court for judgment and sentence, and having been duly arraigned for said purpose for the above violation(s) and no legal cause being shown why judgment should not be pronounced, **IT IS ORDERED THAT** imposition of sentence be suspended and that the defendant be placed on INFORMAL probation to this court for the term of **FOUR (4)** years from this date on the conditions checked below:

☒ 1. **(OAL)** Obey all laws

☒ 2. **(DRINK/DRIVE)** Do not drive a motor vehicle with any drugs or any measurable amount of alcohol in your system.

☒ 3. **(CHEMTEST)** Do not refuse to complete blood alcohol chemical test when offered by any peace officer with reasonable cause to do so.

☒ 4. **(VALID/LIC)** Do not drive without a valid California driver's license or in violation of California Vehicle licensing laws.

☒ 5. **(VALID/INS)** Do not drive without insurance.

☐ 6. **(REST/LOSS)** Make restitution for personal injury/property damage/loss caused in this offense. Pursuant to 1202.4(f)(7) & (11) PC, you shall prepare and file a financial disclosure form (CR-115) with the court and an updated form within 120 days prior to release from probation if there is any unpaid restitution or fine.

☐ 7. **(REST/TBD)** Restitution to be determined by Probation ☐ Amt.: $ _____ Victim(s): _____

☐ Restitution to the responding LEA. *(Specify agency)*: _____

☒ 8. **(FINE/ASMT)(FINE/TIME)** Fine & Assessments: Pay the following fines/assessments or serve 4 days County Jail.

Fine / Assessment Type	Amount		Reduced Amt.	
Base Fine per VC 23538(a)	$500.00	JAIL CREDIT		OR SERVE
☒ *CIF (PC1465.7(a)) **(CIF)**	$100.00			
*Penalty Assessment (PC 1464, GC 76000)	$850.00			
*Court Construction Penalty Assessment **(CTCONST)** (GC 70372(a)) (Effective 01/01/03)	$150.00			
*ICNA Penalty Assessment GC 70372(a) (Effective 01/01/09)	$100.00			
*DNA Penalty Assessment (GC 76104.6) **(DNA1)** (Effective 11/04/04)	$50.00			
*DNA Penalty Assessment (GC 76104.7) **(DNA2)** (Effective 07/12/06)	$50.00	DAY(S) REDUCES FINE(S)		DAYS CJ C/S IN LIEU OF FINE
*DNA Penalty Assessment (GC 76104.7) **(DNA2A)** (Effective 06/10/10)	$100.00			
*DNA Penalty Assessment (GC 76104.7) **(DNA2B)** (Effective 06/24/12)	$50.00			
*EMS-Co. Penalty Assessment **(EMSCOPA)** (GC 76000.5) (Eff. 01/01/2018)	$100.00			

** **THE FINES & ASSESSMENTS LISTED BELOW ARE NOT CONVERTIBLE TO COUNTY JAIL OR REDUCED BY CREDITS. SEE REVERSE SIDE OF THIS DOCUMENT FOR A CALCULATION OF PENALTY ASSESSMENTS****

☒ **(REST MISD)** Restitution Fine in the amount of $150.00 pursuant to PC 1202.4(b)

☒ **(1202.44 PC)** Additional Restitution Fine in the amount of $150.00 pursuant to PC 1202.44 stayed pending revocation of probation.

☒ **(ALC/ASMT)** Alcohol Abuse Education & Prevention Assessment (VC 23645) $50.00 ☒ **(ALC/ASMT2)** Alcohol & Drug Program Assessment (VC 23649) $10.00

☒ **(NCA)** Night Court Assessment (VC 42006) $1.00

All fines/fees payable through: ☑ **PAY/DRR** through DRR ☐ **(PAY/FW)** Forthwith ☐ **Fine Stayed**, payments to begin _____. ☐ Stay fee waived.

☐ **(ASP/LIEUF)** Alternative Sentencing Program in lieu of fine, _____ hours to be completed by/within _____ days/months.

☑ Jail in lieu of fine to be served 4 DAYS TIS, consecutive. ☐ Work Release

☒ 9. **(JAIL) SERVE** 10 days in the CJ, credit for time served 1 days. ☒ Plus 8 days good time work time (GTWT) = 1

☒ Consecutive ☐ Concurrent to _____

☐ Straight time ☐ Jail stayed pending completion of _____

☐ Court has no objection to a Work Release Program. Qualify or surrender at ☐ Main Jail ☐ RCCC on: _____

☐ Stay to sign up on or before: _____ **Court objects to:** ☐ SWP ☐ HD/Medical HD.

☐ CJ may be done in _____ County. ☐ Show proof of enroll/ completion on: _____ at _____

☐ County Jail converted to _____ hours of ASP by / within _____ days / months.

[redacted]

☒ 10. **(CONF/96 HRS)** Including 96 hours continuous custody (23542(b)(1) VC ☒ Per court. Hours to be completed straight time, in custody; no HD/SWP.

☒ Report to RCCC / Main Jail on _____ at _____ and be released on _____ at _____

☐ 11. **(NO/DRUGS)** Do not use, handle or possess controlled substances of any kind unless lawfully prescribed to you by a licensed medical practitioner.

☐ 12. **(NO/ASSOC)** Do not associate with persons known to be illegal users/sellers of controlled substances, or be in a place where you know illegal controlled substances are present.

☐ 13. **(NO/ALC)** Do not knowingly consume or possess any alcoholic beverages in any amount whatsoever nor be in places where you know alcohol is the chief item for sale.

☒ 14. **(DUI/2ND)** You are hereby ordered to report and enroll in the ☒ SB38 Program within 72 hours from today or release from custody.

☐ Provide proof of enrollment by: _____ (date). ☑ Stay to sign up on or before 10.3.25 (date).

☐ Program may be done in _____ County. ☐ Program to run C/C with case number: _____.

☐ 15. **(ATTEND/AA)** Defendant to attend _____ AA or 12-Step meetings and provide proof of attendance on _____ at _____, in Dept. _____ or in the alternative serve _____ days in the county jail consecutive.

☐ 16. **(LIC/REST)** Driver's License revoked/suspended / restricted for a period of _____ months/years pursuant 13202.5 VC (under the age of 21 years).

☐ 17. **(S&S)SEARCH:** Deft shall submit his/her person, property and automobile and any object under defendant's control to search and seizure, in or out of the presence of the defendant, by any law enforcement officer and/or Probation Officer, at any time of the day or night, with or without his/her consent, with or without a warrant. Defendant being advised of his/her constitutional rights in this regard, and having accepted probation, is deemed to have waived same.

☒ 18. **(ADV23593VC)** Advised pursuant 23593(a) VC that a DUI resulting in someone's death can be charged as murder.

☒ 19. **(BBSS)** Defendant shall not refuse to complete a blood alcohol chemical test when offered by any peace officer with reasonable cause to do so. Your blood and/or breath will be subject to search and seizure by any law enforcement officer at any time of the day or night, with or without your consent, and with or without a warrant.

☐ 20. Install an Ignition Interlock Device (IID) on any vehicle you own or operate for a period of _____ months/years.

☐ 21. Other: _____

Judge of the Superior Court	Dept.	Date
R. Shepard	2	6.11.25

CR-75 Second (Eff. 05/20/2023) Original – Court, Yellow – Defendant ***READ AND SIGN THE OTHER SIDE OF THIS ORDER***

GENERAL CONDITIONS OF INFORMAL PROBATION

NOTICE: This is your order of probation. It limits what you can do. A violation of probation can result in your arrest and confinement. If you do not understand any condition of probation, discuss it with your attorney or the judge who sentenced you.

WHAT MUST YOU DO?

You must obey all of the rules set out for you on the front side of this sheet. You do not have to report to a probation officer. But, if you are notified to return to court and do not do so, a warrant will be issued for your Arrest. Any notice will normally be sent to the address you gave on the front of this sheet. Be sure to notify the Post Office to forward your mail if you move.

WHAT IF YOU VIOLATE PROBATION?

If you fail to obey any of the rules set out for you, your probation can be revoked and a warrant be issued for your Arrest. If, after a hearing in court, the judge finds that you did, in fact, violate probation, you can be sentenced to the maximum jail term allowed by law. You could also receive additional fines or additional conditions of probation.

WHAT IF YOU SUCCESSFULLY COMPLETE PROBATION?

In general, at any time after the termination of the period of probation and upon completion of the requirements of Penal Code section 1203.4, probationers may petition the court to exercise its discretion to allow the probationer to withdraw a plea of guilty or nolo contendere or to set aside a verdict of guilty and dismiss the accusations against the probationer. If such relief is granted by the court, the probationer may also petition the court for a certificate of rehabilitation and pardon upon completion of the requirements of Penal Code section 4852.01. Probationers convicted of certain offenses are not eligible for this relief. (See Penal Code Section 1203.4(b).)

WHAT IF YOU FEEL YOUR PROBATION SHOULD BE ENDED EARLY OR CERTAIN CONDITIONS SHOULD BE CHANGED?

Talk to your attorney, or petition this Court if you want to change your probation order in any way. Remember though, only a judge of the Sacramento Superior Court can change any condition or term of your probation. No other person, agency, or court can do that.

WHAT DOES PROBATION REALLY MEAN?

Before you plead guilty or no contest, the judge explained to you what the maximum penalty was. In most cases it is one year in jail and a fine of one thousand dollars. The judge could have imposed that maximum penalty when you were sentenced. The imposition of that maximum penalty has simply been held back to see if you complete your period of probation without violating any of the special rules now established for you. Therefore, being on probation means that you do not have the same rights as other citizens. The special rules that apply to you are set forth on this form. Make sure that you understand and follow those rules.

PENALTY ASSESSMENT CALCULATION (See reverse):

PENALTY ASSESSMENT TYPE AND AUTHORITY	AMOUNT BASED ON...
Penalty Assessment pursuant PC 1464 (State) (Effective 07/09/91)	$10 for each $10, or part of $10, of base fine
Penalty Assessment pursuant GC 76000 (County) (Effective 07/09/91)	$7 for each $10, or part of $10, of base fine
Court Construction Penalty Assessment GC 70372(a) (Effective 01/01/03)	$3 for each $10, or part of $10, of base fine
ICNA Penalty Assessment GC 70372(a) (Effective 01/01/09)	$2 for each $10, or part of $10, of base fine
DNA Penalty pursuant GC 76104.6(Effective 11/04/04)	$ 1 for each $10, or part of $10, of base fine
DNA Penalty pursuant GC 76104.7(Effective 07/12/06)	$ 1 for each $10, or part of $10, of base fine
DNA Penalty pursuant GC 76104.7 (Effective 06/10/10)	$ 2 for each $10, or part of $10, of base fine
DNA Penalty pursuant GC 76104.7 (Effective 06/27/12)	$ 1 for each $10, or part of $10, of base fine
EMS-Co. Penalty pursuant to GC 76000.5 (Effective 01/01/18)	$ 2 for each $10, or part of $10, of base fine
SURCHARGES / ASSESSMENTS AND AUTHORITY	
Criminal Impact Assessment Fee pursuant PC1465.7(a) (Effective 01/01/02)	20% of the base fine amount
Court Operations Assessment PC 1465.8 (Effective 01/01/10)	$40 per conviction
Criminal Conviction Assessment GC 70373 (Effective 01/01/09)	$30 per conviction

The foregoing terms and conditions of informal probation have been explained to me and I fully understand them and agree in every particular to abide by them.

DEFENDANT SIGNATURE FTA FINES ROOM DATE 6/11/25

DEFENDANT ADDRESS, CITY, STATE, ZIP

TELEPHONE NUMBER

SACRAMENTO SHERIFF'S OFFICE
Proposed Discipline

Jim Cooper
Sheriff

To: DEPUTY MATT WHITE
Rio Cosumnes Correctional Center Division

From: CHIEF DEPUTY MICHELLE KACALEK
Support Services

Subject: PROPOSED DISCIPLINARY ACTION – SUSPENSION WITHOUT PAY AND REMAIN IN A NON-DRIVING ASSIGNMENT UNTIL PROBATION ENDS

YOU ARE HEREBY NOTIFIED that I have recommended you be suspended without pay for a period of 160 hours and remain in a non-driving assignment until the conclusion of your court probation on June 11, 2029.

The facts upon which the Proposed Disciplinary Action is based are:

On August 4, 2024, you were stopped by the Folsom Police Department while driving your personal vehicle off-duty. After performing Standardized Field Sobriety Tests and taking a Preliminary Alcohol Screening test, you were arrested for driving under the influence. You were subsequently convicted of Vehicle Code section 23152(b).

This constitutes the following disciplinary violations:

ALLEGATION I: You violated the Agreement Between the County of Sacramento and the Sacramento County Deputy Sheriffs' Association section 18.5(p) – Any failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the County or his/her employment and the Standards of Conduct Policy.

The above facts are considered good cause for disciplinary action (Agreement Between the County of Sacramento and the Sacramento County Deputy Sheriffs' Association Section(s) 18.5). Materials upon which the Proposed Disciplinary Action is based are included in case file 2024PSB-421 and are incorporated herein by reference.

I have reviewed the allegations contained therein, and find that cause appears to exist for the discipline recommended. However, before a final decision is made in this matter you

may request a review, either personally or by mail, no later than ten (10) calendar days from the date you are served with a copy of this notice.

If you desire to examine or review the complaint which forms a part of the basis for the Proposed Disciplinary Action, you shall be given a reasonable amount of time off for such purposes by your request therefore duly submitted to your supervisor. The review shall be conducted at the Internal Affairs Bureau at 4500 Orange Grove Avenue, Suite 125, Sacramento, California, telephone number 874-5098. Unless other arrangements are made, such examination shall take place during the normal duty hours of the Internal Affairs Bureau (Monday through Friday, between 8:00 a.m. and 5:00 p.m.). For your convenience, you should call the Internal Affairs Bureau and make an appointment.

If you desire to respond personally, contact the Internal Affairs Bureau at 4500 Orange Grove Avenue, Suite 125, Sacramento, California, telephone number 874-5098 to schedule a "Skelly Review" in this matter before a Department Hearing Officer. Personnel Complaints Policy delineates the procedural and legal issues of the review.

If you do not respond to this Proposed Disciplinary Action either personally or in writing, or both personally and in writing, on or before the expiration of the ten-day period above, the Sheriff will make a final decision based upon the foregoing reasons mentioned above and any materials indicated. Should you decide to accept the proposed disciplinary action without a review, do not commence service of the imposed discipline prior to receipt of a final order of discipline from the Sheriff. Should you desire to forgo a review and expedite receipt of a final order of discipline please notify the Legal Advisor.

DATED: 7/23/25

M. Kacalek

CHIEF DEPUTY MICHELLE KACALEK
Support Services

AFFIDAVIT OF SERVICE

I, MARK LEMBERG, do hereby declare:

1. I am employed in the position of CAPTAIN with the County of Sacramento Sheriff's Office.

2. On JULY 28, 2025, at approximately 1033 a.m./p.m. at [redacted] (location)

I personally served a copy of the attached " Proposed Discipline" upon

MATT WHITE, by handing such a copy to him/her.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on JULY 28, 2025, at [redacted] California.

(Signature)

UPON SERVICE RETURN AFFIDAVIT TO INTERNAL AFFAIRS

COUNTY OF SACRAMENTO

Proposed Disciplinary Action

SCOTT R. JONES
Sheriff

To: DEPUTY SHERIFF MATT WHITE
Rio Cosumnes Correctional Center

From: CHIEF DEPUTY ROSANNE RICHEAL
Contract and Regional Services/ Support Services

Subject: PROPOSED DISCIPLINARY ACTION-SUSPENSION WITHOUT PAY, TRANSFER TO NON-DRIVING ASSIGNMENT

YOU ARE HEREBY NOTIFIED that I have recommended you be suspended from your position as Sheriff's Deputy with the Sacramento County Sheriff's Department for a period of one hundred sixty (160) hours. I further recommend you be transferred to a non-driving assignment in Correctional Services for the duration of any restriction or suspension on your Driver's License, or for the duration of your criminal probationary period, whichever of the two is greater. The facts upon which the Proposed Disciplinary Action is based are as follows:

On April 16, 2016, while off-duty and driving in the County of Sacramento, you were arrested by the California Highway Patrol (CHP) for driving under the influence of alcohol in violation of Vehicle Code Sections 23152(a) and 23152(b). You identified yourself as a Sacramento County Deputy Sheriff.

You were transported to the Sacramento County Main Jail by CHP and booked on the above charges. While at the jail, you submitted to a breath test which concluded your blood alcohol content (BAC) was .12%.

This constitutes the following disciplinary violations:

ALLEGATION I: That on or about April 16, 2016, you, while in an off-duty status, were arrested in the County of Sacramento for driving under the influence of alcohol in Violation of Vehicle Code Sections 23152(a) (Misdemeanor DUI) and 23152(b) (Misdemeanor DUI .08% or above). Your actions are in violation of the Agreement Between the County of Sacramento and the Sacramento County Deputy Sheriffs' Association

Section 18.5 (p) (Any failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to his or her agency or his or her employment).

The above facts are considered good cause for disciplinary action (Agreement Between the County of Sacramento and the Sacramento County Deputy Sheriffs' Association Section(s) 18.5). Materials upon which the Proposed Disciplinary Action is based are included in case file 2016PSB-158, and are incorporated herein by reference.

I have reviewed the allegations contained therein, and find that cause appears to exist for the discipline recommended. However, before a final decision is made in this matter you may request a review, either personally or by mail, no later than ten (10) calendar days from the date you are served with a copy of this notice.

If you desire to examine or review the complaint which forms a part of the basis for the Proposed Disciplinary Action, you shall be given a reasonable amount of time off for such purposes by your request therefore duly submitted to your supervisor. The review shall be conducted at the Professional Standards Division office at 711 G Street, Suite 306, Sacramento, California, telephone number 874-5098. Unless other arrangements are made, such examination shall take place during the normal duty hours of the Professional Standards Division (Monday through Friday, between 8:00 a.m. and 5:00 p.m.). For your convenience, you should call the Professional Standards Division and make an appointment.

If you desire to respond personally, contact the Professional Standards Division office at 711 G Street, Suite 306, Sacramento, California, telephone number 874-5098 to schedule a "Skelly Review" in this matter before a Department Hearing Officer. General Order 3/07 delineates the procedural and legal issues of the review.

If you do not respond to this Proposed Disciplinary Action either personally or in writing, or both personally and in writing, on or before the expiration of the ten-day

period above, the Sheriff will make a final decision based upon the foregoing reasons mentioned above and any materials indicated. Should you decide to accept the proposed disciplinary action without a review, do not commence service of the imposed discipline prior to receipt of a final order of discipline from the Sheriff. Should you desire to forgo a review and expedite receipt of a final order of discipline please notify the Legal Advisor.

DATED: 9/12/16

CHIEF DEPUTY ROSANNE RICHEAL
Contract and Regional Services

AFFIDAVIT OF SERVICE

I, MARCUS GREGORY, do hereby declare:

1. I am employed in the position of SERGEANT with the Sacramento County Sheriff's Department.

2. On SEPTEMBER 12, 2016, at approximately 1505 a.m./(p.m.) at [redacted] (location) I personally served a copy of the attached proposed disciplinary action upon DEPUTY MATT WHITE, by handing such a copy to (him)/her.

3. I declare under penalty of perjury that the foregoing is true and correct.

Executed on SEPTEMBER 12, 2016, at [redacted] California.

#150
(Signature)

UPON SERVICE RETURN AFFIDAVIT TO LEGAL AFFAIRS

POST Administrative Interview
Advisement and Transcription Cover Page

POST CASE NUMBER: POST2507337

SUBJECT OFFICER NAME: Matt White

Administrative Interview Advisement

Following is the record of an Administrative Interview conducted by the Professional Conduct Northern Bureau on 12/18/2025 with Officer Matt White, 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 Northern Bureau. The recording reflects all relevant statements and conversations occurring during the course of the interview. The interview was also transcribed by AXON AI Transcription. This transcript was prepared by Analyst II Tiana Yen, Professional Conduct Northern Bureau.

Parties Present:
Law Enforcement Consultant Rick Collins, Professional Conduct Northern Bureau, Primary Investigator
Officer Matt White, Sacramento County Sheriff's Department, Subject Officer
Joseph Hoffman, Mastagni and Holdstedt Law Firm, Representative for Subject Officer

**********Start of transcription**********

[00:01]

Rick Collins: All right. I have started the recorder. So you guys know, uh, the date is Thursday, December 18th, 2025. The time is approximately 1:53 PM. This is an, an administrative interview concerning Matt White, who is employed by the Sacramento County Sheriff's Department. This interview is being conducted and recorded at the California Peace Officer Standards and Training POST Headquarters, specifically, we are in Training Room C. I am Law Enforcement Consultant Rick Collins, and I'm in charge of this interview. There's nobody assisting me today, so I'll cross that out. Also present is Matt White and his representative Joe Hoffman of Mastagni and Holtstedt. Each person present is required to identify themselves on the recording by giving their name, title, and or classification and place of employment. Um, Matt, do you want to go ahead and start?

[00:58]

Matt White: I am Matt White. I work at the Sacramento County Sheriff's Department as a Deputy Sheriff.

[01:01]

Rick Collins: And Joe?

[01:02]

Joseph Hoffman: My name is Joseph Hoffman. I am a Senior Associate with Mastagni and Holtstedt Law Firm.

[01:09]

Rick Collins: Okay. And my name is Rick Collins. I'm a Law Enforcement Consultant with, uh, POST in the Professional Conduct Northern Bureau. Matt, you are being questioned as part of an official Peace Officer Standards and Accountability Division investigation. You are hereby directed to answer all questions honestly and completely. Your refusal to answer any question or any type of evasion, deception, dishonesty, or lack of cooperation on your part could constitute serious misconduct and result in further actions concerning your certification up to and including revocation of your per POST Certification. Neither your statement nor any information or evidence which is gained by reason of such statements can be used against you in criminal proceedings. That's what we were talking about in the hallway. Uh, no other promise will be made as any as an inducement for the answer to any question. This recorded interview is authorized by Commission Regulation Title 11, Section 1206 paren a paren four of the California Code of Regulations. You may record any portion of this in interview or have access to POST's recording if any further proceedings are contemplated or prior to any subsequent interviews, you have the right to be represented by an individual of your choice who may be present at all times during your interview. Provided the person chosen is not a witness or subject of this inquiry. POST is not your subject. POST is not your employing agency. Therefore, this interview is not subject to the Peace Officer Bill of Rights Act, including, but not limited to Sections 3303 through 3312 of the Government Code. Although you as a representative are present to assist, the subject officer, POST is only interested in hearing the officer's account of the matter under investigation. You may participate during the interview when appropriate, but you may not interfere with or cause unnecessary delay to the orderly course of

the interview. You will be given the opportunity to make clarifying statements and ask clarifying questions. If you need to take a break to use the restroom or attend to personal necessities, you may do so upon requests. However, before making a request, you must answer the any pending questions. To maintain the integrity of the investigation, you must not discuss the questions asked or facts discussed in this interview with anyone other than your legal counsel or as otherwise required required by law. Do you both understand and agree to proceed in accordance with these instructions?

[03:54]
Joseph Hoffman: Yes.

[03:54]
Matt White: Yes.

[03:55]
Rick Collins: Okay. And this is where we begin.

[03:59]
Matt White: Okay.

[04:00]
Rick Collins: Question number one. Uh, it's been almost a year and a half since your arrest by the Folsom Police Department. Have you been sober since then? If so, what methods and resources do you rely on to remain sober?

[04:11]

Matt White: You know, I appreciate that question because, uh, when I was arrested in August, um, uh, it was pretty, uh, uh, sobering idea. And I knew I wanted to get sober and I struggled with it. I, from August to December, I had two drinks. Um, and that last drink was on, uh, on Christmas. And I remember, uh, being baffled why I was struggling with this. Uh, I had just gone through a pretty traumatic incident of being arrested and the potential of losing my job. And here I was still drinking. And, uh, I was attending AA during that time, immediately from after my arrest. And I, uh, was, uh, well, the first time I really a answered myself, what am I doing? So I started to look at, um, uh, outpatient programs, uh, the first of the year. And I remember being kind of profound that all they offered was, uh, alcohol counseling. And I remember thinking on the humorous side, boy, I think I know enough about alcohol already. I need something further. So that was the first time I actually looked into a rehab.

[05:11]

Rick Collins: Mm-hmm <affirmative>.

[05:11]

Matt White: Uh, so I had my last drink on January 12th of, uh, would be, uh, 11 months ago.

[05:17]

Rick Collins: Okay.

[05:18]

Matt White: Um, um, so, uh, with, with that, with that, [redacted] And I, uh,

approached my employers about it. I, uh, had a sick leave balance. They, uh, they approved that sick leave, uh, with the doctor's note. So I, I think I earned something like 300 hours of sick leave. [redacted]

[05:47]

Rick Collins: Mm-hmm <affirmative>.

[05:47]

Matt White: [redacted].

[05:51]

Rick Collins: Okay.

[05:52]

Matt White: And that was one of the first things I really kind of connected and wanted to resolve. Why am I drinking? Why am I having these problems? [redacted] And I'm happy to say that counselors, I, since then, I, since April, I, I still speak with every, every week.

[06:13]

Rick Collins: Okay.

[06:13]

Matt White: Um. So I don't know how, uh, but it, but, and I also attend AA and I see my counselor AA, uh, once a week. And, uh, yes, I've been able to remain sober since January 12th.

[06:28]

Rick Collins: So just to ensure that I heard you correctly, every, you still meet with [redacted] Do you still meet with that person?

[06:38]

Matt White Every week.

[06:39]

Rick Collins: Every.

[06:39]

Matt White: Week, uh.

[06:39]

Rick Collins: Per.

[06:40]

Matt White: On Zoom.

[06:40]

Rick Collins: On Zoom.

[06:41]

Matt White: On Zoom, yeah. And I, uh, of course I have a AA sponsor and going through the rehab, um, there was a lot of things that exposed, uh, uh, insecurities, weaknesses, uh, at my fault. And I also met a lot of great, uh, uh, employees that I have at the Sheriff's Department that I rely on.

[06:57]

Rick Collins: Okay.

[06:57]

Matt White: To this day. Um, so I have a great, uh, program, I think working for me right now.

[07:05]

Rick Collins: Do you maintain a log or possess records that document your AA meetings and or therapy sessions?

[07:11]

Matt White: Uh.

[07:12]

Rick Collins: If, if you do, can you provide that to POST?

[07:14]

Matt White: Uh, I have not. Uh, and I would not be able to because I, not because I knew that that was actually addressed. Uh, going to, I thought about doing that in the, uh, IA investigation and working 12 hours and being a new father, um, working days of 15 hours. It was tough to get to meetings here and there, so it was very sporadic. I would do it on Zoom, but I can tell you with the most honesty that I have consistently gone, I've never gone with a meeting without probably three weeks.

[07:43]

Rick Collins: Okay.

[07:44]

Matt White: Um, so, but I've always been in contact with somebody in some form of that. But to answer your question, no, I don't have documentation of that.

[07:50]

Rick Collins: Okay.

[07:50]

Matt White: I can give you my word for what it's worth.

[07:53]

Rick Collins: Uh, you've answered that question already. And the question was, in your administrative interview with Sergeant Haynes, you stated that you had not drunk alcohol since January 12th, 2025. Is that still true today?

[08:05]

Matt White: Yes.

[08:05]

Rick Collins: The answer to that question is yes.

[08:07]

Matt White: Yes.

[08:07]

Rick Collins: Okay. When you were pulled over by the Folsom Police Department in August of 2024, what was the status of your driver's license?

[08:16]

Matt White: Valid <pause>. You, you know, if I could add just one other thing, um, through the criminal side of, uh, of my, uh, criminal probation was to attend, uh, a, uh, treatment, but also the DUI program. So I, I meet with a counselor once a week also and attend a group meeting.

[08:39]

Rick Collins: Okay.

[08:39]

Matt White: Um, once every week since August.

[08:41]

Rick Collins: Is that part of the 18th month?

[08:43]

Matt White: It is.

[08:43]

Rick Collins: Okay. I have a question for.

[08:45]

Matt White: Okay sorry.

[08:45]

Rick Collins: That later on. We'll get to that, uh, what are your.

[08:48]

Joseph Hoffman: What are your counseling separate from that?

[08:49]

Matt White: Separate, yeah.

[08:50]

Rick Collins: Yeah.

[08:50]

Joseph Hoffman: Okay.

[08:51]

Rick Collins: Uh, what is your current driver's license? Lattice <laugh>, your driver's license status now?

[08:57]

Matt White: It is a, what they would call a restricted, uh, I am able to operate a vehicle as long as I have a alcohol breathalyzer in my vehicle.

[09:05]

Rick Collins: Okay. With breathalyzer. And do they still have you in a non-driving, uh, status at work?

[09:13]

Matt White: Yes, they do.

[09:14]

Rick Collins: Okay. If push came to shove, would you be able to drive a Sacramento County vehicle?

[09:24]

Joseph Hoffman: He may not know the legal nuance, because there is a special DMV form that we submit for police officers and firefighters who have a

re a, a restricted license or provisional license that requires an IID. And if the employer chooses to sign the disclosure, then our clients in his, with his driver's license status can operate a, uh, county police or fire vehicle without an IID, but his employer would have to sign the DMV form first.

[09:59]
Rick Collins: Okay.

[10:00]
Matt White: That was my understanding also.

[10:01]
Rick Collins: Yeah. And I remember listening to that during his IA interview.

[10:05]
Joseph Hoffman: Oh, okay.

[10:06]
Rick Collins: You stepped in and said, yeah, I was just wondering if that, I guess I should have asked a better question. Does Sacramento, have they signed that form in case of an emergency or is that, if, if it came to it, would you still have to present that form to admin to get you to drive a county vehicle?

[10:26]
Matt White: I'm gonna say yes, I believe that would be the case.

[10:28]
Rick Collins: Okay. Okay.

[10:31]

Matt White: But right now I'm in an assignment where I don't think that's gonna be brought up. Just here.

[10:35]

Rick Collins: Okay. Um, and you've answered the question. You've signed up for the 18 month DUI completion program. What is the current status of that? How much longer do you have to go?

[10:45]

Matt White: I have until probably, uh, well, I would love to have an exact date, uh, date, but any time there's a flexible in the schedule, I will say approximately Feb, end of February of next year.

[10:58]

Rick Collins: Okay. So you anticipate February of 2026 is your completion date?

[11:03]

Matt White: Uh, 27.

[11:05]

Rick Collins: 27?

[11:05]

Matt White: Yeah. I have 18 months program.

[11:08]

Rick Collins: Okay. <pause> That makes sense.

[11:19]

Matt White: But they've only, they only schedule it out a year in advance.

[11:25]

Rick Collins: And you've answered that question, you continue to meet with your counselor from [redacted] weekly.

[11:31]

Matt White: Mm-hmm <affirmative>. Yeah.

[11:31]

Rick Collins: Via Zoom, correct.

[11:32]

Matt White: Yeah.

[11:33]

Rick Collins: And that is in conjunction with the AA, uh, meetings?

[11:37]

Matt White: Uh, yeah. Okay. Neither, uh, it's not required. I meet with the therapist, but it's something I voluntarily did.

[11:44]

Rick Collins: Absolutely.

[11:44]

Matt White: Yeah.

[11:44]

Rick Collins: Okay. <pause> At the time of the second incident in August of 2024, what was your assignment with the Sheriff's Department?

[11:55]

Matt White: I was in our Sheriff's North Patrol as a Field Training Officer.

[11:58]

Rick Collins: So you were in North Patrol?

[12:00]

Matt White: Yeah.

[12:09]

Rick Collins: <pause> And at the time of your IA interview, what was your assignment?

[12:15]

Matt White: I was assigned to the Rio Consumes, uh, Correctional Center of the jail. They had <pause> reassigned me.

[12:26]

Rick Collins: So just at, just to clarify, at the time of your arrest in August, you were working North Patrol?

[12:31]

Matt White: Mm-hmm <affirmative>.

[12:33]

Rick Collins: At the time when you were interviewed for, as part of your IA, you were in the, uh.

[12:36]

Matt White: Correctional facility.

[12:38]

Rick Collins: Correctional facility.

[12:38]

Matt White: Correct. Correctional facility, yep.

[12:39]

Rick Collins: Okay. And in your interview with Sergeant Haynes, you mentioned you found ways, and this is not verbatim, but you found ways to counter your internal problems with alcohol. My question to you is, what are the ways that you counter your internal struggles with alcohol? And I have this transcript here it is on page eight, line three eighteen if you need to.

[13:07]

Matt White: Uh, I would love to thank you. You said 18?

[13:11]

Rick Collins: Yeah, three sixteen. It's in that general.

[13:15]

Matt White: Okay. <pause> Yeah. Kind of similar to what I touched on before, like I, I always, alcohol for me was, uh, there was a bigger issue. I, I always, I'm kind of the first to say, uh, I don't even like to drink. If there was another vehicle to it, I would've probably, uh, but I like being drunk and, uh, being drunk to me was a intoxicating feeling that resolved. So, to answer your question, uh, through therapy,

mostly at the, um, uh, first responders to wellness, I learned that I had, uh, suffered from depression. And, uh, I was really, uh, negligent in the idea that I could spend 22 years in law enforcement and not have some form of, uh, PTSD. Uh, I, I really had a heart heartburn with that, but I did find that there was some things that was troubling me. And, uh, um, and I also had a lot of shame in the way I was living. And I had to, uh, correct that through, through therapy and speaking with, uh, candid with my wife and, uh, honesty with my family members of how I was hiding alcohol. And so, to answer your question of what I'm doing now is I can live an open and honest, uh, candid relationship without having alcohol. And, uh, I think, uh, I think I've lost my train of thought there where I was going. But, um, I think the power of communication and, uh, I'm very ashamed, uh, to have, be someone that has two DUIs in this profession. But I've never shied away from that. I've talked to a lot of people, uh, and I'm open about that, and I find that when I'm open about that, I don't feel that shame or that desire to drink. And I'm, uh, I found it very empowering to be very open about that and any other aspects of my life. And I, I hope that answers your question.

[15:22]

Rick Collins: It, it absolutely does. And just to, uh, kind of close this, what I'm getting from you is since January 12th, 2025, you have not had a sip of alcohol.

[15:32]

Matt White: Yeah.

[15:32]

Rick Collins: Uh, you abstain and you continue to do things to remain in that status.

[15:38]

Matt White: Yeah. And I think I would like to add that not only do my, am I like, uh, I really wanted to sh to rebound from this. This was not something I wanted to settle and ride out my career and just say a class, I want to rebound from this. I wanted to project and make something positive from this. And I think what shows that mostly is we wrapped this IA up in July.

[16:00]

Rick Collins: Mm-hmm <affirmative>.

[16:00]

Matt White: I thought that was the end of it. But here I am, almost six, seven months, still sober, still going, still meeting with the therapist.

[16:06]

Rick Collins: Mm-hmm <affirmative>.

[16:07]

Matt White: You know, it's not hopes that, yeah, I hope that I live a good life and I know I, I love my Sheriff's Department. I love what it's done for me. It's given me every other thing I have in my life, but also it's given me character and integrity, and I hope to show that. And I've spoken in briefings, I speak at our academy, I, I be open about my

own struggles with it. And, um, I hope I close with that, that I want to give back, give back to my department and give, uh, make a positive out of, out of this experience for me.

[16:37]

Rick Collins: Okay.

[16:37]

Matt White: Yeah.

[16:38]

Rick Collins: Well, that concludes the interview. Um, I thank you both for your time and your cooperation and your patience. Um, please don't hesitate to reach out to me if you have any questions. Um, as you guys are, are pretty, I think I've shown pretty clearly that I'm pretty transparent.

[16:56]

Matt White: Of course. Yeah.

[16:57]

Rick Collins: I, I don't, I don't want to hide anything away from you. Um, when I present this to the EXO and they say, okay, we're going to get the letter and give the recommendation, I'll reach out to you. You can reach out to Joe and let them know, okay, here's the, here's what's happening. Here's what you can expect next.

[17:13]

Matt White: I don't think I'm completely understand what an EXO is.

[17:16]

Rick Collins: Um, like we, we were downstairs talking about, hold on, let me, I'm gonna stop this. Yes, it is 2:10 and the interview is complete.

**********End of transcription**********

I have used all reasonable diligence in reviewing this transcription and to the best of my knowledge the information contained herein is true and complete.

_____ _____

Investigator Date

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

April 15, 2026
AGENDA
9:00 AM

Meeting Location: CA Commission on POST Headquarters, 860 Stillwater Road - Training Rooms A/B, West Sacramento, CA 95605.

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing (916) 866-9583 and following the prompts provided.

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's

facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member
Vacant - Senate Rules Appointee - Public Member
Vacant - Governor Appointee - Public Member

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on February 05, 2026.

a. Approval of Meeting Transcript from the February 05, 2026 Hearing

If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meetings.

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

VI. NEW BUSINESS

a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for information only. No action is required.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernadino Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- July 15-16, 2026 - POST HQ, West Sacramento
- October 14-15, 2026 - POST HQ, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2507337 - MATT WHITE (POST ID: A68-U16)
LAST EMPLOYING AGENCY: SACRAMENTO COUNTY SHERIFF'S DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE 04/15/2026	**BUREAU SUBMITTING THE REPORT** Professional Conduct Northern Bureau	
RESEARCHED BY Rick Collins	**REVIEWED BY** Rob Guyton	
REPORT DATE	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the Respondent's peace officer certification status.

BACKGROUND:

On August 4, 2024, Respondent was arrested by a Folsom Police Officer for violating California Vehicle Code sections 23152(a) [driving under the influence] and 23152(b) [blood alcohol content of .08% or greater]. Respondent's BAC measured .11% by volume. On June 11, 2025, Respondent was convicted of California Vehicle Code section 23152(b), driving under the influence with BAC of .08 or greater. Additionally, on April 16, 2016, California Highway Patrol Officer Fuhrman arrested Respondent for violating California Vehicle Code sections 23152(a) and 23152(b), DUI. Respondent's BAC measured .12 by volume. On July 16, 2016, Respondent pled no contest to a misdemeanor violation of Vehicle Code section 23152(a).

Video Evidence Links:

- **BR08 POST2507337 White Matt Attachment G BWC Video**

ANALYSIS:

The Division determined there was clear and convincing evidence that Respondent engaged in serious misconduct as defined in California Penal Code 13150.8(b)(6) and Commission Regulation 1205(a)(3) -acts that violate the law

that are sufficiently egregious or repeated to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. Impaired driving and repeated acts of impaired driving are acts that violated the law that are both sufficiently egregious and also sufficiently repeated as to be inconsistent with Respondent's obligation to uphold the law or respect the rights of members of the public. As an officer who is charged with enforcing California law, including the Vehicle Code, Respondent's actions in driving impaired on two occasions establish he engaged in in serious misconduct.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01_POST2507337_White Matt_ISF
BR02_POST2507337_White Matt_ExecReviewDivisionRec
BR03_POST2507337_White Matt_POSTProfile
BR04_POST2507337_White Matt_Attachment C 2016 DUI Arrest
BR05_POST2507337_White Matt_Attachment D-2024 DUI Arrest
BR06_POST2507337_White Matt_Attachment E-2016 Admin Interview-Dep White
BR07_POST2507337_White Matt_Attachment F-2024 Admin Interview-Dep White
BR09_POST2507337_White Matt_Attachment H-45_Redacted.pdf
BR10_POST2507337_White Matt_Attachment I-2016 Court Docs-Sentencing
BR011_POST2507337_White Matt_Attachment J-2024 DUI Plea and Waiver
BR012_POST2507337_White Matt_Attachment K-2024 probation order
BR13_POST2507337_White Matt_Attachment L-Sac Co Court Minute Order 6-11-25
BR14_POST2507337_White Matt_Attachment M_Agency2024IA
BR15_POST2507337_White Matt_Attachment N__Agency2016IA
BR016_POST2507337_White Matt_Attachment O-POST Interview Transcript

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Matthew White, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Notice of Determination Report and accompanying Notice of Intent to Revoke Certification notifying Respondent the Division found reasonable grounds for revocation of Respondent's POST certification, on January 28, 2026. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on February 8, 2026, and the Board scheduled the case for a hearing, which was held on April 15, 2026. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☒ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

__ A factual basis for revocation has been established by clear and convincing evidence.

X A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

__ Revocation of Certification

X Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): 3 months, suspension stayed pending a probation agreement with division.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 4/15/26

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, APRIL 15, 2026

9:00 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061, RPR

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

ROBERT DOYLE
Marin County Sheriff (Retired)
Vice Chairperson

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

---o0o---

PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

---o0o---

A P P E A R A N C E S C O N T I N U E D

POST STAFF

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

RICHARD COLLINS
Law Enforcement Consultant
Professional Conduct Northern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Analyst II
Executive Office

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

DAVE SIEBER
Law Enforcement Consultant
Professional Conduct Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

---o0o---

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

KASEY CASTILLO
Counsel for
Hector Victorio, POST ID: C87-Q51

JOSEPH HOFFMAN
Counsel for
Matt White, POST ID: A68-U16

LESLIE WILCOX
Counsel for
Jose Zavala, POST ID C28-A48
and
Julio Quintanilla, POST ID: C58-G04

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

HECTOR VICTORIO
POST ID: C87-Q51

MATT WHITE
POST ID: A68-U16

---o0o---

PUBLIC SPEAKERS

KEYAN BLISS

AARON BLUEFORD

BEATRICE JOHNSON

WANDA JOHNSON

ADDIE KITCHEN

ARLETA NANCE

A P P E A R A N C E S C O N T I N U E D

PUBLIC SPEAKERS

KATHRYN WADE

MORGAN WHITE

LANCE WILSON

---o0o---

I N D E X

PROCEEDINGS	PAGE
I. CALL TO ORDER	8
II. ROLL CALL OF POSAAB MEMBERS	8
III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA	9
IV. APPROVAL OF MEETING TRANSCRIPTS	18
Approval of Meeting Transcript from the February 5, 2026, Hearing	
V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS	19
VI. NEW BUSINESS	
a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes	20
VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION	
a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)	32
b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)	32
c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)	94
d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)	135
e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department	188

I N D E X C O N T I N U E D

PROCEEDINGS	PAGE
VIII. CLOSED SESSION	
(Transcripts prepared and bound under separate cover)	
a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)	91
b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)	91
c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)	127
d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)	187
e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department	--
IX. FUTURE BOARD MEETING DATES	--
July 15-16, 2026 - POST, West Sacramento October 14-15, 2026 - POST, West Sacramento	
ADJOURNMENT	204
CERTIFICATE OF REPORTER	205
ERRATA SHEET	206

---o0o---

Wednesday, April 15, 2026, 9:05 a.m.

West Sacramento, California

---o0o---

VICE CHAIRPERSON DOYLE: Today is April 15th, 2026. And the time is 9:05.

Thank you for all attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that the hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When speaking, they will go live. With this, you will need to watch cross-talk.

We will now call the role of board members.

MR. KNAPP: Thank you, Vice Chair Doyle.

Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Doyle.

VICE CHAIRPERSON DOYLE: Present.

MR. KNAPP: Dudley.

(No response.)

MR. KNAPP: Johnson.

MEMBER JOHNSON: Present.

MR. KNAPP: Lara.

(No response.)

MR. KNAPP: And Pena.

MEMBER PENA: Present.

VICE CHAIRPERSON DOYLE: Thank you.

A quorum has been established.

On my left is POST Counsel Chris Beatty. And on my right is POST Assistant Executive Director Annemarie Del Mugnaio.

First item is public comment. This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.

Public comment on matters on the agenda will be heard after each item is presented. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each matter.

Is there anyone present in the audience or remotely who would like to address the Board in public comment?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future meeting, to respond briefly

to statements or questions posed, to request clarification, or to refer the item to staff.

Please remember that this meeting is being transcribed so -- so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comments can be correctly captured in the transcript.

As the Board's Vice Chair, I may ask members of the public to limit their remarks to no more than three minutes pursuant to existing board policy. I may conclude the public comment period if -- I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and that the 15-minute public comment period has expired.

You will be given two minutes to speak. And the lime limits will be exactly enforced -- strictly enforced, so please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing

agency. POST staff will assist you in that regard.

I would like to remind individuals making comments not to discuss pending complaints or pending disciplinary actions that may later come before the Board -- before the Board for a recommendation.

If the opportunity to address the Board at the time allows these rules is necessary to comply with the law and to avoid complementing -- compromising board mission (as stated). When it is your turn, you may -- you may state your name and organization.

So we'll open it up to public comment.

Anyone in the audience who wishes to address the Board?

Please.

MS. KITCHEN: My name is Addie Kitchen.

My name is Addie Kitchen. I'm the grandmother of Steven Taylor, who was murdered in April of 2020 in San Leandro. He was in a mental health crisis at the time.

And my question is, how do I start to apply for a decertification from the officer? How do I know that the officer is still certified? And is there someone here that could help me to start the process?

MS. DEL MUGNAIO: Yes. Thank you so much. We have members of our complaint intake team who can help you to file that complaint, register your case with the -- with

our division. That would be investigated and we would be in contact with you.

So as you go back to your seat, a member of the team will come up and get your information and help you with that process.

MS. KITH: And can you tell me how long is that process?

THE WITNESS: It depends on how long the investigation takes. It depends on the complexity of it. How long it takes for us to get records from the agency can take anywhere from six months to a year.

MS. KITCHEN: Okay. Thank you. I think that's the only questions I have.

MS. DEL MUGNAIO: Thank you so much.

VICE CHAIRPERSON DOYLE: Thank you.

MS. NANCE: Good morning. My name is Arleta Nance. And I am the mother of Tahmon Wilson and Thomas Wilson, Jr.

On August 18th, 2023, my son Tahmon was shot in the back of the head and killed by the Martinez, California, Police Department. And my son Thomas was shot twice in the back and survived. After being shot, my son Thomas was also assaulted by officers.

Internal Affairs conducted an investigation into this case and found misconduct serious enough to warrant

the termination of multiple officers. The findings included excessive force, failure to report misconduct, and conduct that reflects abuse of authority.

These are not minor violations. These are categories that fall directly under POST's definition of "serious misconduct."

In November of 2025, I filed multiple complaints with POST and received confirmation that they were accepted. Those complaint numbers are PUBLIC-25-001465, 001466, 001467, 001468, and 001469.

I have not received any meaningful update shortly after filing those complaints.

So my question is simple: If these findings meet POST's own categories for serious misconduct, what is the status of these cases? And are they being reviewed for decertification? And did the agency meet its obligation? Which -- Martinez agency, they were obligated to report the misconduct to POST within ten days.

Impacted families deserve to know whether this process is working. And if somebody could help me with information. I have sent emails, follow-ups, and I have heard nothing back. Left messages on the recorder, because you can't talk to anybody when you call. And it's been since November. So...

MS. DEL MUGNAIO: Certainly. Thank you for your comments. And we will have someone get in touch with you. There's members here that can reach out to you and give you the status of those complaints.

MS. NANCE: Okay. Thank you.

MS. DEL MUGNAIO: You are welcome.

VICE CHAIRPERSON DOYLE: Thank you.

MS. WADE: Good morning, everyone. My name is Kathryn Wade. I'm the mother of the late Malad Raynal (phonetic) Baldwin. My son was assaulted many years from Antioch Police Department.

And in 2023, the FBI and the district attorney performed a -- an investigation in that department, and they text about the sexual assault that happened to -- that they -- that happened to my son.

I'm here today because I have submitted many complaints over the years. And I just found out about POST, and I would like to get it -- see if I can get an investigation and get some help of what they did to my son. He never got a chance to tell his side of the story, of the stories of the things that was happening to him.

And I have a question too.

Do you accept complaints of the sheriffs who are the acting coroners?

MS. DEL MUGNAIO: Yes. So POST has jurisdiction over any certified peace officer, so that would include sheriff coroners as well. Yes, ma'am.

MS. WADE: Okay. Well, I'm here today because I need some help on getting this information to you all that I have, to see if I can get some help. And an investigation on the things that was done to my son and even the admission in the text messages that they text about him.

Thank you.

MS. DEL MUGNAIO: I can have someone reach out to you here today that will help you with the process. Okay?

MS. WADE: Okay.

MS. DEL MUGNAIO: Thank you so much.

MR. BLUEFORD: Good morning.

VICE CHAIRPERSON DOYLE: Good morning.

MS. DEL MUGNAIO: Sir. Can you hold on one second?

I'm sorry. I just want the record to reflect that Board Member Charles Lara joined the quorum so that we have that on record.

Thank you, sir. Go ahead.

MR. BLUEFORD: Yes, ma'am. Thank you.

My name is Aaron Blueford. I'm Alan Blueford's brother, from the Alan Blueford Foundation. My mother

is Jeralynn Blueford. And I'm here to speak on the impact it had on me and my family's life. I didn't know we couldn't use the speech that I had, but...

But on May 6th, my younger brother, Alan Dwayne Blueford, at 18 years old, had two weeks to graduate.

And before we could see that milestone and have that -- have that whole feeling of seeing your son and your brother, your family member, go and graduate high school, he was killed by an officer that had other -- had did other things and were sent from another state. Had violations out there. Did something to my little brother. He passed away, tragically. It tore apart my family. And he was able to again go and do something else to somebody else. And this is on record.

At 18 years old, Alan Blueford was killed. After that, his mother went through health problems. Father went through health problems. Lost my grandmother. Lost my aunties. It just was so traumatic to my family, and each family that experienced something like this, who had to face identifying a son or a brother and living with that and seeing that for the rest of their life.

My mother's been speaking. She's been at D.C. We've been pushing forward with the Alan Blueford Foundation.

And I wrote something. You know, I wrote a little something that I think everybody could value in here because we all have a family. We all have people that we love. And this should be understanding and heartfelt. So before time runs out.

As tears wear our eyes, while families endure a pain that doesn't subside. When hearts have spoken, let their voices be heard. As the faith in each name stands in God's glory and mother's love and nature of her -- of our nourishment. Let each word be heard. Every life, every testimony, for each hour of each day facing a reality with memories of tragedies. Living in one nation under God, let their voices be heard as we stand in solidarity. Let their voices give clarity and by their possibilities, as the light of our eyes first came from the love of a family.

I'm here representing the Alan Blueford Foundation. And I just want to make sure that everybody has heard that, in this situation, we can make for a brighter future, more possibilities where this doesn't have to keep continue happening. Mothers don't have to keep appearing in front of you in tears. We could work together. What we have in front of us, we're here in solidarity.

And I thank you guys for this time.

Alan Blueford was such a pivotal person to my family. And when I lost my brother, I lost so much more. And it doesn't -- it doesn't subside. And if we can communicate and agree that we could have a better future for how this is looked at and gone about, I think that's a part of that dream that everybody has been speaking for the last 50 years.

I thank you for your time and your service. God bless.

VICE CHAIRPERSON DOYLE: Thank you.

Is there anyone else in the audience that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Seeing none, is there anybody attending remotely that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: No? Okay.

Next item is approval of the meeting transcripts from February 5th, 2026.

Is there any discussion?

(No response.)

VICE CHAIRPERSON DOYLE: If there's anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the

Next item is POST2507337, Matt White, last employing agency, Sacramento County Sheriff's Office, and is currently employed by Sacramento County Sheriff's Office.

At this time, I will call upon Law Enforcement Consultant Richard Collins in Professional Conduct Northern Bureau; and Bryant Henley, Attorney, Legal Affairs Bureau, to provide a report on POST2507337, Matt White, who was employed by the Sacramento County Sheriff's Office.

Mr. Collins.

MR. COLLINS: Good morning, Chair, and Members of the Board. My name is Rick Collins, and I am one of the law enforcement consultants assigned to the Professional Conduct Northern Bureau in the Peace Officer Standards Accountability Division.

With me today is Bryant Henley, an attorney in our Legal Affairs Bureau.

I am here today to present Case Number POST2507337, involving Deputy Matt White, who at the time of the incident was and still is employed by the Sacramento County Sheriff's Office.

It is the Division's determination that clear and convincing evidence exists to demonstrate that Deputy White committed an act of serious misconduct, as set

forth in Penal Code section 13510.8 on August 4th, 2024. Specifically, the Division has determined that Deputy White committed the following act of serious misconduct:

Acts that violate the law that were sufficiently egregious and/or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public.

In this presentation I will present a brief outline of the Division's findings of investigation into this matter.

Deputy White began his career with the Sacramento County Sheriff's Office on September 5th, 2004. Deputy White holds the following POST certifications: Basic, Intermediate, and Advanced.

Deputy White had three complaints during his career, dating back to 2016:

One was for discourteous treatment, which resulted in an exonerated finding.

The other two were for conduct unbecoming an officer related to his 2016 and 2024 DUI arrests.

According to Sacramento County Sheriff's Administrative Investigation Report, 2016 PSB-158, relating to the 2016 incident, Deputy White received a 160-hour suspension without pay, of which 80 hours were held in abeyance for one year.

Sacramento County Sheriff's Administrative Report Number 2024 PSB-0421, pertaining to the 2024 incident, states Deputy White received a 160-hour suspension without pay and was reassigned to a nondriving assignment in the jail facilities.

On August 4th, 2024, Deputy White was arrested by a Folsom police officer for violating California Vehicle Code sections 23152(a), driving under the influence; and 23152(b), blood alcohol content of .08 percent or greater. Deputy White's BAC measured .11 percent by volume.

On June 11, 2025, Deputy White was convicted of California Vehicle Code 23152(b), driving under the influence with a BAC of greater .08 percent.

Sergeant Hanes was assigned to conduct an administrative investigation into Deputy White's arrest and DUI. The investigation was submitted to POST subsequent its completion.

During his administrative interview concerning the August 24 incident, Deputy White told investigators he thought he was okay to drive the night of his arrest.

He said he fell short and made a mistake by having his last drink before leaving the bar. He admitted there was no reason for him to be driving that night and that his actions were not in line with department policy

or the department's vision, mission, and values. He said his actions brought discredit to the organization.

Additionally, he told investigators he started attending Alcoholics Anonymous meetings again after his arrest, in conjunction with completing an alcohol treatment program in Southern California.

POST's Professional Conduct Northern Bureau interviewed Deputy White on December 18th, 2025. The interview took place at POST headquarters. Deputy White's attorney, Joseph Hoffman, who is present today, was present for the interview in its entirety.

POST and Joseph recorded the interview.

The following is a summary of the interview and not a verbatim response to every question that was asked.

Deputy White maintains he has not had a drink of alcohol since January 12th, 2025. Since then, he has abstained from consuming alcohol. His efforts to stay sober are supported by weekly meetings with a counselor through an alcohol treatment program.

Additionally, he attends Alcoholics Anonymous meetings once a week.

His efforts are also supported by meeting with a counselor from the mandated 18-month DUI completion program, which he anticipates completing in February 2027.

During the aftermath of his second arrest, he met with fellow employees who offered support and guidance for him. Deputy White does not maintain a log pertaining to when he meets with his counselors.

At the time of his arrest in 2024, Deputy White's driver's license status was valid, without restriction.

At the time, he was working the north patrol sector as a field training officer. He is currently assigned to the Rio Cosumnes Correctional Facility. Although his driver's license is currently restricted, he has the ability to drive a county vehicle if the current administration were to sign a form acknowledging that Deputy White is required to use an ignition interlock device in his personal vehicle.

If the administration signed the form, Deputy White could drive a County vehicle if it became necessary.

On April 16th, 2016, California Highway Patrol Officer Fuhrman arrested Deputy White for violating California Vehicle Code 23152(b), driving under the influence; and 23152(b), blood alcohol content greater .08 percent. Deputy White's BAC measured .12 percent by volume.

On July 16th, 2016, Deputy White pled no contest to a misdemeanor violation of Vehicle Code section 23152(a). He was sentenced to three years' informal

probation and 48 hours of sheriff's work project.

At the time of his 2016 arrest, Deputy White was employed as a deputy sheriff.

The Sacramento County Sheriff's Office initiated an administrative investigation into Deputy White's arrest by the California Highway Patrol.

Sergeant Marcus Gregory conducted an administrative investigation. That investigation was submitted to POST subsequent to its completion.

During his administrative interview, Deputy White told the investigators he was aware that alcohol was a little bit of a problem in his life. He said he was introduced to Alcoholics Anonymous in September of 2025, where he attended meetings off and on. He continued by saying that he's been sober -- he had been sober for 45 days prior to his arrest in April 2016.

Since that arrest, he went back to AA, found a sponsor, and abstained from alcohol since the arrest. He also expressed the feeling of embarrassment he had for himself.

The facts I have just recited support the Division's finding that Deputy White was involved in serious misconduct, specifically acts that violate the law.

For the purpose of the Division's analysis, clear

and convincing evidence means evidence of a charge that is clear and convincing so long there is a high probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Deputy White's POST certification be suspended or revoked. The Division's recommendation is based on the following:

The clear and convincing evidence substantiated that Deputy White engaged in conduct that lead to his arrest and convictions for DUI in 2024 and 2016 respectively.

Impaired driving is illegal due to the innate dangers to drivers themselves and the public as a whole.

Under Penal Code section 13510.8(b)(6) and POST Regulation 1205(a)(6), acts that violate the law constitute serious misconduct when they are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public.

Impaired driving and repeated acts of impaired driving are acts that violate the law, that are both sufficiently egregious and repeated as to be inconsistent with Deputy White's obligation to uphold the law or respect the rights of members of the public.

As an officer charged with enforcing -- enforcing

DUI laws, Deputy White's actions and driving impaired on two occasions establish that he committed serious misconduct.

With that, I'm happy to answer -- I'm happy to answer any questions that the Board may have.

VICE CHAIRPERSON DOYLE: Does the Board have any questions or comments?

Ms. Clavo.

MEMBER CLAVO: Does he currently have an ignition interlock on his personal car? Do we know?

MR. COLLINS: Yes.

VICE CHAIRPERSON DOYLE: Okay. Ms. Pena?

MEMBER PENA: So currently, he -- what is his -- the department has -- has he under- -- been suspended? Has he served that -- that suspension yet?

MR. COLLINS: Yes.

MEMBER PENA: Okay. And so how long under the current situation that the department has imposed, how long will he remain with an interlock device?

MR. COLLINS: He will remain -- that's a good question for his attorney to answer, and his attorney is present today.

MEMBER PENA: Okay.

VICE CHAIRPERSON DOYLE: Okay.

MEMBER PENA: And he's still in AA, as far as you

know?

MR. COLLINS: As far as I know.

MEMBER PENA: Thank you.

VICE CHAIRPERSON DOYLE: Okay.

MEMBER JOHNSON: Johnson.

VICE CHAIRPERSON DOYLE: Johnson.

MEMBER JOHNSON: Yes.

Maybe a clarification. Did he say that he was off and on going to AA meetings? Did I hear that earlier?

MR. COLLINS: You did hear that. And that was prior to his 2016 arrest -- or after his 2016 arrest.

MEMBER JOHNSON: After. So he was off and on going to meetings after 2016 arrest.

MR. COLLINS: Yes.

VICE CHAIRPERSON DOYLE: Seeing no other questions, I know Deputy White is here as is his attorney, Mr. Hoffman. You will each be given five minutes to speak, and the time limits will be strictly enforced, so please ensure that you complete your comments within the allotted time.

While commenting, keep in mind, the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the

following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those acts -- do those facts demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8 and the Commission's Regulation 1205 occurred?

Deputy White, Mr. Hoffman, welcome.

MR. HOFFMAN: Thank you. Good morning, Chair and Board. My name is Joe Hoffman.

I've been Matt White's attorney for the last two years, through his court case, administrative discipline case with the Sacramento Sheriff's Department, as well as with the -- thank you -- the DMV.

I have a few very brief comments this morning about some facts and circumstances about the case that are going to be relevant to the Board's recommendation.

A couple things of note from his 2016 and 2024 cases. We have two cases, about eight years apart.

In both instances, Matt was respectful and cooperative with law enforcement.

In both cases, his blood alcohol level was not high. It was just over the legal limit.

And in neither case was he driving at excessive speeds or in a way that we normally identify as reckless driving.

In the most instant case, he indicated he felt fine to drive. He did not intentionally drive. Again, there are instances of driving under the influence where people are so high above the level, they know they are. And, unfortunately, alcohol impairs people and they don't always know when they are impaired due to the impairment.

However, Matt recognizes that he, like many people, should not have any amount of alcohol. And Matt is going to address the proactive steps he's taken, such as a 45-day residential treatment, where he was away from his 23-year career, as well as his young family, to ensure that this never happens again. And the information is a little thin in the materials, so he will address that. He will talk about his aftercare treatment.

And, most importantly, he will talk about how this is different than the 2016 instance in the treatment that he's received.

For Matt's conduct, in the most instant case, he was demoted. He was moved to the jail for five years by the sheriff's department. He received 14 days of jail, for which he could do alternative sentencing.

He has an 18-month DUI program where he meets once a week on his Saturdays. He has an ignition interlock

device in his private vehicle. For the next year and a half, he's not driving a vehicle through work because he's working in the jail for the next five years.

I will note that Matt has no prior discipline with POST.

During his 23 years in law enforcement, he's worked as a detective. He's worked patrol. And his discipline is limited to those two incidents, eight years apart.

Presently, Matt is working in the jail and he would -- he's looking forward hopefully to the opportunity to continue to work in the jail and to redeem himself.

The Commission will review all recommendations by the Board. And, ultimately, Mr. White is hoping for an opportunity at probation and to comply with terms that are consistent with his sustained sobriety over the last year and a half.

We are requesting the recommendation include a request that the Commission consider probation;

And a recommendation that reflects that officers are human beings, with real-life problems, and it is up to the individual to take responsibility for their faults, which Matt has done;

And, ultimately, we ask for a recommendation that is -- reflects that over the last year and a half, Matt

has been made consistent commitment to his sober life.

And we believe that a recommendation would be just, that's consistent with not treating his career in law enforcement as disposable.

Thank you.

VICE CHAIRPERSON DOYLE: Deputy White.

MR. WHITE: Good morning, Board and Board Members.

Let me just start out by saying thank you for your time and consideration and also thank Investigator Rick Collins. He's been nothing but professional and courteous to me throughout this process, and you guys have a great employee with him.

I -- we are here today because of me. There's no one to blame. There's no one to fault. There is a complete, utter embarrassment of shame that I have brought to my profession. And above all, my truly loved sheriff's department. I have served the sheriff's department for 22 years, and it is, in my opinion, the greatest law enforcement agency in the United States. I absolutely love them. And to know the embarrassment that I brought to them because my own personal problems still bothers me today.

But since those problems, I have -- I have addressed these things to make sure that this will never happen again in my life.

And the craziest thing I'm going to say today is that in -- August 4th, 2024, was the best thing that ever happened to me. That's the hardest lesson I had to learn. It has led to a better life, a better sobriety of life.

And not only did I take that motivation. I made sure to admit stipulance [sic] in that. To make sure that there's a staple. And one of those big staples was, of course AA. And then I also have a sponsor right now.

But I think the biggest advocate was putting myself into a rehab down in Southern California that's directly for first responders. It is the only one in the United States. It is strictly for fire and law enforcement and dispatchers. It was a challenge to have a new family and to be away from them for 45 days. But it was to better myself and to better my life.

And I think the biggest question or the biggest answer I have, hopefully for you today, is what's the difference between 2016? And that was, I got therapy.

AA has been wonderful. I have had -- I meet with a therapist. Though I have not documented the AA meetings, I strictly have documented, every week, I have met with a -- on Zoom, with the therapist that I met with my rehab. Every week for the last year and a half,

except for two weeks, I have met with her. And that is what made my sobriety. And sobriety, to me, was admitting that 22 years in law enforcement takes a toll on people and takes a toll on your personal life. And I'm proud to say that, as you have heard, in 22 years, I don't have a sustained complaint except this.

And I -- I would like to really present, again, the value that I have, again, from 2024's arrest, that is -- probably honestly saved my marriage, saved my life, saved my relationship with my family. And it brought, above all, pride back in myself of how to address problems.

And I have been on a mission since then to redeem myself, quote/unquote, to get to work, to be the change, to be the employee that I need to be, from subjecting myself to plenty of fines and penalties, not having a driver's license.

At one point, leaning on five to seven coworkers to give me rides during the week. For almost five months, I rode a bicycle for 5 miles each way to get these rides. And been injured during this last year and a half. But I did not deter from my mission at being at the sheriff's department and being a part of that.

I think I will end with, I love my sheriff's department, and I love my profession and all that it is

giving me. And no other consequence has been more hurtful or personal to me than having my peers have to stick their neck out for me.

I think one of the biggest compliments, but, yet, slate of hurt was knowing that my department did stick up for me and said -- to this day, maybe outside of my father complimenting me at a time or two, the best compliment I ever had was from a captain who said, that "your career was saved because of your service and your reputation."

And since that, that fueled the aspiration to continue to be a change.

20 years ago -- 22 years when I started this, DUIs looked different. Law enforcement looked different. And I want to spend the remaining of my job teaching these newer employees the pitfalls of alcohol. The pitfalls, above all, of driving. The dangers of that.

And I would like to end by simply saying again thank you, and thank you to Rick Collins.

I am hoping that you will consider probation where I can continue to work and continue to be that change.

I don't think I had a cop problem. I had a drinking problem. And I believe I have taken every step possible to try to correct that.

Thank you for your time.

VICE CHAIRPERSON DOYLE: Board questions? Comments?

Ms. Clavo.

MEMBER CLAVO: I will make a comment.

I commend you on your sobriety. I commend you on sitting here and taking responsibility for the role in which you played.

I do have a problem with your attorney starting off with, "It was not high. Just over the legal limit." I have a problem with that statement, sir.

We, as citizens, are not afforded the same rights in which police officers are afforded.

And I am right down the street from RCCC. Elk Grove PD has checkpoints on Bond every other month. They just had one within two weeks ago or this last week. And if I would have gotten stopped there over the legal limit, I don't have this arena to appeal to.

So to -- for your attorney, who is representing you and to start off with an excuse, is really bad taste to me.

The alternative sentencing. So it is my understanding that for five years, you will be at RCCC?

MR. WHITE: Yes. That is correct.

MEMBER CLAVO: And that was since the conviction of July 11, 2025?

MR. WHITE: Correct.

MEMBER CLAVO: So 2030 is when you will be able to go back on duty if it -- so chose?

MR. WHITE: You know, I'm sorry. I may have miscalculated. I believe it is 2029.

MEMBER CLAVO: 2029. Okay.

And -- okay. That's all I have.

VICE CHAIRPERSON DOYLE: Ms. Pena?

MEMBER PENA: So how it -- will you -- if this board didn't exist, how would you progress in your department? Like what are you going to -- you will continue at the assignment you are at now? And when would you get your license back, etc.? I'm just curious.

MR. WHITE: Yeah. Right now I'm with -- I'm on -- I'm on DUI probation criminally. And with that comes an 18-month program. With that, I meet with counselors and also have meetings every Saturday for two to three -- two to three hours.

And to -- and is the question if this board didn't exist, what -- what --

MEMBER PENA: What would your life look like in the department going forward?

MR. WHITE: It would -- it would be remaining at the jail. They have a policy, and also which I fully

support, that if you are on DUI or probation, you would not be in field services. And I absolutely agree with that.

MEMBER PENA: And how long does the probation last?

MR. WHITE: It is 18 months.

MEMBER PENA: Okay. So after the probation, what happens?

MR. WHITE: I would still be restricted by the sheriff's department, by my discipline, until they lifted that in 2029.

MEMBER PENA: Okay.

MR. WHITE: That is my understanding.

MEMBER PENA: Okay. And the facility that you went to down South, was that a private facility?

MR. WHITE: It was. And thank you for asking that. Because it's something that I paid for myself. I paid for something that went into my own leave to be there. It is very prominent and they -- they have a stat that 94 percent of their patients have returned successfully to work.

And there was neuroscience that they did, that they had conducted, to address PTSD. That's where I fell in love with therapy. I met with a therapist that I continue to deal with. And it was nine hours a day for 45 days. I would have stayed there 90, but I had a

family and other obligations.

MEMBER PENA: What is -- what was the name of this facility?

MR. WHITE: First Responders Wellness. It is in Newport, California.

MEMBER PENA: Okay. It's interesting.

And then the -- so you continue to meet with a therapist now.

MR. WHITE: I do.

MEMBER PENA: And is it a social worker? Or is it a psychologist?

MR. WHITE: No. It's a -- it is a trauma and addiction therapist that was -- that worked for that First Responders Wellness where I met her. And she's a -- an addiction and trauma therapist.

MEMBER PENA: Okay. And then you continue to have a AA sponsor as well?

MR. WHITE: I do. I do.

MEMBER PENA: And how often do you interact with that person?

MR. WHITE: I interact with them probably every couple weeks. The biggest challenge I have, going back to the jail, is they work 12 hours, and I live over an hour commute. And with a small family, I have days of 14, 15 hours a day. And so to presently be at a

meeting, it's either been on Zoom or wherever possible.

But just because my sponsor may have interacted and there's plenty of support throughout that program, that has been very helpful to me.

MEMBER PENA: Have you worked the steps?

MR. WHITE: Yes, I have. Yes.

MEMBER PENA: All of them?

MR. WHITE: Yeah. Yeah. It was -- the tricky part was, I went through a couple sponsors to get to the end. And I think the biggest thing that I addressed earlier, from 2016, was though I'm appreciative of AA, for me personally, therapy was the biggest salute to sobriety that I have.

MEMBER PENA: Okay. Thank you.

MR. WHITE: Thank you.

VICE CHAIRPERSON DOYLE: Crawford.

MEMBER HATCHER-CRAWFORD: I have to commend you as well for being here, and it seems you are taking accountability for -- alcoholism is a disease. And I don't think a lot of people recognize it is a disease.

And due to legislations, you know, as Member Clavo stated, not many people are afforded what you are getting.

And one of the things that I really appreciated, you said, you know, on a day that you were stopped, that

was life-changing. It was a godsend. Not verbatim your words, sorry.

And in this process, you mentioned that you are going to continue, hopefully educate young officers. I do believe that the job is stressful. I, in fact, was just talking to my sheriff in Ventura County about having places of mental help for officers with DUIs.

I guess my question to you is, if this Board was to, you know, two ways. I just really hope if they decided to decertify you, would you stop? Or if they decide to put you on probation, would it still continue your -- you know, your journey of helping others?

Because a lot of times, we're seeing crimes, we're seeing in the job places in this environment. Alcoholism is real. Like I said earlier, it's a disease.

So I guess, would you still continue?

MR. WHITE: Yeah. I'm going to be very personal with you. I'm glad you asked that. Because in the process of building up for admission like this and to be in front of a board, I have made -- lack of terms -- "maken" peace with whatever decisions my superiors make.

And my motivation for probation is where I can then continue to address the employees that I have. And I know when I recognize that, if I'm not in a position of

that, I will continue to do that.

I recognize that whether you said the good Lord or -- that that was the best thing that ever happened to me, and I have some obligation to continue to be a change.

And for me, my passion has been law enforcement. And I agree with you that it is a stressful job. And I'm -- I think we should be proud of the progress that is made during this time, but there's so much more to go. And, boy, some of the challenges these younger guys have is "immenseful." Probably a little bit double than mine.

So to answer your question, absolutely. There's no way that I wouldn't.

MEMBER HATCHER-CRAWFORD: Thank you.

VICE CHAIRPERSON DOYLE: Johnson, do you have a question?

MEMBER JOHNSON: Yes. Johnson.

So I believe your attorney has stated that you weren't driving erratically. You weren't speeding. You didn't put anyone in danger.

But I believe, to our understanding and according to the law, any time you drive while intoxicated, you are violating the law and putting others at risk.

And if you had been driving perfectly, we probably

wouldn't even be discussing your name today, because you would have never been pulled over. So it was pretty obvious that you was, you know, under the influence and driving erratically.

So I just wanted to clarify that.

But under Penal Code section 13510.8(b)(6), repeated violation of the law that are inconsistent with a peace officer's duty constitutes serious misconduct.

This case meets that standard.

MR. WHITE: You bet it does.

MEMBER JOHNSON: Okay. So we're here tasked to follow the legislation based on an offense that has been repeated and egregious and has put the public at risk.

I believe today you are asking us to have some mercy, which I'm sure you are asking. But we are required to follow SB 2 legislation. And the reason why this SB 2 passed, for situations just like this: For too long, for too many years, we know alcohol has been a problem within the policing agency. And many has went to recovery, kept their job, and lived life. But that law changed that, and so we have to consider what the law says.

MR. WHITE: I'm actually thank -- and I'm actually thankful that that law has changed. And I'm thankful that you addressed that. And I do understand that.

And I think it is difficult, at some point to say, I am asking for mercy or the grace or spirit of the -- my potential, compared to what I've been.

And one of the first questions I had learning of POST in these hearings is why -- why is there a hearing? Why is there you guys? Because you are right: There's no ifs, ands, buts. I violated that twice. And for that, I guess I would say I am redeemable and would like to make a change and continue to be that change.

But I respect your opinion and your decision regardless of what that -- my personal feelings may be included in this.

MEMBER HATCHER-CRAWFORD: I just have one more comment.

VICE CHAIRPERSON DOYLE: Sure. Go ahead.

MEMBER HATCHER-CRAWFORD: We have had many come before us in this same, similar situation you are in.

And one of the things I still -- I mean, I appreciate your candor and how sincere you are about doing your job.

So I just want to leave in the spirit with you, whether they -- whatever we decide as a board, I pray that you continue and you have a calling. And if that calling is setting up a nonprofit, whatever. And maybe I'm out of line. Helping others. I hope that you do

that.

MR. WHITE: Deal.

VICE CHAIRPERSON DOYLE: Deputy White, just for clarification, during the whole process, do you believe you were treated any differently because you are a peace officer, as opposed to someone else that was not?

MR. WHITE: It -- during POST?

VICE CHAIRPERSON DOYLE: No. I mean --

MR. HOFFMAN: The arrest process?

VICE CHAIRPERSON DOYLE: No. Just, you were arrested twice and there was a comment made that somehow you were treated differently.

Do you feel you were treated differently than anyone else that would be arrested for DUI?

MR. WHITE: Oh, no. That day I showed up at work project and with my peers and my coworkers, I knew I was not being treated differently. When I sat in that holding cell for seven hours, I knew I was not treated differently.

One of the things that I wanted to add to this was not being treated differently.

But one thing that I did do differently was when I was pulled over by the Folsom police officer, he apologized to me. But I was quickly to remind him that I had put him in that situation, and I respected his

decision regardless of what happened.

And he even offered a point to have a ride pick me up at the Folsom Police Department. But that was later. My ride did show up. And it was later determined by all involved parties that, no, I would be booked in the Sacramento County jail. My jail that I worked for.

VICE CHAIRPERSON DOYLE: Okay. Thank you.

Any other comments or questions by the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Thank you.

MS. DEL MUGNAIO: Mr. Doyle, may I make one comment?

I'm sorry. Did you want to say something, Bryant?

MR. HENLEY: No. You may have the same point. And I'm happy to defer to you, Assistant Executive Director.

MS. DEL MUGNAIO: It just speaks to Board Member Johnson's comment about your obligations under Senate Bill 2 and acts that violate the law.

And all of you have before you the disciplinary guidelines that were adopted by the Commission. And I would just note, page 15, acts that violate the law, establishes minimum and maximum penalties that you can consider.

Very last paragraph says, in cases where alcohol or substance use has resulted in or contributed to a

violation of law, even in some instances of repeated or egregious violations of law, a term of suspension and/or probation with optional terms and conditions relating to abstaining from alcohol and substance use and participating in regular testing may be appropriate based on the rehabilitative efforts of the subject officer and the lapse of time since the alcohol or substance use and violations of law occurred.

So, again, it is something you can consider. I just want to make sure it is on the table. There's -- again, it can be revocation. In situations where the recommendation to the Commission would be something other than that, it would be considered a revocation stay and a consideration for some sort of suspension or probation.

Thank you.

VICE CHAIRPERSON DOYLE: Ms. Pena.

MEMBER PENA: Do you get tested by the department?

MR. WHITE: I never have been tested, but I believe there is a legal process through Internal Affairs. But I'm not aware of it. I have not been tested.

MEMBER PENA: And through the court, are you tested at all?

MR. WHITE: No. I'm not actually.

MEMBER PENA: Okay. Just curious.

MR. WHITE: But I do have an active breathalyzer, which tests me every day when I drive.

MEMBER PENA: Right. Okay. Thank you.

VICE CHAIRPERSON DOYLE: Is there anyone from the public who would like to address the Board at this time?

When it is your turn, you may state your name and organization if you wish. You will each be given three minutes to speak and the time limits will be strictly enforced, so please ensure that you complete your comments before the allotted time.

Is there anyone from the public that would like to speak?

Yes.

Mr. White, you can...

MS. WHITE: Hi. Good afternoon, Board and Chair members. My name is Morgan White. I am Matt White's wife and the mother to our two young children.

I want to reiterate the work that Matt has done on himself, how proud I am of him, and the impact that this DUI has had on our lives.

It has made our lives, no matter how absurd it sounds, better. It has been better for our family. And the accountability that he has taken in the last two years, since this incident, has been incredible.

His sobriety alone has made him a whole new man.

And it has also led to my sobriety, which has led to our sober household, realizing that raising our family and showing our children that sobriety is a better lifestyle.

And has -- I'm sorry.

He has taken accountability and has made changes in his life. We have, as a unit, have made changes into our lives.

When Matt went to rehab, he was away from myself and our 1-and-a-half-year-old son for 45 days. That was a huge step for him to take, not only for himself, but for his family and for his career.

I want to emphasize that all the steps that Matt has taken since his DUI were first for himself, second for his family, and third for his career.

He is proud to be a Sacramento sheriff's deputy, and I ask that you consider the effort, the changes to his life, and the accountability that my husband has made to better our lives in your decision.

Thank you very much.

VICE CHAIRPERSON DOYLE: Thank you.

MS. WHITE: Thank you.

VICE CHAIRPERSON DOYLE: Is there anyone else who would like to address the Board? Please come forward.

MS. NANCE: Hello. My name is Arleta Nance.

I'm the mother of Tahmon Wilson and Thomas Wilson, killed by the Martinez police, August 18th, 2023.

Does POST have any -- like, in your training of officers, do you guys have where they can get tested for steroids and alcohol?

That's the question I have.

MS. DEL MUGNAIO: So that would be incumbent upon the department as part of their employment. Law enforcement agencies do have random drug testing, alcohol testing. Yeah.

MS. NANCE: I just wondered if there was a part of the training. Because you see a lot of officers look kind of juiced up and they act very erratic and talk like robots. So I know that's a part of steroid use.

So I was just wondering if it was in you guys' training.

MS. DEL MUGNAIO: Again, it's the employment side of things.

From the POST's perspective, it is part of a probationary term. Drug and alcohol or substance abuse testing is part of the probation. Yeah.

MS. NANCE: It is through whatever agency they are employed by?

MS. DEL MUGNAIO: And steroids is one of many things that can be tested, yes.

MS. NANCE: Okay. Thank you.

MS. DEL MUGNAIO: Thank you.

VICE CHAIRPERSON DOYLE: Is there anyone else who like to address the Board?

MS. B. JOHNSON: Good afternoon. Beatrice Johnson. I wrote this.

I stand before you not just as a community member, but as someone whose life has been permanently impacted by drunk driving. My sister, Dorothy Jean Dale-Chambers, and other family members were killed by DUI.

The officer also stated that the thought -- he thought he was able to drive. I want to be clear, everyone who gets behind the wheel after drinking says that. That belief is not unique. It is not a defense. It is the very mindset that leads to tragedy over and over again.

So when I hear this officer say, "I don't have a cop problem, I have a drinking problem," it does not sit well with me. It raises serious concerns.

The statement attempts to separate identity from responsibility. But the reality is you cannot separate the two when you are sworn to protect the public.

By calling a drinking problem -- the officer is calling it a drinking problem, the officer is reframing

the issue in a way that reduces accountability. It shifts focus away from what this actually is: An abuse of authority, poor judgment while entrusted with power and a direct risk to public safety.

Being intoxicated while in a position of authority is not just a personal issue. It is a policing problem. It affects judgment. It affects decision-making. It affects how force is used. And it damages public trust.

Alcohol does not excuse behavior, especially for someone who carries a badge and has the responsibility to protect lives.

There's also a underlying message in that statement that cannot be ignored. An implication of "I'm not like those people. I just had an issue."

But from where I stand, as someone who has buried loved ones because of decisions made under the influence, there is no separation like that.

The consequences are real. The harm is real. The loss is permanent. And a drinking problem does not make this less serious. It makes it more dangerous. Because when someone with authority makes impaired decisions, the risk to the public is even greater.

This is not just about one officer. This is about the standards we are willing to uphold. Accountability must be clear. The line must be firm. And public

safety must come first.

And I just want to say that officers are not above the law. If it seemed like he got a lesson, I think he would be better as a civilian working in the police department, helping officers so they don't drink. But I really just feel like that officers are not above the law. And we have to stop now with allowing them to do that; be above the law.

VICE CHAIRPERSON DOYLE: Thank you.

Any other comments from the public?

(No response.)

VICE CHAIRPERSON DOYLE: Seeing none, at this time, does the Board wish to adjourn into private deliberations?

(Yeses.)

VICE CHAIRPERSON DOYLE: Okay. We will adjourn into closed session for deliberations on the case, and we will be back as soon as we're done.

Thanks.

(Time noted: 12:06 p.m.)

---o0o---

(Closed session held: 12:45 p.m. to 1:15 p.m.)

---o0o---

(Time noted: 1:21 p.m.)

---o0o---

VICE CHAIRPERSON DOYLE: We are back on the record of POST case 2507337, Deputy Matt White, who at the time of events at issue in this case was and still is employed by the Sacramento County Sheriff's Department.

And do the board members have comments before we take a vote?

Ms. Pena.

MEMBER PENA: Yes. Thank you, Mr. Chair.

I just want to say, I think this is maybe the first DUI case that we have considered that I do not plan to vote on revocation. And I want to say the reason for that, because I do think DUIs are very, very serious, particularly for police officers.

But in this instance, the thing that distinguishes it from the other cases that have come before us is the officer has shown remorse and taken accountability from the get-go. From the moment that he was pulled over by the officer, he didn't blame it on somebody else. He didn't try to make excuses. He took responsibility for it.

And since that time, he's on the -- on the 2024 stop, I think it was, he has taken responsibility. Has sought out and received -- gone to a rehabilitation class down in Southern California for 45 days at his own

expense. He attends AA meetings, and I hope he continues to attend AA meetings. He's worked the steps. He has a sponsor. He does regular therapy, which I think is fabulous. I think everybody should be in therapy.

And so for these reasons -- and he has not made excuses about, "Well, I've been under stress because of this or that."

DUIs and alcoholism is a very personal thing, and nobody can help you but yourself. And he has taken it upon himself to take responsibility and is doing everything in his power to make sure that it doesn't happen again.

And so for those reasons, that's why my vote will not be for revocation.

Thank you.

VICE CHAIRPERSON DOYLE: Crawford.

MEMBER HATCHER-CRAWFORD: I would like to say that as well as my Board Member Margaret said, DUIs are something that is very serious. And just as a public and as the community, we expect the same thing from our officers as they expect from us.

But there are some times but, you know, that we are compelled by looking at other facts and making our decisions that we make.

And so I hope, if anything, the officers learn from this officer, this is not something that will be continually acceptable in the minds of the community of -- of how we want our officers. Because they stand at a higher standard than most.

And I will always argue that -- make it equal and fair, but this officer did show some things we hadn't seen in the past.

So I will also be taking that in mind when we vote.

VICE CHAIRPERSON DOYLE: Mr. Lara.

MEMBER LARA: I have no comment.

VICE CHAIRPERSON DOYLE: Ms. Clavo.

MEMBER CLAVO: This is a very difficult decision for me today. As I have said in our DUI cases in the past, I am hard-pressed for DUIs. And I really don't care what your profession or who you are. DUIs lead to tragedies. Tragedies lead to deaths.

I do still commend you. And as I believe Ms. Pena and -- stated, I did feel your remorse. I did believe you. I do believe that you did mean well in your progression of your sobriety.

So we'll see.

VICE CHAIRPERSON DOYLE: Mr. Johnson.

MEMBER JOHNSON: Yes.

Well, this case meets SB 2 standard because it

involves unlawful conduct that demonstrates a pattern inconsistent with the judgment and responsibilities required of a police officer.

This is not a single lapse of judgment. It is a repeated decision to engage in dangerous, unlawful conduct that put the public at risk. An officer who twice chooses to drive impaired has demonstrated a willingness to place the public in danger.

I am, of course, hard-pressed when it comes to a repeated act of violating the law, and, at some point, feel we have to take a stance and the position of what accountability truly looks like.

And I will pin my comment there.

VICE CHAIRPERSON DOYLE: Okay. I'm prepared to make a motion.

I propose a three-month suspension stayed, provided Deputy Matt White agrees to participant in a probation program determined by POST staff.

Is there a second?

MEMBER LARA: I will second the motion.

VICE CHAIRPERSON DOYLE: We have a motion and is a second.

Take the roll.

MR. KNAPP: Clavo.

MEMBER CLAVO: I'm sorry. I didn't hear my name.

I'm going to abstain.
MR. KNAPP: Clavo, abstention.
Crawford.
MEMBER HATCHER-CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Doyle.
VICE CHAIRPERSON DOYLE: Aye.
MR. KNAPP: Doyle, aye.
Johnson.
MEMBER JOHNSON: Nay.
MR. KNAPP: Johnson, nay.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
And Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
That's four in favor.
VICE CHAIRPERSON DOYLE: Motion passes.
MR. HENLEY: Mr. Vice Chair?
VICE CHAIRPERSON DOYLE: Yes.
MR. HENLEY: If I may, for a point of clarification --
VICE CHAIRPERSON DOYLE: Sure.
MR. HENLEY: -- just for the record for the

Commission, in terms of this recommendation, so I understand that the motion was three months of suspension stayed, subject to a period of probation. How long would the period of probation go for? Just so the Commission can be aware of the recommendation.

VICE CHAIRPERSON DOYLE: I don't think we talked about a time. We knew that there has been a program established by the POST Commission.

MR. HENLEY: And without any -- not leaning either way.

VICE CHAIRPERSON DOYLE: Sure.

MR. HENLEY: But my understanding, in prior cases, that the Commission has had where they have done a revocation stayed. And obviously, we're doing things differently here. This board is doing things differently. But the period of probation has been for five years. But that isn't necessarily what this board would need to recommend.

But by way of -- just for context, in other cases, I believe five years has been the period of probation.

And I will just check with our Assistant Executive Director, Ms. Del Mugnaio. A five-year period of probation, is that consistent with what we have seen the Commission provide in prior DUI cases, double DUI cases?

MS. DEL MUGNAIO: It is. I think that's more of a

standard. It can range from, obviously, anywhere from three years to ten years.

But what we have seen most often in our DUI cases is a period of five years of probation, with standards terms and conditions, including substance abuse monitoring, sometimes counseling, and other what we call standard terms and conditions. They have to obey all laws.

They cannot -- they can't drink at all. It is not just while on duty. So it is complete abstention from alcohol. And our substance testing protocol is not limited to certain days of the week. So they can be tested seven days a week, while on vacation, while off-duty, etc.

MR. HENLEY: And Mr. Vice Chair, sorry. Last comment, if I may.

As this board is aware, and as Ms. Del Mugnaio made clear earlier today, the Commission recently adopted disciplinary guidelines. Those guidelines include the so-called standard terms and conditions that Ms. Del Mugnaio made a reference to.

Those terms go from numbers 1 through 15. And then there are a number of optional terms and conditions, which are -- they start at number 16 and go through 25.

So depending upon this board's will, they could

select among the standard, as well as the optional terms if they wanted to, in the recommendation; or perhaps this board wishes to abstain from those types of recommendations.

But I wanted, for context, to make clear that those guidelines exist and are available to this board should they wish to select the terms and conditions of probation.

VICE CHAIRPERSON DOYLE: I think when we discussed this, it was intended to leave it up to POST staff to determine the length of the suspension.

MR. HENLEY: Thank you, Mr. Vice Chair. I appreciate that.

VICE CHAIRPERSON DOYLE: Okay. We'll move on. All right.

MS. DEL MUGNAIO: Thank you.

VICE CHAIRPERSON DOYLE: Okay. Thank you.

Next up is POST2322062, Hector Victorio. Last employing agency was San Bernardino Police Department. And I think he's still employed as a community service officer.

At this time, I will call upon Consultant Michael Marshall, Professional Conduct Southern Bureau, and Carrie Woolley, Attorney, Legal Affairs Bureau, to provide a report on POST2322062, Hector Victorio, who at

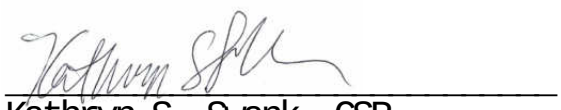
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May 2026.



Kathryn S. Swank, CSR
Certified Shorthand Reporter
License No. 13061

AGENDA ITEM REPORT

Title: POST2322062 - HECTOR VICTORIO (POST ID: C87-Q51)
LAST EMPLOYING AGENCY: SAN BERNARDINO POLICE DEPARTMENT (CURRENT)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
06/04/2026	Professional Conduct Southern Bureau

RESEARCHED BY	**REVIEWED BY**
Michael Marshall	Christine Ford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

The Respondent began his employment with the San Bernardino Police Department on March 14, 2022, as a full-time Police Officer. This position is defined as a peace officer under Penal Code section 830.1(a). At the time of these events, the Respondent was employed as a Peace Officer with the San Bernardino Police Department. The Respondent is not currently employed as a peace officer in the State of California but is employed by the San Bernardino Police Department as a Community Service Officer.

At the time of this incident, the Respondent held a peace officer position as defined under California Penal Code 830.1(a), which was required to be certified pursuant to California Penal Code 13510.1(a).

On November 27, 2023, the Respondent was involved in a vehicle pursuit of a suspect. Upon completion of the vehicle

pursuit, the suspect exited the stolen vehicle, laid face down on the ground with his hand extended above his head and his palm face down on the pavement. The Respondent approached the suspect and struck the suspect at least six times in the head with a closed fist and struck him four times in the head with his knee. As a result to the assault, the suspect sustained a fractured orbital socket, abrasions to his face, and broken teeth.

The Respondent was investigated by the District Attorney's Office but not charged with a crime. The Respondent was later demoted to a Community Service Officer for other policy violations.

Video Evidence Links:

- **BR05 POST2322062 Victorio Attachment B Pursuit BWC**
- **BR06 POST2322062 Victorio Attachment C Witness Video**
- **BR07 POST2322062 Attachment I Victorio 10 08 25 POST Respondent Interview**
- **BR08 POST2322062 Attachment J Victorio 10 07 25 POST Rodriguez Interview**
- **BR09 POST2322062 Victorio Attachment O BWC Burglary**

ANALYSIS:

The Division determined that there was clear and convincing evidence that Respondent engaged in serious misconduct as defined in California Penal Code §13510.8(b)(3) and Commission Regulation 1205(a)(3), physical abuse, including the use of excessive or unreasonable force. Specifically, the Division determined that Respondent engaged in excessive force when the Respondent physically assaulted the Victim, whom he was trying to take under arrest following a vehicle pursuit. The Division determined there was clear and convincing evidence that the Respondent's use of force was unreasonable and excessive. On April 15, 2026, the Peace Officer Accountability Advisory Board voted to decertify Respondent.

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by

clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01_POST2322062_Victorio_Hector_ISF_Final.pdf
BR02_POST2322062_Executive_Review_Division_Recommendation.pdf
BR03_POST23022062_EDI_Profile_Victorio (1).pdf
BR04_POST2322062_Attachments_A_D_E_F_G_H_K_L_M_N_P_Q_R_S_T.pdf
POST2322062_Victorio_Hector_Board_Hearing_Public_Comment.pdf
POST2322062_Victorio_Hector_April_2026_POSAAB_Agenda_Record.pdf
POST2322062_Victorio_Hector_Board_Recommendation_Signed.pdf
POST2322062_Victorio_Hector_Transcript_Board_04.15.2026.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Hector Victorio

POST ID NUMBER: C87-Q51

EMPLOYING AGENCY: San Bernardino Police Department

POST CASE NUMBER: POST2322062

WRITTEN BY: Michael Marshall

DATE: 3/12/2026

Contents

I. Executive Summary and Findings 3

II. Investigative Methodology 3

III. Respondent's Background 3

A. Respondent's Peace Officer Certificates and Employment 3

B. Respondent's Service Record 4

IV. Factual Background 5

V. Analysis and Findings 19

A. Does the alleged conduct violate Commission Regulation 1205(a)(3) – Physical Abuse. 19

B. Commission Regulation 1213 Factors. 21

VI. Supporting Evidence 24

I. Executive Summary and Findings

The San Bernardino Police Department submitted this case alleging that Officer Hector Victorio (hereinafter "Respondent") engaged in serious misconduct by using excessive force during an arrest. The Respondent and his partner, Officer G. Rodriguez (hereinafter "Rodriguez"), initiated a traffic enforcement stop that escalated into a vehicle pursuit when the driver failed to yield. The pursuit ended when the suspect's vehicle crashed. The suspect (hereinafter "Victim") exited the vehicle and assumed a prone position on the ground. The Respondent approached the Victim and delivered multiple punches and knee strikes to the face, neck, and head area. These actions formed the basis of the allegation that the Respondent used force beyond what was reasonably necessary.

The department determined that the Respondent used excessive force. As a result, he received a 40-hour unpaid suspension, with 20 hours held in abeyance pending his completion of 40 hours of Use of Force training within one year from the date of the signed settlement agreement.

II. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of the Commission on Peace Officer Standards and Training (POST). The investigation included a review of the San Bernardino Police Department's administrative investigation, which included videos and interviews of witnesses and the subject officer, as well as a criminal investigation conducted by the San Bernardino County District Attorney's Office.

The information obtained in this investigation was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that establishes the requisite facts and proves the serious misconduct charged by clear and convincing evidence.

III. Respondent's Background

A. Respondent's Peace Officer Certificates and Employment

The table below sets forth Respondent's employment history:

Dates	Rank	Agency
09/16/2021 – 03/14/2022	Trainee	San Bernardino Police Department
03/14/2022 – 11/05/2025	Police Officer	San Bernardino Police Department
11/05/2025 – present	Community Service Officer	San Bernardino Police Department

Respondent is assigned POST ID C87-Q51. He received the following peace officer certificates from POST:

Certificate Type	Certificate Number	Date Issued
Basic	209271	03/22/2023

B. Respondent's Service Record

When evaluating whether suspension or revocation is appropriate, Penal Code section 13510.8(c)(5) and Commission Regulation section 1213(a)(5) provide that the Commission must consider Respondent's prior conduct, discipline, and service record. The relevance and weight the Commission may choose to assign to a peace officer's prior conduct and service record will depend on the facts in each case.

Prior to the alleged unreasonable use of force, the Respondent had taken the following training related to the use of force:

Defensive Tactics / Arrest & Control	8 hours	April 5, 2022
Strategic Communication	2 hours	April 5, 2022
Use of Force	4 hours	April 6, 2022
Tactical Firearms	5 hours	April 7, 2022

The Respondent has not been the subject of any other internal affairs investigations regarding the use of force, nor does he have any prior history of allegations of unreasonable use of force being filed against him. However, on February 22, 2024, the San Bernardino Police Department received a complaint from the San Bernardino District Attorney's Office about an incident that occurred on October 28, 2023,

concerning Respondent's discourteous treatment of an arrestee during a burglary investigation. In addition, in May 2025, the San Bernardino Police Department received a complaint that was submitted by mistake to the San Bernardino Sheriff's Department about a vehicle stop and residential search that occurred on April 28, 2025. As a result of these incidents, Respondent agreed to a demotion to a non-peace officer position as a Community Service Officer on November 5, 2025. Further details about these incidents are provided in Section V(b), below.

IV. Factual Background

On November 27, 2023, the Respondent was on patrol with Officer Rodriguez in the city of San Bernadino.[1] The Respondent, who was driving, observed a Kia without a front license plate, which is a violation of the California Vehicle Code (CVC) section 5200(a). The Respondent got behind the Kia and observed the driver of the vehicle, the Victim, make an unsafe left turn, which is a violation of CVC section 22107. The Respondent initiated a traffic stop by activating the lights and sirens on his marked police vehicle, at which time the driver failed to yield, and a pursuit ensued.

The pursuit lasted roughly six minutes. Throughout the incident, the Victim operated the vehicle in a reckless manner by driving on the wrong side of the roadway, disregarding stop signs and traffic signals, nearly colliding with several vehicles at various intersections, and accelerating to speeds of up to 100 miles per hour on city streets and through a school zone. The pursuit terminated when the Victim collided with a telephone pole. Following the collision, he exited the vehicle and immediately positioned himself prone on the ground, with his hands extended above his head, palms down.

The Victim had his cell phone and a single cash bill in his right hand. The Respondent exited the driver's seat of his patrol vehicle, immediately yelled, "Get on the fucking ground," and ran towards the Victim. The Victim immediately responded by saying, "I'm on the ground, I'm on the ground, bro. I'm not resisting." [2]

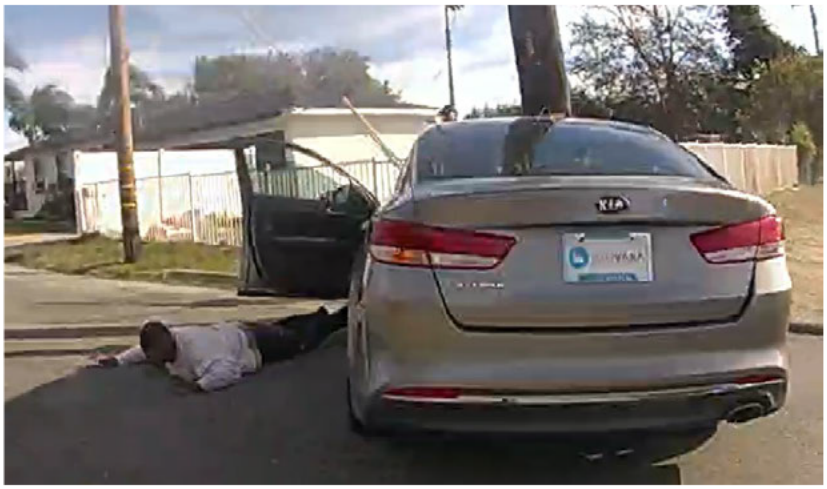
<u>Still images taken from Attachment B – Body Worn Camera video, X60A4550P, Pursuit</u>

The times noted below are from the time stamp on Respondent's BWC video.

05:23: The Victim exited his vehicle and lay face down on the ground, extending his hands outward at shoulder width.

[1] Attachment A, San Bernardino Police Department Report, Case No. 2023-00134638, November 27, 2023.

[2] Attachment B, Body Worn Camera video, X60A4550P, Pursuit, November 27, 2023.



The Respondent approached the Victim from the left as he lay on the ground. At the same time, Rodriguez moved around the front of the disabled vehicle and approached the Victim from the right, positioning himself on the Victim's back in a mounted position. Upon reaching the Victim, the Respondent placed his left hand on the Victim's head and his right hand on his back. The Respondent then delivered two closed fist strikes with his right hand to the back of the Victim's head and neck while shouting, "Stop, stop resisting."

05:26: First closed fist punch.



05:27: Second closed fist punch.



The Victim responded, stating, “I’m not moving, c’mon, I’m not moving, I’m not moving.” The Respondent then delivered two (2) strikes to the Victim’s face with his right knee.

05:31: First knee strike.



Still image taken from Attachment C – Witness Cell Phone Recording[3]

[3] A witness who lived nearby saw the incident and recorded it on her personal iPhone.

00:00: First knee strike.



The Respondent followed the knee strikes by delivering three (3) additional punches with his right hand to the left side of the Victim's face. After being struck, Victim placed his left hand on top of his head as if to protect himself.

<u>Still images taken from Attachment B – Body Worn Camera video, X60A4550P, Pursuit</u>

05:32: Third closed fist punch.



After the first punch, the Respondent gained control of the Victim's left wrist and delivered an additional punch to the left side of the Victim's face.

05:34: Fourth closed fist punch.



The Respondent released control of the Victim's left wrist and delivered one final punch with his left closed fist to the left side of the Victim's face.

05:35: Fifth closed fist punch.



At one point, Officer Rodriguez appears to attempt to stop the Respondent from striking the Victim, as shown by Officer Rodriguez using his hand to push the Respondent's hand away and placing his right arm in front of the Respondent while positing his right shoulder to shield the Victim.

05:35: Rodriguez using his hand to push Respondent's hand away.



05:35: Rodriguez using his shoulder to shield the Victim.



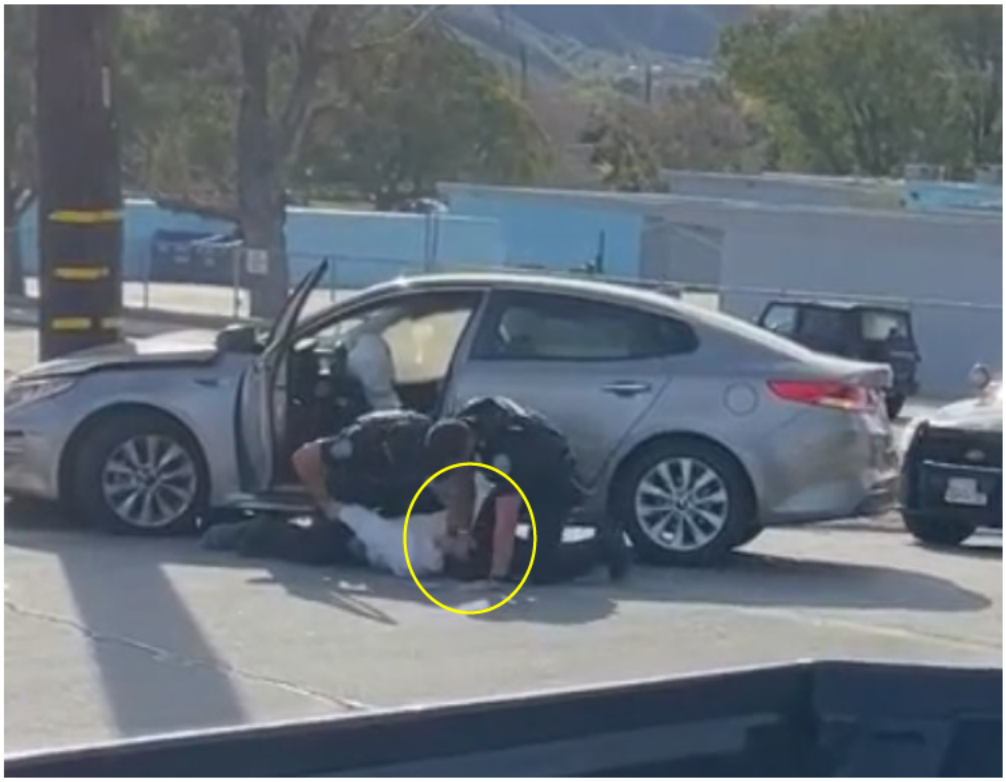
After being blocked, the Respondent transitioned to knee strikes, using his right knee to strike the Victim's face two (2) times. The Respondent placed his right hand on the Victim's face to guide the knee strikes, while Rodriguez maintained control of the Victim's right arm.

05:37: Third knee strike.



Still image taken from Attachment C – Witness Cell Phone Recording

00:07: Third knee strike.



Officer Rodriguez is observed maneuvering the Victim's right arm behind his back as

the Respondent delivered a second knee strike to the Victim's face.

00:08: Fourth knee strike.



After the two (2) knee strikes, the Respondent ended with one more punch. It appears the Respondent used his left hand to hold the Victim's face onto the ground and used his right closed fist to hit the Victim on the right side of his face.

Still images taken from Attachment B – Body Worn Camera video, X60A4550P, Pursuit

05:39: Sixth closed fist punch.



Officer Rodriguez was attempting to detain the Victim, while Respondent was striking the Victim to gain compliance.

On the BWC, the Respondent and Officer Rodriguez could be heard yelling, “Stop,” and, “Give me your hands,” and, “Stop resisting,” multiple times, with the Victim responding, “I’m done,” and, “I’m sorry,” multiple times and moaning in pain. Once a supervisor arrived on scene, the Respondent stopped punching the Victim, and held his head onto the ground until Officer Rodriguez was able to place the Victim in handcuffs.

The Respondent’s physical action on the Victim lasted less than 25 seconds before a supervisor arrived on scene. In that time, the Victim was punched at least six (6) times and kneed at least four (4) times in the face, head, and neck area. The Victim sustained a left orbital eye fracture, multiple broken teeth, and abrasions (road rash) on his face and lips.

Attachment D – Photograph of Victim’s Left Eye.



Attachment E – Photograph of Victim's Left Eye 2.



Attachment F – Photograph of Victim's Mouth.



Attachment G – Photograph of the Right Side of Victim's Face.



Attachment H – Photograph of Victim's Chipped Teeth



The vehicle pursuit and subsequent use of force were recorded on the Respondent's body-worn camera, and a portion of the incident was also captured by a bystander on a cell phone following the accident. Officer Rodriguez's body camera fell off while exiting the patrol car.

The Victim was arrested for CVC section 2800.2(a) (Evading a Peace Officer: Reckless Driving) and CVC section 2800.4 (Evading a Peace Officer: Wrong Way Driver).

The Respondent indicated in his report that he saw the Victim on the ground with a blunt object in his right hand. The Respondent also believed the Victim was attempting to get back onto his feet to run away. The Respondent stated he approached the Victim and struck him to disorient him. While the Respondent was striking the Victim, he believed the Victim was trying to stand up. The Respondent saw Officer Rodriguez struggling to detain the Victim and he thought Officer Rodriguez was being overpowered, which is why he used his knees to strike the Victim. The Respondent documented two (2) sets of knee strikes.

The case was originally assigned to a different Law Enforcmeent Consultant, who conducted an interview with the Respondent. The Respondent provided a similar reasoning for punching and kneeing the Victim as he did in his report. The Respondent initially said he was trying to effect an arrest until he felt resistance from the suspect when the Victim's left arm pulled away from him. The Respondent continued to strike the Victim to gain compliance.

The Respondent approached the Victim and attempted to keep his weight down on him to prevent him from getting on his feet. The Respondent said, "Like I previously stated, I felt his left arm immediately began to pull away from me and then at that point, I delivered my first strike to the intended area was his upper back. But I think the first two struck his neck and then from there the third one again, he continued to actively pull his arms away from us, not giving it his back and complying with my partner's commands to place his hands behind his back. So, in order to gain pain compliance and just overall compliance from [the Victim]. In general, I delivered an additional strike which struck him in the face."[4]

While watching the video, the Respondent indicated he only remembered one set of knee strikes on the Victim, although he documented two sets of knee strikes in his report. "The two knee strikes that we just saw are the only two knee strikes that I recall happening that day."[5]

The Respondent was asked about having control of the Victim's arm with both of his hands and if it was necessary to release control to deliver another punch.[6] The Respondent replied, "I - I believe it's necessary. Yes, ma'am. At that point in time, I see

[4] Attachment I, Division's October 8, 2025 Interview of Respondent, at 15:32.

[5] *Id.,* at: at 40:26.

[6] Attachment B, at 05:35.

that my partner is on – on a – fully mounted on his back and is still unable to bring [the Victim]'s arm back to his lower back. And at that point, yes, I'm able to pull his arm off, but I'm not able to bring it directly down to his back. In order to place him into handcuffs, I do believe it was necessary."[7]

When asked about the second set of knee strikes and if they were reasonable, the Respondent replied, "Because the punches before that were not effective, and in order to effect an arrest quickly and get the use of force over with and effect an arrest. And prevent escape and overcome resistance. I felt it was necessary to use a high level of force because my partner and I collectively were not able to effect an arrest up to this point."[8]

When asked why he delivered the final punch, after the Victim was saying, "I'm done, I'm done," the Respondent replied, "I mean, I – I don't recall him saying that ma'am, but I mean, I – I hear it now and I see it now. I could have already been in the process of delivering that additional punch and by the time he said it, I was already in that motion. But I – I honestly don't recall him saying that I could see. I could clearly see and hear it now, but at that moment in time, I – I don't recall it. I don't recall that, but it – I do notice that they're effective because he clearly shifts his body away from me. And then at that point, we're able to control both of his arms and place him into handcuffs."[9]

The Respondent was asked if he believed the punches and knee strikes helped or hindered Officer Rodriguez's attempt to put the Victim in handcuffs. The Respondent replied, "At that point in time I believe that they were necessary in order to effect an arrest. I think looking back at it now with all the discipline that I've the disciplinary process and learning from the classes that I've attended and just maturing as an officer. You know, in – in the two years after that incident, I think that there are other methods and other things I could have done too. I guess easily. Put him into handcuffs a little bit more effectively."[10]

The Respondent was asked if the Victim presented an imminent threat to himself or Officer Rodriguez. The Respondent replied, "As soon as he got out of the vehicle again, we didn't know if he was armed or not. The only thing that I saw was the upright position in my head because he's already exited the vehicle. I'm thinking that he's either going to confront my partner and I or continue to flee again. He had not been patted down, so I don't know if he's armed or not until we can deem it that he's not armed. I have to assume that he is armed for our safety and the safety of everybody in that community."[11]

---

[7] Attachment I, at 44:40.

[8] *Id.*, at 49:48.

[9] *Id.,* at 52:21.

[10] *Id.,* at 58:34.

[11] *Id.*, at 1:01:36.

The Respondent was asked, what he would do differently today, after receiving additional training, if he encountered the same set of circumstances. The Respondent replied, “I believe I've, I've learned a lot from this incident, not just in use of force, but report writing and articulation and communication with my partners. But I think we probably could have slowed things down a little bit like how you mentioned earlier, right, taking a position, a cover, I guess what we call that is like a felony traffic stop, right? I could have given more times in between strikes to allow possibly some compliance communicated better with my partner. That way we know exactly what we're each doing, and I think honestly a lot of what happened that day could have been solved with better communication between my partner and I.”[12]

Officer Rodriguez was also interviewed by the Division. Officer Rodriguez was focused on detaining the Victim and admitted he felt resistance from the Victim as he was trying to detain him. Officer Rodriguez believed the strikes from the Respondent were helping gain compliance. When shown the video of Officer Rodriguez blocking the Respondent from striking the Victim, Officer Rodriguez did not think he was trying to stop the Respondent. Officer Rodriguez believed he was only trying to control the Victim’s hands.[13]

The San Bernardino County District Attorney’s office initiated a criminal investigation against the Respondent for a violation of California Penal Code (PC) section 149 (Officer Unnecessarily Assaulting or Beating Another Under Color of Authority) on November 30, 2023. On January 17, 2024, after reviewing the materials, Deputy District Attorney Lisa Crane concluded that the available evidence was insufficient to prove a violation of Penal Code section 149 beyond a reasonable doubt. As a result, she declined to file charges against the Respondent.[14]

The San Bernardino Police Department conducted an administrative investigation into the Respondent’s use of force during the arrest of the Victim. At the conclusion of the investigation, the department determined that the Respondent used unreasonable force. The department noted, however, that the excessive force appeared to result from the Respondent’s lack of experience, as he had been employed by the SBPD for only 14 months at the time of the incident.[15] The Respondent waived his right to the discipline appeal process and accepted the department’s findings.

On March 11, 2024, the SBPD entered into a settlement agreement with the Respondent in which he received a 40-hour suspension, 20 of which was to be served without pay while the remaining 20 hours were held in abeyance upon successful completion of forty hours of de-escalation techniques and use of force training within

[12] Attachment I , at 1:10:57

[13] Attachment J, Division’s October 7, 2025 Interview of Officer Rodriguez.

[14] Attachment K, San Bernardino County District Attorney’s Office Memorandum, dated January 17, 2024.

[15] Attachment L, San Bernardino Police Department, Manager’s Review, Case No. 23PSB-082.

one year from the date of the signed agreement.[16] On January 29, 2025, the Respondent completed his training hours.

On July 2, 2024, the Victim signed a Settlement Agreement with the City of San Bernardino awarding him $450,000.[17] The Settlement Agreement compensated the Victim for injuries he sustained during the November 27, 2023 incident.

V. Analysis and Findings

On December 8, 2023, the San Bernardino Police Department reported allegations of serious misconduct as defined in Penal Code section 13510.8(b)(3) and Commission Regulation 1205(a)(3), Physical Abuse, against the Respondent to POST pursuant to California Penal Code Section 13510.9(a)(2). On March 20, 2024, the San Bernardino Police Department provided the completed internal affairs investigation, along with the March 11, 2024 Settlement Agreement between the Respondent and the City of San Bernardino (Attachment M) regarding the November 27, 2023 incident. As stated in the March 11, 2024 Settlement Agreement, the San Bernardino Police Department found Respondent violated several internal policies, including, but not limited to, the department's policy prohibiting excessive use of force (Policy No. 300.3) and requiring the use of de-escalation tactics before engaging in uses of force "as time and circumstances reasonably permit…" (Policy No. 300.3.4). As a result of this incident, Respondent received a 40-hour suspension, which consisted of a 20-hour suspension without pay and 20-hour suspension held in abeyance pending the successful completion of de-escalation of use of force techniques within one (1) year.

A. Does the alleged conduct violate Commission Regulation 1205(a)(3) – Physical Abuse.

The Serious Misconduct category of Physical Abuse in Section 1205(a)(3) is defined as follows:

Physical abuse, including, but not limited to, the excessive or unreasonable use of force.

In California, "[a]ny peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance." (Pen. Code § 835a, subd. (b).) "[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the

[16] Attachment M, Settlement Agreement in Case No. 23PSB-082 between the City of San Bernardino and Hector Victorio, dated March 11, 2024.

[17] Attachment N, Victim's Settlement Agreement with City, dated July 31, 2024.

circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force." (Pen. Code § 835a, subd. (a)(4).)

After reviewing the facts and circumstances of the case, the Division determined, by the clear and convincing evidence standard, that the Respondent engaged in physical abuse, including the use of excessive and unreasonable force, which constituted serious misconduct as defined in Penal Code 13510.8(b)(3) and Commission Regulation section 1205(a)(3) as the force used by Respondent was not "objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance…" of the Victim. (See Pen. Code § 835a, subd. (b).) Specifically, the Respondent applied force against the Victim that was excessive and unreasonable because:

- Based on a review of the BWC video and cell phone video that captured the custody phase, there was no visible indication that the Victim was uncooperative with Respondent or Officer Rodriguez.
- At the conclusion of the vehicle pursuit, the Victim exited his vehicle and laid flat on the ground with his palms face down above his head.
- As the Respondent exited the driver's seat of his patrol vehicle, he immediately yelled, "Get on the fucking ground," as he ran towards the Victim, despite the Victim being already prone on the ground with his hands above his head.
- Upon hearing the Respondent's commands, the Victim immediately responded, "I'm on the ground, I'm on the ground, bro, I'm not resisting."
- Upon arriving at the Victim's position, the Respondent immediately applied physical force.
- The Victim remained on the ground and exhibited no attempt to flee or evade officers prior to the Respondent making physical contact.
- The Victim was struck by the Respondent at least six (6) times with punches and four (4) times with knee strikes.
- During the altercation with officers, it appeared as if Officer Rodriguez attempted to block the Respondent from continuously striking the Victim by placing his hand in the way of a fist punch and positioning his body over the Victim to stop further uses of force.
- The Victim's actions suggest he was attempting to protect his head and face rather than engage in resistance.
- The Victim sustained a fractured orbital socket, chipped teeth, and abrasions (road rash) to his face.
- The Victim was unarmed and not found to be under the influence of alcohol or drugs.
- The Respondent justified his actions because the Victim had an unknown object in his right hand, which turned out to be a cell phone and a cash bill.

- Based on the video, the Respondent delivered a punch to the Victim before he ever attempted to gain control of his hands, which contradicted his statement to the Division that he was trying to detain the Victim, and that the Victim pulled his hand away.
- The Respondent was hindering Officer Rodriguez's ability to gain control of the Victim because by striking the Victim while the Victim was attempting to protect his face.
- Approximately one (1) month prior to this incident, the Respondent had a suspect run from him on a scooter. When the Respondent caught up to the suspect, he told him, "You're so fucking lucky there's people here, I'd beat the fuck out of you for taking away from me." One month later, after a suspect "took off from him" during a vehicle pursuit, he assaulted the Victim.

Clear and convincing evidence indicates that the force used by the Respondent was excessive. The Respondent punched the Victim at least six (6) times and kneed him at least four (4) times in the head, neck, and shoulder areas. This level of force was unreasonable and excessive, given that the Victim was lying face down with his hands palm down above his head, in a position of surrender.

B. Commission Regulation 1213 Factors.

Under Commission Regulation section 1213, "[i]n considering whether to take action against a peace officer's certification, and in considering whether a revocation or suspension is appropriate in light of the facts of the particular case…" several factors must be considered. These factors include: (1) "[t]he nature and severity of the act or omission[;] (2) "[t]he circumstances surrounding the conduct and the extent to which the act or omission caused any actual or potential harm to or impact upon the victim, the public, other peace officers, the employing agency, or the law enforcement profession[;] (3) [w]hether the involved peace officer is currently employed as a peace officer[;] (4) whether the alleged conduct was committed under the color of authority or while the peace officer was acting in the capacity of a peace officer; (5) [t]he peace officer's prior conduct, discipline and service record, an any prior instances of misconduct[;] (6) [t]he proximity or remoteness in time since the conduct occurred[;] (7) [a]ny mitigating or aggravating factors and/or evidence of rehabilitation[;] (8) [t]he degree of accountability and cooperation with the investigation evidenced by the peace officer[;] (9) [t]he extent to which discipline, or forbearance from discipline, would impact the best interests of the public, the public service, the employing agency, and/or the law enforcement profession[;] (10) [t]he motives of the peace officers that resulted in the conduct[;] (11) [c]onsistency of the penalty with those imposed upon other peace officers for the same or similar offense[;] (12) [t]he clarity with which the peace officer was on notice of any rules that were violated in committing the offense[;] (13) [t]he extent to which the act or omission was done intentionally, willfully, or maliciously[;] (14) [t]he likelihood of recurrence[; and] (15) [a]ny other aggravating or mitigating factors relevant to

the…determination."

Following the above incident, Respondent was involved in two additional, unrelated incidents, each of which resulted in significant disciplinary action. These separate matters further reflect a pattern of conduct that required corrective measures. A summary of these incidents is provided below as part of the consideration of the Commission Regulation section 1213 factors. Specifically, the Respondent's discipline and service record and any mitigating or aggravating factors and/or evidence of rehabilitation.

One month prior to the use of force incident, on October 28, 2023, SBPD officers were dispatched to a commercial burglary. Surveillance footage showed multiple suspects burglarizing the building. Officers arrived and located all but one suspect, who remained outstanding.

The Respondent observed an individual matching the description of the suspects riding an electric scooter. He stopped his vehicle with emergency lights activated, exited his vehicle, and verbally instructed the suspect to stop and return. The suspect continued fleeing. Another officer arrived on scene, caught up to the suspect, and detained him.

The Respondent then arrived at the location where the suspect was detained and confirmed that the individual was the one who had fled from him. During a search of the suspect's pockets, the Respondent stated, "You're so fucking lucky there's people here, I'd beat the fuck out of you for taking away from me."[18]

After his comments to the suspect, the Respondent took possession of the suspect's backpack. Inside the backpack was a white substance, which officers suspected was methamphetamine or cocaine, a greenish substance that officers suspected was marijuana, "1More" brand earphones, two (2) cell phones, hygiene, alcohol, an empty wallet, lighters, a screwdriver, a USB cord, a black sock, a floral print pouch, a white unknown electronic device, hand sanitizer, body wash, and some small boxes. The headphones were identical to the ones stolen and recovered in the commercial burglary. The Respondent ended up discarding the backpack without booking the backpack into evidence. Respondent did, however, book the suspect's extra shirt, which was used as a face covering, into evidence.[19]

This incident was brought to SBPD's attention by the San Bernardino County Assistant District Attorney, who expressed concern about the comment the Respondent made to the suspect while reviewing body camera footage. During an administrative investigation, the Respondent admitted he discarded the backpack because it was "disgusting" from what was believed to be alcohol leaking onto the backpack causing a

[18] Attachment O – Body Worn Camera video, X60A4550P, Burglary: at 02:48

[19] Attachment P - San Bernardino Police Department Internal Affairs Investigation Case No. 24PSB-006, dated August 1, 2024

wet and sticky residue.[20] The Respondent acknowledged that he was not thinking at the time and recognized that he made a mistake. The Respondent's internal affairs investigation concluded with sustained findings for Unbecoming Conduct, Neglect of Duty, and Improper Tactics. As a result, he was suspended without pay for 40 hours and placed on a Performance Improvement Plan (PIP) from November 1, 2024, through April 30, 2025.[21] The PIP required him to correct deficiencies in his reporting, improve his driving practices, and comply fully with the agency's code of conduct and applicable policies.[22]

On April 28, 2025, the Respondent and another officer conducted a vehicle stop on a solo female driver.[23] A records check revealed she was driving on a suspended driver's license. In conversation, she admitted she had been arrested in Nevada for a firearm related charge. The Respondent told her to step out of her vehicle so he could make sure there was nothing illegal in the car. The driver stepped out of the vehicle for the Respondent to search. After searching the vehicle, the Respondent and the other officer deactivated their body cameras and Respondent made some sort of agreement with the driver that if she let him search her house, in exchange he would not tow her vehicle or arrest her.

The driver complied and the Respondent placed her in handcuffs in the rear of his patrol vehicle and drove her back to her house. The Respondent left the driver inside his patrol vehicle while he searched the house for ammunition she told him was in her dresser. The Respondent located 16 live rounds of ammunition and took the driver back to her vehicle. The Respondent issued the driver a citation for driving on a suspended driver's license and released her.

The driver filed a citizen's complaint regarding the interaction. During the administrative investigation, the Respondent admitted his actions and also that he failed to book the ammunition into evidence, which was still in his beat bag. He booked the evidence and SBPD sustained findings for Unbecoming Conduct, Neglect of Duty, and Improper Tactics. The Respondent was suspended for 40 hours without pay and was demoted to a Community Service Officer for failing to complete his PIP.[24]

---

[20] Attachment P - San Bernardino Police Department Internal Affairs Investigation Case No. 24PSB-006, dated August 1, 2024

[21] Attachment Q - Settlement Agreement in Case No. 24PSB-006 between the City of San Bernardino and Hector Victorio, dated October 24, 2024.

[22] Attachment R - San Bernardino Police Department Performance Improvement Plan, Case No. 24PSB-006, dated October 28, 2024

[23] Attachment S – San Bernardino Police Department Internal Affairs Investigation Case No. 25PSB-093, dated September 17, 2025.

[24] Attachment T - Settlement Agreement in Case No. 25PSB-093 between the City of San Bernardino and Hector Victorio, dated November 4, 2025

Based on the above, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation or suspension pursuant to California Penal Code section 13510.85(a).

VI. Supporting Evidence

- Attachment A – San Bernardino Police Department Report, Case No. 2023-00134638, November 27, 2023.
- Attachment B – Body Worn Camera video, X60A4550P, Pursuit, dated November 27, 2023.
- Attachment C – Witness A. Menchaca Cell Phone Recording, dated November 27, 2023.
- Attachment D – Photograph of Victim's Left Eye, dated November 27, 2023.
- Attachment E – Photograph of Victim's Left Eye 2, dated November 27, 2023.
- Attachment F – Photograph of Victim's Mouth, dated November 27, 2023.
- Attachment G – Photograph of the Right Side of Victim's Face, dated November 27, 2023.
- Attachment H – Photograph of Victim's Chipped Teeth, dated November 27, 2023.
- Attachment I – Division's October 8, 2025, Interview of Respondent.
- Attachment J – Division's October 7, 2025, Interview of Officer Rodriguez.
- Attachment K – San Bernardino County District Attorney's Office Memorandum, dated January 17, 2024.
- Attachment L – San Bernardino Police Department, Manager's Review, Case No. 23PSB-082, February 7, 2024.
- Attachment M – Settlement Agreement in Case No. 23PSB-082 between the City of San Bernardino and Hector Victorio, dated March 11, 2024.
- Attachment N, Victim's Settlement Agreement with City, dated July 31, 2024.

- Attachment O – Body Worn Camera video, X60A4550P, Burglary, dated October 28, 2023.

- Attachment P – San Bernardino Police Department Internal Affairs Investigation Case No. 24PSB-006, dated August 1, 2024.

- Attachment Q – Settlement Agreement in Case No. 24PSB-006 between the City of San Bernardino and Hector Victorio, dated October 24, 2024.

- Attachment R - San Bernardino Police Department Performance Improvement Plan, Case No. 24PSB-006, dated October 28, 2024.

- Attachment S – San Bernardino Police Department Internal Affairs Investigation Case No. 25PSB-093, dated September 17, 2025.

- Attachment T – Settlement Agreement in Case No. 25PSB-093 between the City of San Bernardino and Hector Victorio, dated November 4, 2025.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • www.post.ca.gov

EXECUTIVE REVIEW & PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION RECOMMENDATION

DATE: 1/29/2026

CASE #: POST2322062

PEACE OFFICER: Hector Victorio

POST ID#: C87-Q51

AGENCY: San Bernardino Police Department

POST CONSULTANT / BC: LEC Michael Marshall / Chief Christine Ford

ALLEGATION(S):

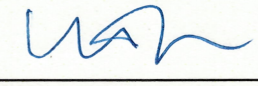
California Code of Regulations Title 11 § 1205(a)(3) – Abuse of power/Excessive or Unreasonable Use of Force

The San Bernardino Police Department submitted this case, alleging that Officer Hector Victorio (hereinafter "Respondent") engaged in serious misconduct involving in physical abuse by using excessive force during an arrest. The Respondent and his partner attempted to conduct a traffic enforcement stop which led to a vehicle pursuit. At the conclusion of the vehicle pursuit, the vehicle crashed and the suspect exited the vehicle and laid flat on the ground with his hands, palm down on the ground above his head. The Respondent approached the suspect and began punching and kneeing the suspect multiple times (10 times) in the face and head. During the administrative investigation, the department determined the Respondent used excessive force. The Respondent received a 40-hour unpaid suspension, 20 of which was held in abeyance pending completion of 40 hours of Use of Force training within one year of the date of the signed settlement agreement.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☒ There are reasonable grounds for suspension or revocation of a peace officer's certification.

POST determined clear and convincing evidence exists to show Respondent committed serious misconduct as defined in Penal Code §13510.8(b)(3) and Title 11, California Code of Regulations 1205(a)(3) - Physical abuse when he used force after the suspect had already surrendered and was lying prone on the ground.

William Darden Chief Legal Counsel	 Signature	2/11/24 Date
Annemarie Del Mugnaio Assistant Executive Director	 Signature	2-11-2026 Date
Manny Alvarez Executive Director	 Signature	02/12/2026 Date

cc: Bureau Chief _____

cc: Jason Morlock

cc: Chandler Knapp

cc: _____

POST PROFILE NAME:

VICTORIO, HECTOR A.

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 03/17/2026

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
C87-Q51		[redacted]	[redacted]	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
209271	B	[redacted]		[redacted]	0.00	

Total Number of Certificates: 1

PROOF OF ELIGIBILITY

POE	Agency Name	Agency	Issued	Status
P0011412	SAN BERNARDINO PD	36100	03/14/2022	Expired

Total Number of Proof of Eligibility: 1

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
09/16/2021	03/14/2022	6	TRN	09/16/2021	36100	SAN BERNARDINO PD	F	P	
03/14/2022	11/05/2025	1	PO	03/14/2022	36100	SAN BERNARDINO PD	F	P	

***Reason for Separation: 1 = Resigned, 6 = Other**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
02/01/2022	K	2330-32075-21-010	16		Y	36100	S BRNDO SD		FIREARMS/TACTICAL RIFLE
03/10/2022	A	2330-00100-21-002	927		Y	36100	S BRNDO SD		BASIC COURSE-INTENSIVE
04/05/2022	K	2280-29503-21-004	8	X	Y	36100	SANBER PD	*	ARSTCTL(PSP)
04/05/2022	K	2280-29540-21-004	2	X	Y	36100	SANBER PD	*	STRATEGIC COMMUNICATIONS (PSP)
04/06/2022	K	2280-29580-21-004	4	X	Y	36100	SANBER PD	*	USE OF FORCE (PSP)
04/06/2022	K	2280-29000-21-288	2	X	Y	36100	SANBER PD		BIAS AND RACIAL PROFILING
04/07/2022	K	2280-21135-21-004	5		Y	36100	SANBER PD	*	DRIVER AWARENESS UPDATE
04/07/2022	K	2280-32095-21-004	5		Y	36100	SANBER PD	*	FIREARMS/TACTICAL HANDGUN
12/21/2022	K	6860-29490-22-001	6		Y	36100	RIVERSDEDA		ADVANCED FIREARMS TRAINING
01/26/2023	G	7290-22451-22-007	16		Y	36100	D-PREP		OFFICER INVOLVED SHOOTING/FIELD SUPERVISORS
03/03/2023	K	1225-24261-22-006	8		Y	36100	LACLEAR		SEARCH WARRANT-PATROL
05/26/2023	K	2280-32075-22-003	16		Y	36100	SANBER PD		FIREARMS/TACTICAL RIFLE
10/20/2023	K	2330-23000-23-001	120		Y	36100	S BRNDO SD		SPECIAL WEAPONS & TACTICS
02/07/2024	K	1487-20185-23-222	4	X	Y	36100	PLI		DE-ESCALATION AWARENESS AND COM-SELF PACED
02/07/2024	K	1487-20186-23-222	4	X	Y	36100	PLI		ADV DE-ESCALATION AWARENESS AND COM-SELF PACED
07/30/2024	K	1788-23214-24-001	8	X	Y	36100	G&ALLC		GANG AWARENESS, BASIC
09/24/2024	K	8004-21653-24-002	8	X	Y	36100	LODD	*	USE OF FORCE: CRIMINAL AND CIVIL PROCEEDINGS
10/07/2024	K	2280-29503-24-004	8	X	Y	36100	SANBER PD	*	ARSTCTL(PSP)
10/07/2024	K	2280-29540-24-004	2	X	Y	36100	SANBER PD	*	STRATEGIC COMMUNICATIONS (PSP)
10/08/2024	K	2280-21135-24-004	5		Y	36100	SANBER PD	*	DRIVER AWARENESS UPDATE
10/08/2024	K	2280-29580-24-004	4	X	Y	36100	SANBER PD	*	USE OF FORCE (PSP)
10/09/2024	K	2280-22306-24-004	8		Y	36100	SANBER PD		ACTIVE SHOOTER RESPONSE
10/09/2024	K	1417-22642-24-010	8	X	N	36100	RWCINV		SUICIDE BY COP
10/10/2024	K	2280-32095-24-004	5		Y	36100	SANBER PD	*	FIREARMS/TACTICAL HANDGUN
10/17/2024	K	1417-22642-24-011	8	X	N	36100	RWCINV		SUICIDE BY COP

POST PROFILE NAME:

VICTORIO, HECTOR A.

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 03/17/2026

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
11/14/2024	K	2490-23201-24-001	24	X	Y	36100	SAPD		GANG INVESTIGATION, ADV.
01/29/2025	K	1534-22419-24-005	24	X	Y	36100	HPTC		OFFICER SAFETY/FORCE ENCOUNTERS ANALYSIS
05/06/2025	K	9260-22020-24-022	8		Y	36100	DOJ		ELECTRONIC SURVEILLANCE

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES

This section will only appear if applicable.

FIELD TRAINING

This section tracks field training progress and will only appear if applicable.

FOOTNOTES

This section reserved for additional information.

Attachment A
San Bernardino Police Department Report,
Case No. 2023-00134638, November 27, 2023

CASE CONTAINS	SAN BERNARDINO POLICE DEPARTMENT	1. CASE NUMBER
FOLLOW UP ☐ WRITTEN ☐ TAPED ☐ TYPED ☐ EVIDENCE ☐ PROPERTY SHEET ☐ SUSPECT ☐ DIAGRAM ☐ CITATION # _____	CA0361000 710 N. D STREET (P.O. BOX 1559) SAN BERNARDINO, CA 92401 (909) 384-5742	2023-00134638 2. DATE / TIME REPORTED 11/27/2023 13:38

3. LOCATION OF OCCURRENCE	4. FROM DATE / TIME	5. TO DATE / TIME	6. AREA
W HIGHLAND N E	11/27/2023 13:38	11/27/2023 13:38	

7. CODE SECTION(S)		8. CRIME(S)
2800.2(A) VC-F	☐ ATTEMPT	EVADING A PEACE OFFICER: RECKLESS DRIVING
2800.4 VC-F	☐ ATTEMPT	EVADING A PEACE OFFICER: WRONG WAY DRIVER

VICTIM / WITNESS / INVOLVED PARTY

9. PERSON OR FIRM NAME (LAST, FIRST, MID.)	10. SEX	11. RACE	12. AGE	13. DOB	14. EMAIL ADDRESS	15. CODE
STATE OF CALIFORNIA,						VIC

16. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

17. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

18. PERSON OR FIRM NAME (LAST, FIRST, MID.)	19. SEX	20. RACE	21. AGE	22. DOB	23. EMAIL ADDRESS	24. CODE

25. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

26. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

27 PERSON OR FIRM NAME (LAST, FIRST, MID.)	28. SEX	29. RACE	30. AGE	31. DOB	32. EMAIL ADDRESS	33. CODE

34. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

35. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

36. PERSON OR FIRM NAME (LAST, FIRST, MID.)	37. SEX	38. RACE	39. AGE	40. DOB	41. EMAIL ADDRESS	42. CODE

43. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

44. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

45. PERSON OR FIRM NAME (LAST, FIRST, MID.)	46. SEX	47. RACE	48. AGE	49. DOB	50. EMAIL ADDRESS	51. CODE

52. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

53. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

54. PERSON OR FIRM NAME (LAST, FIRST, MID.)	55. SEX	56. RACE	57. AGE	58. DOB	59. EMAIL ADDRESS	60. CODE

61. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

62. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

63. PERSON OR FIRM NAME (LAST, FIRST, MID.)	64. SEX	65. RACE	66. AGE	67. DOB	68. EMAIL ADDRESS	69. CODE

70. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

71. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

72. PERSON OR FIRM NAME (LAST, FIRST, MID.)	73. SEX	74. RACE	75. AGE	76. DOB	77. EMAIL ADDRESS	78. CODE

79. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

80. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

81. PERSON OR FIRM NAME (LAST, FIRST, MID.)	82. SEX	83. RACE	84. AGE	85. DOB	86. EMAIL ADDRESS	87. CODE

88. STREET ADDRESS (RESIDENCE)	CITY	STATE	ZIP CODE	PHONE NUMBER

89. STREET ADDRESS (BUSINESS)	CITY	STATE	ZIP CODE	PHONE NUMBER

90. REPORTING OFFICER	91. ID #	92. DATE	93. OTHER INVOLVED OFFICERS	94. RECORDS BAR CODE
Victorio	51391	11/27/2023		

95. REVIEWED BY	96. DATE	97. FURTHER ACTION	98. RECORDS PROCESSING BY
Blackwell, Mark	11/27/2023	☐ NO ☒ YES	

ASSIGNMENT/OBSERVATIONS:

On Monday, November 27th, 2023, Officer G. Rodriguez and I were working uniformed patrol in the city of San Bernardino. I was the driver and Officer Rodriguez was my front passenger. We wore an approved San Bernardino Police Department uniform which identified us as Police Officer's. I drove a fully marked San Bernardino patrol unit, with functioning overhead lights and sirens.

At about 1338 hours, we were conducting proactive patrol enforcement in the area of N. E Street and W. Highland Avenue. I was making a southbound turn onto the number one lane of N. E Street from W. Highland Avenue when I observed a gold Kia Optima in the number one lane of N. E Street. The Kia was stopped at the intersection of N. E Street and W. Highland Avenue at a red light. The Kia did not have a front license plate, I looked through my rear view mirror as I was driving southbound and noticed it also did not have a rear license plate.

I conducted a U turn and got into the number two lane of N. E Street to position myself for a traffic stop on the Kia for being in violation of California Vehicle Code 5200 (a) - Display of license plates. The signal for northbound traffic on N. E Street turned green and instead of the Kia proceeding northbound on the number one lane of N. E Street the vehicle made an unsafe turn (CVC 22107 - unsafe turn) into the left hand turn lane (to go westbound) of N. E Street.

I made a westbound turn onto W. Highland Avenue and initiated a traffic stop by activating my overhead lights and sirens. The Kia at this point was in the number two lane of W. Highland Avenue and failed to yield. My over head lights and sirens remained on during the entire pursuit and my department issued body worn camera was on during the pursuit.

Based on my experience with vehicle pursuits, suspects that fail to yield either have firearms, narcotics, stolen vehicles or outstanding warrants. Based on my physical encounters with subjects that are under the influence of alcohol or narcotics they tend to be abnormally strong and resistant to pain. Not once have I been able to control someone under the influence of alcohol or narcotics without the assistance of another Officer.

INVESTIGATION:

The suspect, later identified as, Victim (DOB: PII - Civ. Code sec. 1798.24) was approaching the intersection of W. Highland Avenue and N. G Street which had multiple vehicles stopped at a solid red light. Victim attempted to squeeze in between the vehicle in the number two lane and the north curb line of W. Highland Avenue almost striking the vehicle in the number two lane. As a result of Victim squeezing in between the vehicle stopped at the red light, the Kia Victim was driving scraped against the north curb line of W. Highland Avenue.

Victim made a northbound turn onto N. G street without signaling (CVC 22108 - failing to signal 100 feet prior) going approximately 30 miles per hour on the number one lane of N. G Street. Victim continued on N. G Street until making an eastbound turn onto W. 27th Street. Victim then made a southbound turn onto N. F Street and immediately made an eastbound turn onto W. Courtland Drive without signaling (CVC 22108 - failing to signal 100 feet prior). Victim continued

REPORTING OFFICER	ID #	DATE	FURTHER ACTION	REVIEWED BY	DATE
Victorio	51391	11/27/2023	Y - YES	Blackwell, Mark	11/27/2023

on W. Courtland Drive until failing to stop at the stop sign at the intersection of W. Courtland Drive and N. E Street (CVC 22450 (a) - stop sign violation) making a northbound turn (CVC 22108 - failing to signal 100 feet prior) onto N. E Street.

Victim continued northbound on N. E Street switching in and out of the number one and number two lane of N. E Street. Victim 's speeds varied from 50 miles per hour to 80 miles per hour while traveling on N. E Street. Once Victim got to the intersection of N. E Street and W. 30th Street, Victim blew past the solid red light (CVC 21453 (a) - failure to stop for red signal) and continued northbound on N. E Street.

Once Victim reached the intersection of N. E Street and W. Marshall Blvd, Victim once again failed to stop at the red signal (CVC 21453 (a)) and was driving approximately 60 miles per hour being in violation of CVC 22350 - Basic speed. Once Victim reached the intersection of N. E Street and W. Kendall Drive, Victim went into opposing lanes of travel (CVC 2800.4 - Evading officers, wrong way driver) for a brief second almost causing a collision on the southbound lanes of W. Kendall Drive. Victim then merged back into the northbound lanes of W. Kendall Drive and continued at approximately 70 miles per hour (CVC 22350 - Basic speed) as the road began to curb.

Once Victim arrived to the intersection of W. Kendall Drive and N. H Street, Victim drove past another solid red signal (CVC 21453 (a) - failure to stop for red signal) going approximately 90 miles per hour. Victim continued westbound on W. Kendall Drive until running a the red signal (CVC 21453 (a) - failure to stop for red signal) at N. Shandin Hill Circle still going approximately 90 miles per hour (CVC 22350 - Basic speed).

Victim continued driving westbound on W. Kendall Drive going approximately 100 miles per hour (CVC 22350 - Basic speed) for approximately 1.86 miles until slowing down at the intersection of W. Kendall Drive and N. University Parkway. Victim drove past the intersection and drove into opposing lanes of traffic on W. Kendall Drive at which point he began making erratic turning movements in what I believe was an attempt to deceive Officers.

Victim made a northbound turn into the parking lot of Farmer Boys (1766 Kendall Drive) and CVS (5200 University Parkway) going approximately 40 miles per hour. Victim drove through the backside of the businesses in the Campus Crossroads shopping center and made a northbound turn onto N. University Parkway for southbound traffic (CVC 2800.4 - Evading officers, wrong way driver). Victim continued on opposing lanes of N. University Parkway for approximately 1,000 feet while oncoming traffic was moving out of our way.

Once Victim approached the intersection of N. University Parkway and W. Northpark Blvd, Victim made an eastbound turn onto the westbound lanes of W. Northpark Blvd. Once again Victim was on opposing lanes of travel (CVC 2800.4 - Evading officers, wrong way driver). Victim continued eastbound on the opposing lanes of travel and ran the red signal (CVC 21453 (a)) at the intersection of N. Little Mountain Drive and W. Northpark Blvd going approximately 90 miles per hour (CVC 22350 - Basic speed).

Victim continued eastbound on the westbound lanes of W. Northpark Blvd going approximately 100 miles per hour until slowing down at the intersection of W. Northpark Blvd and N. Electric Avenue. Victim drove on the opposing lanes of travel on W. Northpark Blvd for approximately 2.4 miles while vehicles were continuously moving out Victim 's. Victim made a southbound turn onto N. Electric Avenue and quickly made an eastbound turn onto W. 50th Street and collided into electrical pole (#827391E) on the south curb line of W. 50th Street just east of N. Electric Avenue.

I believed Victim was either under the influence of alcohol or narcotics based on him having no

due regard for the public. Victim demonstrated this by his excessive speeds, not stopping at multiple stop signs, not stopping at solid red traffic signals, almost causing multiple traffic collisions with his erratic driving and driving on the opposing lanes of traffic for approximately 2.4 miles. Victim posed a serious threat to the community and based on all the factors just listed, I believed him to be possibly armed and dangerous.

I immediately came to a stop and observed the driver side door of Victim's vehicle come open. I believed Victim was attempting to flee the scene so I immediately exited my unit and began to sprint to the vehicle. As soon as I began to approach the driver side door, I observed Victim on the floor with a blunt object in his right hand.

Victim's head was in an upright position and his knee's were slightly bent in which I believed he was attempting to get back onto his feet. I immediately went down onto a knee and attempted to disorient Victim by placing my hand on his head and striking Victim in his upper torso area and inadvertently struck him in the head.

I observed Victim's arms on the top of his head and his elbows pressed off the ground, I believed he was trying to create space between the ground and him to possibly stand up. In an attempt to prevent that from happening, I struck his upper back twice with my right hand. I observed Officer Rodriguez attempting to gain control of Victim's left wrist he was unable to so, I delivered an additional strike to Victim's upper back area with my right hand. I then observed Officer Rodriguez attempting to gain control of Victim's right wrist and was unable to. In fear Victim was over powering Officer Rodriguez, I attempted to strike Victim with my right knee in the left shoulder and inadvertently struck Victim twice in the head due to Victim continuously pulling his arms away.

The strikes appeared to be ineffective due to Officer Rodriguez still being unable to control Victim's left arm. In an attempt to gain compliance from Victim I struck Victim with my right hand in the facial area but it was ineffective due to Officer Rodriguez still not being able to control Victim's right arm. I then struck Victim in the left shoulder but my punched slipped past his shoulder and nicked the top of his head. Once again the strikes appeared to be ineffective due to Officer Rodriguez being unable to place Victim's right arm behind his back.

I observed Officer Rodriguez gain possession of Victim's right arm but was unable to control it so I delivered two knee strikes to Victim's head. The strikes appeared to be ineffective due to Officer Rodriguez being unable to control Victim's right arm. I delivered an additional strike with my right hand to Victim's facial area and it appeared to be effective due to Victim placing his left hand his back and finally allowing Officer Rodriguez to place handcuffs on Victim Officers escorted Victim to the back of the unit.

Officers conducted a records check on the vehicle and it came back stolen out of Yucaipa. Officers attempted to contact the owner of the vehicle and were unable to get a hold of them.

See Officer Wilcox report for the traffic collision. See Forensic's report for photographs of the vehicle and scene. Paramedics arrived on scene and evaluated Victim for his injuries. Officers transported Victim to Arrowhead Regional Medical Center to be further evaluated for his injuries (for further details see Officer Rodriguez for further details.)

Sgt. M. Blackwell was notified of the incident.

This would conclude my investigation.

ARREST:

Victim was transported to the Central Detention Center where he was booked and lodged for being in violation of California Vehicle Code 2800.2 (a) - reckless evading, California Vehicle Code 2800.4 - evading Officer wrong way driver, California Vehicle Code 10851 (a) - vehicle theft and Penal Code 496D(A) - possession of a stolen vehicle.

SUSPECT STATEMENT:(Victim (DOB:PII - Civ. Code sec. 1798.24)

On 11-27-2023, at about 1721 hours, I interviewed the suspect (Victim I began the interview by advising Victim of his Miranda rights from my SBPD issued Miranda waiver rights card. When asked if he understood his rights, Victim said “yeah”.

Victim stated he fled from Officers because he was trying to get gas. Victim also stated he was aware he did not stop at stop signs. At this point in time Victim stated he no longer wanted to talk about the incident.

I was going to ask about about the stolen vehicle but Victim refused to answer anymore questions. This concluded my interview with Victim

Attachment D
Photograph of Victim's Left Eye,
dated November 27, 2023


PHOTOGRAPHED BY
CASE#

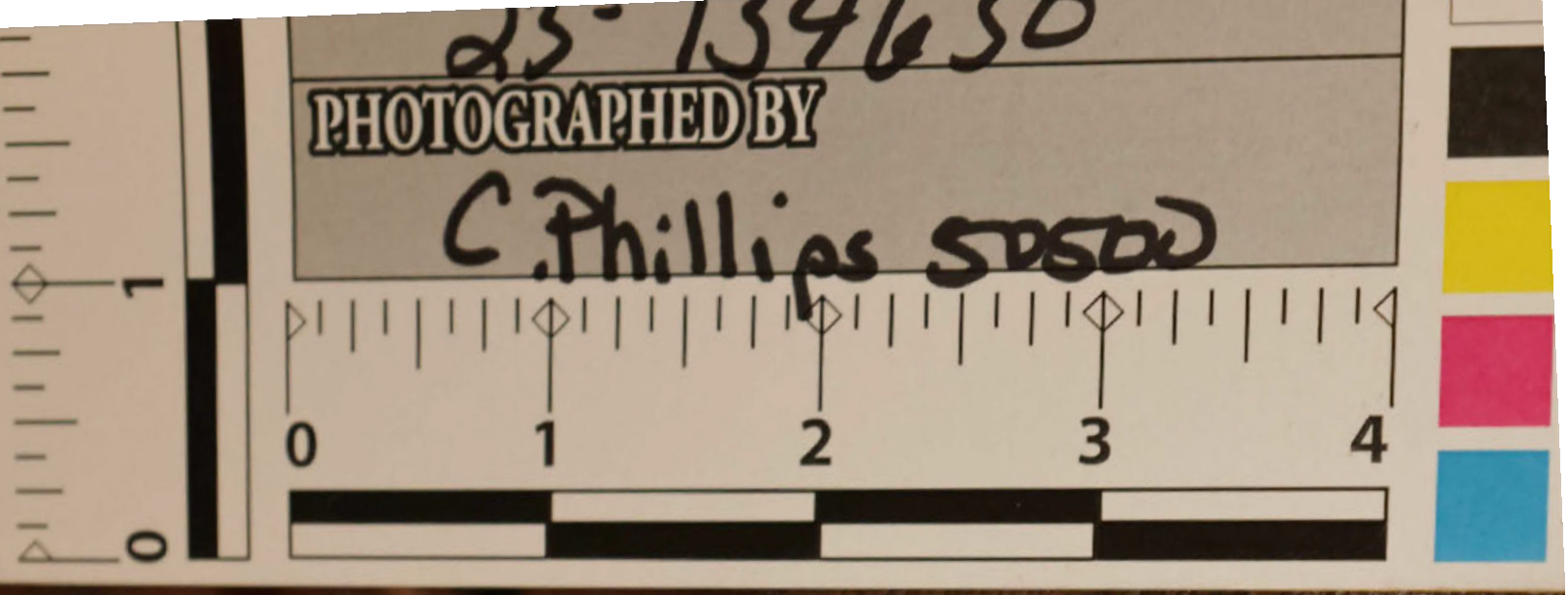
Attachment E
Photograph of Victim's Left Eye 2,
dated November 27, 2023

1
2
3
4
Cyan
Magenta
Yellow

Attachment F
Photograph of Victim's Mouth, dated November 27, 2023



Attachment G
Photograph of Right Side of Victim's Face,
dated November 27, 2023


25-134650
PHOTOGRAPHED BY
C. Phillips SDSO
0
1
2
3
4
1
0

Attachment H
Photograph of Victim's Chipped Teeth,
dated November 27, 2023


1
2
3

Attachment K
San Bernardino County District Attorney's Office Memorandum, dated January 17, 2024

CONFIDENTIAL
INTERAGENCY MEMORANDUM

DATE: 01/17/2024

FROM: Lisa Crane
Deputy District Attorney
San Bernardino Office

TO: Bureau of Investigation
ATTN: Investigator R. Hellstrom

NOTICE-CRIMINAL CHARGES NOT FILED

Suspect(s): Hector [redacted] Victorio
Report No: 2023-12-173SI
DA Case No: 2024-00-0001344
Victim(s): Victim [redacted]
Charges: PC149

I have reviewed this case submitted by your agency, and based upon the information submitted, I am of the opinion that criminal charges should not be filed for the following reason(s):

B - Lack of Sufficient Evidence
01: Insufficient evidence to prove guilt beyond a reasonable doubt.

Additional Comments:

If you have any questions, call me at 9093823800.

Should additional information come to your attention, and you desire to resubmit this case, please return it to me for further consideration. Please attach a copy of your investigation report, the additional information, your agency report number, and the District Attorney number.

Attachment L
San Bernardino Police Department, Manager's Review, Report, Case No. 23PSB-082, February 7, 2024

CITY OF SAN BERNARDINO
POLICE DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Captain Adam Affrunti

FROM: Lieutenant Albert Ramirez

SUBJECT: Manager's Review 23PSB-082

DATE: February 7, 2024

COPIES:

Allegations:

Unreasonable Force
-Officer Hector Victorio

Improper Tactics
-Officer Hector Victorio

Unbecoming Conduct
-Officer Hector Victorio

Summary:

On November 27, 2023, Officer Hector Victorio and Officer Gabriel Rodriguez were patrolling the area of North "E" Street and West Highland Avenue, when Victorio observed a KIA with no front plate which is a violation of CVC 5200(a) (two plates required) through his rear-view mirror. Victorio got behind the KIA and observed the driver (Victim) make an unsafe left turn which was a violation of 22107. Victorio initiated a traffic stop by activating the lights and sirens on his marked police vehicle, and the driver failed to yield, and a pursuit ensued.

The pursuit came to an end when the driver crashed into a telephone pole at a high rate of speed. Officers contacted Victim and used force against him. Victim was arrested for CVC 2800.2(a) (Evading a Peace Officer: Reckless Driving) and CVC 2800.4 (Evading a Peace Officer: Wrong Way Driver).

The San Bernardino District Attorney investigators initiated a criminal investigation against Officer Victorio for California Penal Code 149 (Color of Authority). On January 17, 2024, Deputy District Attorney Lisa Crane reviewed the case and decided not to file the charge of PC 149 against Officer Victorio because the case lacked sufficient evidence.

Findings:

Officer Victorio:

Personnel File:

I reviewed Officer Victorio's personnel file and training file. I learned that the San Bernardino Police Department employed Officer Victorio as a Law Enforcement Trainee on September 16, 2021, and as a police officer on March 14, 2022.

Training File:

Victorio participated in the field training program from March 14, 2022, until September 8, 2022. Victorio had been assigned to patrol for approximately one year and two months, when the incident occurred on November 27, 2023.

Department Training:

Victorio has attended over twenty-five hours of use-of-force-related training that was provided by the San Bernardino Police Department, for further details see chart.

Date Completed	Training	School Attended	Hours
April 5, 2022	Defensive Tactics	San Bernardino Police Department	8
April 5, 2022	Strategic Communication	San Bernardino Police Department	2
April 6, 2022	Use of Force	San Bernardino Police Department	4
April 7, 2022	Tactical Firearms	San Bernardino Police Department	5
February 6, 2024	De-Escalation Awareness and Communication	Perfomix Course # 1487-20185	4
February 6, 2024	Advanced De-Escalation Awareness and Communication	Performix Course # 1487-20186	4
		Total	27 Hours

District Attorney's Office Investigation:

I obtained the County of San Bernardino, Office of the District Attorney Investigator's report, and the district attorney's turndown letter. The assigned investigator was Investigator Ralph Hellstrom.

Investigator's Report:

I reviewed Investigator Hellstrom's report and found that he provided a summary of Victorio's report, a summary of his investigation which included interviews with Witness [redacted] (Eye Witness), Sergeant Mark Blackwell, and Victim [redacted] (Suspect). Additionally, Hellstrom's report included a review of Victorio's file with POST and the San Bernardino Police Department, where he found that Victorio had no history of allegations of excessive force against him. Hellstrom reviewed Officer Victorio's, Officer De LA Cruz', and Sergeant Blackwell's BWC. Officer Rodriguez' BWC was not activated and fell off his person at the time of the incident. Hellstrom also reviewed the mobile video footage that Witness [redacted] recorded.

Investigation:

On December 6, 2023, at about 1208 hours, Hellstrom requested training records and any possible records of misconduct for Officer Victorio, from the California Commission on Peace Officers Standards and Training (POST). For further details reference request #R000406-120623. Hellstrom found POST had no records indicating a complaint, charge, or allegation of conduct against a peace officer employed by the agency that could render a peace officer subject to a suspension or revocation of certification by (POST) pursuant to Penal Code §13510. Additionally, he had Investigators Chavez and Blanco review Victorio personnel files for any misconduct similar to the crime that was being investigated and found there were no additional excessive use of force complaints in Victorio's file.

Hellstrom BWC analysis of Victorio's BWC Footage:

Hellstrom reviewed the BWC footage and provided his rendition of his observations of the BWC analysis.

Witness **Mobile Phone Video Review:**

Hellstrom observed both officers were wearing their police uniforms and when the video began Victim was on the ground on his stomach, while Rodriduez was on top of Victim and Victorio was on the left side of Victim trying to control his left arm.

Hellstrom observed Victorio deliver a knee strike to the upper torso/head area of Victim He delivered a strike with his right hand in the same area. Victorio delivered a right-hand strike that struck the left side of Victim 's upper back/shoulder area. Finally, Victorio delivered a right-hand strike to the back of Victim 's head. Rodriguez gained control of Victim 's right arm as he leaned forward and incidentally blocked one of Victorio's strikes.

Victorio delivered two knee strikes to the left side of Victim 's head which caused Victim to raise his head and turn his face to the right. Victorio delivered a right-hand strike to the right side of Victim 's head. At that point, Rodriguez and Victorio were able to gain control of Victim 's arms and place handcuffs on him.

Statements:

Hellstrom attempted to interview Witness ; however, she refused to provide a statement. Hellstrom interviewed Sergeant Mark Blackwell and Victim .

Mark Blackwell Interview:

On December 5, 2023, at about 0806 hours, Sergeant Mark Blackwell was interviewed by Hellstrom at the District Attorney's office (303 West 3rd Street, Officer 412, San Bernardino, California). Blackwell informed Hellstrom that he was the supervisor who responded to the incident and advised Hellstrom that an administrative investigation

would be conducted and ultimately forwarded to the Professional Standard Bureau. Blackwell informed Hellstrom that he did not use force against Victim and he did not witness the force used by Rodriguez and Victorio. Blackwell did not provide any further details relevant to this investigation.

Victim Interview:

On December 12, 2023, at about 0730 hours, Hellstrom and Investigator Wolfe interviewed Victim at the District Attorney's officer (303 West 3rd Street, San Bernardino, California). The following is a summary of Victim's statement to Investigators.

Victim indicated the pursuit concluded when he crashed into a telephone pole. Victim retrieved his cellular phone and a five-dollar bill because he did not want to lose it. Victim said he laid on the ground on his stomach because he knew he was going to be detained for not stopping his vehicle (failure to yield). Victim said his chest was flat on the ground with his arms parallel to his head, and his hands were flat on the ground. Victim said he wanted to make it easy for the officers to detain him. Victim told investigators he was "giving up" because he was done.

The officers approached him without saying anything to him and struck him. Victim believed the strike was delivered by the driver of the police vehicle (Victorio). Victim indicated he was struck several times before officers attempted to control his arms and before they began to give him commands. Victim could not identify who delivered each strike.

District Attorney Turndown:

A memorandum was drafted on January 17, 2024, advising Investigator Hellstrom that charges of Penal Code 149 would not be field against Officer H. Victorio because the investigation lacked sufficient evidence to prove guilt beyond reasonable doubt.

BWC Review:

I reviewed Officer H. Victorio's BWC video footage. There was no other BWC footage recorded that was relevant to this investigation.

Officer H. Victorio's BWC:

Officer Victorio was involved in a lengthy pursuit that involved unsafe driving movements during daylight hours. The pursuit concluded when the suspect vehicle collided with a telephone pole.

Victorio exited the police vehicle and said, "get on the fucking ground." Victorio approached the vehicle and Victim 's body was facing the ground, the tips of his toes

were touching the ground, his arms were touching the ground; however, his head was upright, and his palms were off the ground. The vehicle was against the telephone pole. Victim was holding a cellular phone and money in his right hand. As Victorio closed the distance, Victim advised officers, "I'm on the ground. I'm not resisting." Victorio placed his left on the back of Victim 's head and Victim grunted and placed his left hand against his face. Victorio then placed his right hand on Victim 's back while maintaining his left hand on the back of Victim 's head.

Commented [AA1]: Left what?

Rodriguez placed his hands on Victim 's lower back and transitioned to a top mount position, attempting to gain control of Victim 's right arm with his hands. As this occurred, Victorio delivered a strike with his right fist. It impacted the back of Victim 's neck. At this point of the altercation, Victim was moving and appeared to be covering up from the strike.

Rodriguez moved his left hand and placed it on Victim 's left wrist as Victorio delivered another strike with his right fist to Victim 's left shoulder. Victorio moved his left hand and attempted to gain control of Victim 's left wrist as well. Victorio placed his right hand on Victim 's left wrist. Victorio momentarily pinned Victim 's left arm against the ground.

Victorio transitioned, using a pressure point technique by placing his right thumb against Victim 's left ear. Rodriguez transitioned his hands to focus on controlling Victim 's right arm. Victorio moved his right hand and placed it on Victim 's back. At this point, Victim had his hands against his head.

Victorio placed his left hand on Victim 's left wrist and delivered a right-hand strike to the left side of Victim 's head where Victim 's hand was located, as he moved his left hand from Victim 's left wrist. Rodriguez was able to gain control of Victim 's right arm and Victorio was able to move Victim 's left hand from his face. As Victorio removed Victim 's left hand from his face, Victorio delivered a closed right fist strike against the left temple of Victim 's head.

Victorio moved his left hand from Victim 's left wrist to the back of Victim 's head, held it momentarily, and released it as he delivered another closed right fist strike to Victim 's head. Victorio placed his right hand on the back of Victim 's head and placed Victim 's left hand on the ground. Victorio delivered two knee strikes to Victim 's head that caused him to raise his head and face it to the right.

At this point, Rodriguez had control of Victim 's right arm. Victorio placed his left hand on the back of Victim 's head and Victorio struck the right side of Victim 's head with his closed right fist. Rodriguez lost control of Victim 's right arm. Victim immediately moved his right hand against the right side of his head. Rodriguez re-gained control of Victim 's right arm. Sergeant Blackwell arrived on scene and Victim was taken into custody.

Throughout the encounter, officers repeatedly told Victim to stop resisting and to place his hands behind his back. Also, throughout the encounter, Victim advised officers he was not moving, and he was done. Victim apologized once the officers gained control of his arms and placed handcuffs on him.

Witness **Video Recording:**

I reviewed Witness's cellular phone video recording, and it was consistent with Hellstrom's analysis.

Officer Victorio's Report:

I reviewed Victorio's report, and it was consistent with the BWC footage. The following is an excerpt from Victorio's police report related to the use of force.

> *I immediately came to a stop and observed the driver side door of* Victim's *vehicle come open. I believed* Victim *was attempting to flee the scene so I immediately exited my unit and began to sprint to the vehicle. As soon as I began to approach the driver side door, I observed* Victim *on the floor with a blunt object in his right hand.*
>
> Victim *'s head was in an upright position and his knee's were slightly bent in which I believed he was attempting to get back onto his feet. I immediately went down onto a knee and attempted to disorient* Victim *by placing my hand on his head and striking* Victim *in his upper torso area and inadvertently struck him in the head.*
>
> *I observed* Victim *'s arms on the top of his head and his elbows pressed off the ground, I believed he was trying to create space between the ground and him to possibly stand up. In an attempt to prevent that from happening, I struck his upper back twice with my right hand. I observed Officer Rodriguez attempting to gain control of* Victim *'s left wrist he was unable to so, I delivered an additional strike to* Victim *'s upper back area with my right hand. I then observed Officer Rodriguez attempting to gain control of* Victim *'s right wrist and was unable to. In fear* Victim *was over powering Officer Rodriguez, I attempted to strike* Victim *with my right knee in the left shoulder and inadvertently struck* Victim *twice in the head due to* Victim *continuously pulling his arms away.*
>
> *The strikes appeared to be ineffective due to Officer Rodriguez still being unable to control* Victim *'s left arm. In an attempt to gain compliance from* Victim *I struck* Victim *with my right hand in the facial area but it was ineffective due to Officer Rodriguez still not being able to control* Victim *'s right arm. I then struck* Victim *in the left shoulder but my punched slipped past his shoulder and nicked the top of his head. Once again the strikes*

appeared to be ineffective due to Officer Rodriguez being unable to place Victim *'s right arm behind his back.*

I observed Officer Rodriguez gain possession of Victim *'s right arm but was unable to control it so I delivered two knee strikes to* Victim *'s head. The strikes appeared to be ineffective due to Officer Rodriguez being unable to control* Victim *'s right arm. I delivered an additional strike with my right hand to* Victim *'s facial area and it appeared to be effective due to* Victim *placing his left hand his back and finally allowing Officer Rodriguez to place handcuffs on* Victim *.*

Officer Rodriguez' report:

I reviewed Rodriguez' report, and it was consistent with the BWC footage. The following is an excerpt from Rodriguez' police report related to the use of force.

I began to look in the immediate area for Victim *however, I did not observe him. I heard Officer H. Victorio giving* Victim *commands not to move. I ran around the pole the vehicle had collided into. As I continued to run towards Officer H. Victorio I observed* Victim *on the ground in between the opened driver side door and the vehicle itself.* Victim *was laying on his stomach with his hands on the ground near his head. I observed* Victim *to be holding an unknown object clinched into his right hand. In fear* Victim *was going to use that object as a weapon. I ran towards* Victim *and placed my hands onto his back and pushed his body down towards the ground while placing my knee against the right side of his body. This was effective as* Victim *was not able to get up and he no longer had the object in his hand. At this point* Victim *had placed his right hand underneath his face and his knees were slightly bent, in fear* Victim *was going to begin to push himself up and off of the ground. I grabbed* Victim *'s right hand with my right hand as I placed my left leg over* Victim *'s body to obtain a top mount position, this would give me the position of advantage to use my body weight to keep* Victim *pinned against the ground. I used my left hand to grab* Victim *'s left wrist and placed my right forearm against* Victim *'s back in order to obtain a firm grip of his hand, however, I was unable to maintain control his hand due to him pulling away from me.*

Officer H. Victorio grabbed Victim *'s left wrist and I observed* Victim *'s right hand was free, in fear* Victim *was going to be able to strike Officers I grabbed* Victim *'s right wrist with my left hand. I shifted my body weight forward and placed my left forearm onto the ground to the right side of his head while forcing* Victim *'s right wrist towards the ground to limit his ability to move it. I used my elbow to push* Victim *'s head to the left as I used my right hand to extend* Victim *'s right arm away from his body and pinned it towards the ground. I commanded* Victim *multiple times to give*

me his hand and to place them behind his back, however, he refused and continued to pull away from me. I grabbed Victim *'s right wrist with my right hand and placed my left hand onto his back and pushed it towards the ground. I pulled* Victim *'s right hand towards his lower back and attempted to pin it against his lower back with both of my hands.* Victim *was extremely strong and was able to pull his arm away from me even though he was only using one arm and I was using two. Based on my training and experience those that are extremely strong and are able to pull away from multiple Officers are under the influence of a controlled substance. Subjects under the influence of a controlled substance or substances do not feel pain and are able continue to fight or resist for an extended amount of time.*

Victim *began to place his right hand onto the ground near his head, I once again feared* Victim *was going to attempt to push himself off the ground in order to gain a position of advantage. It should be noted due to the tight quarters and close proximity between me and my partner, I felt the use of a taser, OC spray, or a baton would not be reasonable in this circumstance.*

I commanded Victim *to stop resisting and I placed my left forearm on his upper back and grabbed his right arm with my left hand. I shifted my weight forward onto* Victim *'s back and pulled his hand behind his back and pinned it against his lower back.* Victim *brought his right hand to his lower back and I was able to place handcuffs onto* Victim *'s wrist. At this point I observed Sergeant blackwell had arrived on scene.*

Statement:

Witness's **Interview**

On December 1, 2023, at about 1302 hours, I interviewed Witness by telephone. The interview was recorded with her knowledge. I advised her that I was conducting an administrative investigation. The following is a summary of Witness's statement.

Witness was leaving her residence to go to the store. Witness was going to place her daughter in her car seat when she heard what sounded like a vehicle accident. Witness picked up her cellular phone from the passenger seat. Witness began to record the incident. Witness would not provide further because she said everything was in the recording. Witness added that she did not know if the suspect was strong, if he was resisting, or any details about what occurred during the arrest. Witness believed based on her observation of the incident, the officer should not lose his job. Further, Witness was adamant that she did not want to speak to anyone about the incident because the incident was overwhelming.

Policy Review:

San Bernardino Policy

§300.2.2 FORCE OPTIONS

(a) Persuasion

1. The presence of a confident uniformed police officer displaying professional demeanor coupled with good verbal communication will generally convince a resistant subject to submit to your authority without the necessity of an escalation in force. Good verbalization may be advising, admonishing, warning, or persuading a subject to submit to your authority without the use of profanity or derogatory language. Officers should use verbal techniques to deescalate confrontations.

(b)Compliance Control Techniques

1. Compliance techniques consist of the physical application of force in the form of joint manipulations, blocks, pain compliance, and take-downs. These empty handed techniques should be coupled with a police officer's verbal commands.

(c) Intermediate Force

1. Chemical Agents (Policy Manual § 308)

(a)Police personnel may use chemical agents as an intermediate level of force for controlling or subduing combative persons. Chemical agents are defensive control weapons used to control or subdue subjects who are physically resisting arrest. Chemical agents should not be used indiscriminately and should not be used against non-combative persons. Chemical agents should not be used against a subject who is under restraint unless that subject is physically assaulting officers or others.

2. Conducted Energy Device (Policy Manual § 309)

(a) The Conducted Energy Device (CED) is a device which may be used to subdue physically combative persons in violent or potentially violent situations, when the suspect poses an immediate threat to officers or other persons. The CED may be used if other apprehension methods or restraints have failed or are deemed impractical and there is a reasonable expectation that it would be hazardous for personnel to approach and physically contact the subject/s, thus lessening potential for injury to the subject/s or officers involved.

(d) Impact Weapons

(a) Impact weapons are methods of subduing physically combative persons or immediately impeding the threatening actions of a violently resistant subject with physical strikes to the subject's body. These physical strikes shall be directed to those areas which are easily accessible, effective for quickly subduing the subject/s, and unlikely to cause serious injury. Other self-defense techniques, kicks or arm strikes, could be used at this level in lieu of a baton. Other authorized police equipment may be used as an impact weapon in exigent circumstances.

§300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

§300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

(a) Summoning additional resources that are able to respond in a reasonably timely manner.
(b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
(c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

(a) Attempts to de-escalate a situation.

(b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

§340.3.2 Conduct

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

§340.3.5 Performance

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

§340.3.6 SAFETY

(f) Violating departmental safety standards or safe working practices.

San Bernardino Policy and Procedure:

§3.01 General Behavior

Employees shall at all times act in a manner so as to reflect credit to the Department. Any conduct which adversely affects the morale or efficiency of the

department and any conduct which has a tendency to adversely affect, lower, or destroy public respect and confidence in the department and the employee shall be considered unbecoming conduct. Conduct unbecoming an employee shall include any conduct which brings the Department into disrepute or reflects discredit upon the employee or the Department. It also includes any conduct which impairs the operation or efficiency of the Department or of any employee.

3.02 Obedience to Laws, Regulations, and Orders

B. Employees shall conform to and abide by the following: Charter of San Bernardino, rules and regulations of Civil Service, and the rules and regulations of the Department.

C. When assigned to duty with other personnel of the Department, employees shall be jointly responsible for compliance with rules and regulations and proper performance of duty.

D. Employees who violate any rule, regulation, or policy of the Department shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action.

§3.03 Conduct Towards Others

All personnel shall observe the following rules of conduct:

B. Personnel when issuing citations, conducting investigations and interrogations or handling other official business shall proceed in a courteous, fair, and impartial manner. They shall scrupulously avoid displaying an officious or overbearing attitude and shall not use coarse, profane or insulting language designed to belittle, ridicule, or embarrass an individual or group.

§4.01 Performance of Duty

While on duty employees shall:

1. *Devote their time and attention to the service of the City and shall direct and coordinate their efforts in a manner which will establish and maintain the highest standards of conduct.*

§4.02 Neglect of Duty

Employees may be deemed incompetent and subject to discipline when they: fail to properly perform their assigned duties; act in a manner tending to bring discredit to themselves or the Department; or fail to assume responsibility or exercise diligence, intelligence, and interest in the pursuit of their duties.

Conclusion:

On November 27, 2023, Officer H. Victorio and Officer G. Rodriguez were involved in a high-speed pursuit where the suspect made several unsafe driving movements including driving on the opposite side of the road during daylight hours, driving through a school zone area at a high rate of speed. After the pursuit, officers used force to apprehend the suspect.

An investigation was conducted and what was uncovered was the lack of experience by the officers. The lack of experience between Rodriguez and Victorio was evident. When Victorio authored his report he wrote he believed the suspect was a danger to them; however, Victorio's actions did not prove this because he could have initiated a felony traffic stop and gathered additional resources to de-escalate the situation. Instead, Victorio immediately closed the distance and began to give commands.

Victorio observed Victim on his stomach facing the ground with arms extended in a non-threatening manner holding a blunt object. Victorio perceived Victim to be a threat and decided to strike Victim without deploying hand control techniques, bypassing the force options outlined in the policy; therefore, the strike was unreasonable. Additionally, Victorio's lack of experience did not allow him to accurately access the threat. Further, Rodriguez recognized the threat, and he deployed hand control holds to overcome Victim 's resistance.

Victorio deployed hand and knee strikes to Victim 's head, which is against policy. It was evident that the techniques used by Victorio were improper and ineffective. These strikes used by Victorio could have led to injury and could have created a dangerous situation for himself and Rodriguez. Moreover, it was evident that Victorio's misinterpretation of Victim 's actions was attributed to Victorio's lack of experience because Victorio described Victim 's actions as resistance when in fact Victim was reacting to the strikes he received.

Although these policy violations are serious, these violations occurred because of Victorio's lack of experience (14 months since the date of hire as a police officer), and training. Further, this incident was investigated by the District Attorney's office which found the act was not criminal. Moreover, Victorio has no history of allegations of excessive force against him.

In this case, Victorio's actions were not malicious, intentional, or acting under the color of authority; instead, he acted in a manner where he made a bad decision and used bad

judgment, which can be corrected through training and experience. Since the incident, Victorio has attended 8 hours of de-escalation technique training.

Victorio violated Department Policy §300.2.2 (b), §300.2.2(c), §300.2.2(d), §300.3, §300.3.4(a), §300.3.4(b), §300.3.4(c), §340.3.2(k), §340.3.5 (m), §340.3.5,(aa), §340.3.6 (f), and Policy and Procedures, §3.01, §3.02 (B), §3.02(c), §3.02 (D), §3.03(B), §4.01, and §4.02.

Recommendations:

I recommend the allegation of **Improper Tactics** against **Officer Hector Victorio** be **Sustained.**

I recommend the allegation of **Unbecoming Conduct** against **Officer Hector Victorio** be **Sustained.**

I recommend the allegation of **Unreasonable Force** against **Officer Hector Victorio** be **Sustained.**

I recommend Officer Victorio receive a forty-hour suspension with no pay and that he attends forty hours of formal training related to the subject matter of de-escalation techniques and use of force. Further, the Professional Standards Bureau will audit Officer Victorio's use of force incidents for a twelve-month period.

Attachment M
Settlement Agreement in Case No. 23PSB-082
between the City of San Bernardino and
Hector Victorio, dated March 11, 2024

SETTLEMENT AGREEMENT

This Settlement Agreement and Appeal Waiver ("Agreement") is entered into as of March 11, 2024, by and between the City of San Bernardino ("City") and Hector Victorio ("Employee") (collectively, the "Parties").

RECITALS

WHEREAS:

A. On September 16, 2021, Employee was hired by the City in the position of Police Officer within the City's Police Department ("Department");

On December 1, 2023, the Employee was notified about an internal investigation regarding his actions of unreasonable force, unbecoming conduct, and improper tactics, after an arrest on November 27, 2023 (San Bernardino Case #2023-134638).

Subsequently, the employee through his legal representation, advised that he wanted to bypass the disciplinary appeal process. Further, the Employee indicated he was willing to admit to unreasonable force, unbecoming conduct, and improper tactics on November 27, 2023, when he failed to follow the department's policy during an arrest of a citizen.

B. Specifically, the employee admits to violating San Bernardino Policies §300.3, §300.3.4(a), §300.3.4(b), §300.3.4(c), §340.3.2(k), §340.3.5 (m), §340.3.5,(aa), §340.3.6 (f), and Policy and Procedures, §3.01, §3.02 (B), §3.02(c), §3.02 (D), §3.03(B), §4.01, and §4.02.

C. As a result, the Parties have since agreed to disciplinary action as follows: An imposition of a (40) forty-hour suspension, which consists of (20) twenty-hour suspension without pay and (20) twenty-hours held in abeyance upon successful completion of forty hours of de-escalation techniques and use of force training within one year from the date of signed agreement. Further, the Professional Standards Bureau will audit Officer Victorio's use of force incidents for a twelve-month period. This is done with the understanding that Employee waive any right he may otherwise have had to contest, or appeal this instant discipline.

AGREEMENT

NOW, THEREFORE, in consideration for the mutual promises and undertakings of the Parties as set forth below, the City and Employee hereby enter into this Agreement and agree as follows:

1. Incorporation of Recitals. The recitals set forth above are true and correct and are hereby fully incorporated into this Agreement by this reference.

2. No Admission of Liability. This Agreement shall in no way be construed as an admission by the City that it, the Department, or any officer, employee, or agent thereof, has acted wrongfully with respect to Employee. The City specifically disclaims any liability to or wrongful

acts against Employee on the part of the City, the Department, or any officer, employee, or agent thereof.

3. No Precedent. This Agreement is in no way intended, and shall in no way be construed, to restrict any rights guaranteed to the City under local, state, or federal law, rule, or policy or by private agreement, or to establish a precedent in this or any other matter, now or in the future.

4. Pending Disciplinary Action. The City and Employee agree that in return for valuable consideration—i.e., the City's non-adversarial, early and efficient resolution of this disciplinary action, and the Employee's non-adversarial, early and efficient resolution of this disciplinary action, that the Employee agrees to accept and abide by all of the terms specified in this Agreement.

5. Employee's Promises.

a) Concurrent with the execution of this agreement, Employee agrees that he will not file any appeal, claim, or lawsuit relating to the subject incident or acts referenced in this agreement **(23PSB-082).**

b) Employee agrees to an imposition of a (40) forty-hour suspension, which consists of, (20) twenty-hour suspension without pay and (20) twenty-hours held in abeyance upon successful completion of forty hours of de-escalation techniques and use of force training within one year from the date of signed agreement. Further, the Professional Standards Bureau will audit Officer Victorio's use of force incidents for a twelve-month period. Any noted deficiencies will be reviewed/investigated independent of this Agreement.

c) Employee agrees to waive any and all pre-discipline rights and any and all post-discipline rights that he may have to appeal, grieve, litigate, or otherwise contest the imposition of the discipline set forth in subdivisions a, b, c, and d of this section, above, under any provision or principle of local, state, or federal law, or under any contract or agreement written or oral, express or implied, including but not limited to, a collective bargaining agreement, a MOU, or any future "for cause" provisions of any employment agreement with the City, as may be further applicable, in any forum whatsoever, to the fullest extent permitted by law;

d) Employee agrees to comply with each and every one of the rules, regulations, and/or policies applicable to employees of the City in the Department, including from the date of the execution of this Agreement through the duration of the Employee's employment with the City;

6. Employee's Misconduct and/or Unsatisfactory Behavior. Employee admits to failing to perform his duties while arresting a citizen on November 27, 2023, as specified in department policy. Employee agrees and acknowledges that the aforementioned misconduct and unsatisfactory behavior constitute(s) a violation(s) of §300.3, §300.3.4(a), §300.3.4(b), §300.3.4(c), §340.3.2(k), §340.3.5 (m), §340.3.5,(aa), §340.3.6 (f), and Policy and Procedures, §3.01, §3.02 (B), §3.02(c), §3.02 (D), §3.03(B), §4.01, and §4.02.

7. Not a Limit on Future Actions. This Agreement in no way limits the City's ability to discipline Employee for other conduct by him that may violate City rules, policies, or regulations and/or terms of any applicable Memorandum of Understanding or standards of behavior. Moreover

a) Nothing in this Agreement shall limit the City's right to use or make reference to matters described in this Agreement, as a basis, in whole or in part, to justify a decision to discipline or to discharge Employee for any conduct arising or newly discovered subsequent to the execution of this Agreement, except to the extent limited by a City rule or policy or by a negotiated agreement or MOU with the employee's authorized and recognized representative; and

b) The City may place a copy of this Agreement in Employee's official personnel file, and Employee hereby consents to the City doing so and waives any and all rights to respond to and/or appeal the placement of this Agreement in his personnel file.

7. Voluntariness. Employee acknowledges that, prior to signing this Agreement, he was provided with an opportunity to consult with a representative and/or attorney of his own choosing and that he is voluntarily, knowingly, and intelligently entering into this Agreement with sufficient awareness of the relevant circumstances and likely consequences of this Agreement, on the advice of his own chosen counsel, and without reliance on any representations made by the City, the Department, or any officer, employee, or agent thereof, except as provided in this Agreement. Employee further acknowledges that he was given reasonable and sufficient time and opportunity to negotiate the terms of this Agreement and to consider the execution thereof under the terms set forth herein

8. Entire Agreement. The Parties acknowledge that this Agreement constitutes a signed integrated agreement expressing the entire agreement between the Parties and fully superseding any and all prior or contemporaneous oral or written agreements, understandings, promises, or representations between the Parties pertaining to the subject matter of this Agreement. Moreover, no subsequent agreement concerning the subject matter of this Agreement or modification to this Agreement shall be binding unless it is signed by both Parties.

9. Governing Law and Venue. This Agreement shall be governed by and interpreted under the laws of the State of California applicable to contracts made and to be performed within the State. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of San Bernardino, California.

10. Interpretation and Severability. The Parties agree that the customary rule of construction that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement. The Parties further agree that, should any provision of this Agreement be declared or determined by any court of competent jurisdiction to be invalid, illegal, or otherwise unenforceable for any reason, such determination shall not affect the validity of the remaining parts, terms, or provisions hereof, or of the offending provision in any other circumstance.

11. Authority. The persons signing this Agreement on behalf of the Parties hereto hereby warrant and represent that they are duly authorized to execute this Agreement on behalf of said Parties and that, by doing so, the Parties hereto are hereby formally bound to the provisions of this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR SETTLEMENT AGREEMENT AND APPEAL WAIVER

PLEASE READ THIS AGREEMENT CAREFULLY. IT INCLUDES A WAIVER OF DISCIPLINE APPEAL RIGHTS AND A RELEASE BY THE CITY EMPLOYEE OF ANY AND ALL KNOWN AND UNKNOWN CLAIMS THAT HE MAY HAVE AGAINST THE CITY, THE DEPARTMENT, OR ANY OFFICER, EMPLOYEE, OR AGENT THEREOF. IN REFERENCE TO THE SUBJECT INCIDENT OR ACTS REFERENCED IN 23PSB-082.

IN WITNESS HEREOF, the Parties have executed this Agreement as of the date first written above.

CITY:

Approved By:

Darren Goodman
Chief, San Bernardino Police Department, City of San Bernardino

EMPLOYEE:

Approved By:

Officer Hector Victorio

Attachment N
Victim's Settlement Agreement with City,
dated July 31, 2024

Docusign Envelope ID: BEA665C6-6610-4122-9A25-F2C06F2BBAA8

SETTLEMENT, MUTUAL AGREEMENT AND GENERAL RELEASE OF CLAIMS

THIS SETTLEMENT, MUTUAL AGREEMENT, AND GENERAL RELEASE OF CLAIMS ("Agreement") is made and entered into by and between Victim [redacted] ("Claimant"), the City San Bernardino, Officer Hector Victorio, and Officer Gabriel Rodriguez (collectively "San Bernardino"). Claimant and San Bernardino are referred to collectively at times herein as the "Parties."

RECITALS

A. Claimant served a claim for damages against the San Bernardino on or about January 12, 2024 (the "Dispute");

B. The Dispute arises out of a high-speed pursuit involving Claimant occurring on or about November 27, 2023, in the City of San Bernardino;

C. Recognizing the costs and uncertainties involved in any litigation, the Parties now desire to settle fully and finalize all differences between them arising from the Dispute;

D. The Parties intend, by this Agreement, to settle any and all claims in connection with the Dispute, or otherwise existing between the Parties as of the execution of this Agreement, whether alleged or unalleged, for the total sum of Four Hundred and Fifty Thousand Dollars ($450,000);

E. This Agreement does not constitute an admission of any liability or wrongdoing whatsoever on the part of any of any of the Parties hereto.

AGREEMENT AND RELEASE

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Payment. Payment is contingent upon the execution of this Agreement. San Bernardino, shall make best efforts, within 15 days of receipt of this fully executed Agreement by all parties and a W-9 from Claimant's counsel, Joseph L. Richardson, make the settlement payment of Four Hundred Fifty Thousand ($450,000), made payable to Claimant's counsel of record as follows: "MCCUNE LAW GROUP, CLIENT TRUST ACCOUNT." The check shall be mailed to Mr. Joseph L. Richardson, via overnight mail to McCune Law Group, 31 W. Stuart Avenue, Suite 300, Redlands, CA 92374, signature required.

2. Notice. All notices to be given pursuant to this Agreement, shall be in writing and shall be delivered to the following addresses, or such other addresses as the Parties may later designate in writing:

Docusign Envelope ID: BEA665C6-6610-4122-9A25-F2C06F2BBAA8

If to Claimant: Such notice shall be mailed to Mr. Joseph L. Richardson, Esq., at 31 W. Stuart Avenue, Suite 300, Redlands, CA 92374.

If to San Bernardino: Such notice shall be mailed to James R. Touchstone, Esq., at Jones Mayer, 3777 N. Harbor Blvd., Fullerton, California 92835.

3. Release by Claimant. Claimant, individually, and on behalf of himself, his heirs, successors, grantees, assigns, principals, agents, employees, consultants, representatives, attorneys, bonding companies, lien holders, and insurers fully and forever release and discharge the City San Bernardino, Officer Hector Victorio, and Officer Gabriel Rodriguez, as well as their respective successors, heirs, assigns, principals, agents, departments, employees, former employees, the City's elected officials, appointed officials, consultants, vendors, representatives, attorneys, bonding companies and insurers from any and all liability in connection with all claims, damages, attorney's fees, costs, liens, expenses, losses, suits, demands, rights, liabilities and allegations arising from or in any way related to the City of San Bernardino or its employees, officers or elected officials existing at the time of execution of this Agreement, whether made or unmade, known or unknown, asserted or unasserted, stated or unstated or that could have been stated, and of any kind whatsoever.

4. Claimant Responsible for All Liens: Claimant and Claimant's counsel represent and acknowledge that they bear full responsibility for any and all liens that may exist, such as attorney liens, medical liens, Medi-Cal liens, Medicare liens, or any other liens in connection with the Dispute. Claimant and Claimant's counsel shall be solely responsible for any and all liability associated with any such liens and shall indemnify and defend all defendants for any lawsuits, demands, claims or other legal actions of any sort whatsoever attempting to collect on said liens.

5. Civil Code section 1542 Release. The Claimant are aware of all rights that may be granted to them pursuant to Civil Code section 1542, which section reads, in pertinent part, as follows:

> **"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY."**

Claimant nevertheless waives all rights granted to him by Section 1542, and any similar statute, code, law or regulation of any state of the United States, or of the United States, and assumes all risks for claims arising in the Dispute, heretofore or hereafter arising, known or unknown, from the subject matters of this release. Furthermore, Claimant agrees that the facts on which the release under which this Agreement is based, may turn out to be different from the facts now known or believed to be true in respect to the matters referred to above. Nevertheless,

Docusign Envelope ID: BEA665C6-6610-4122-9A25-F2C06F2BBAA8

the Claimant accepts and assumes the risk that such facts may turn out to be different and agrees that the terms of the release in this Agreement shall in all respects be effective and not subject to termination, rescission, modification by an such difference in the facts.

6. Competency. In consideration of the above-described settlement and as an inducement therefore, Claimant represents, covenants and agrees that Claimant is competent to sign on his behalf.

7. No Admission of Liability. The Parties understand and agree that this Agreement is not to be construed as an admission of liability whatsoever on the part of the City of San Bernardino, or any other San Bernardino employee or department, and that this Agreement is made solely for the purpose of avoiding the burden that would be imposed upon the Parties by further litigating the Dispute.

8. No Assignment. Claimant represents and warrants that he has not assigned or transferred, or purported to assign or transfer, and shall not hereafter assign or transfer, any obligations, liabilities, demands, claims, costs, expenses, debts, controversies, damages, actions, and causes of actions released under this Agreement.

9. Consultation With Attorney. Each Party declares that prior to the execution of this Agreement, he/she/it has consulted with his/her/its attorney in order that he/she/it may intelligently exercise his/hers/its own judgment in deciding whether to execute this Agreement.

10. Authority to Execute Agreement. Each Party declares that he/she/it has read this Agreement and understands and knows the contents thereof, and represents and warrants that each of the Parties executing this Agreement is empowered to do so and hereby binds the respective Party, and all of its successors, assigns, principles, agents, employees, consultants, representatives, attorneys, bonding companies and insurers to the terms hereunder.

11. Counterparts. This Agreement may be executed in counterparts, and all so executed shall constitute an agreement binding on the Parties hereto. The Parties further agree that a facsimile and/or scanned copy of the executed counterparts shall have the same force and effect as an original.

12. Enforcing Agreement. This Agreement shall in all respects be interpreted, enforced and governed under the laws of the United States or the State of California, as applicable, and this Agreement is fully enforceable pursuant to California Code of Civil Procedure section 664.6, or its federal counterpart. The Parties agree that the Court shall retain jurisdiction to enforce the terms of this Agreement.

13. Jurisdiction and Venue. This Agreement is intended to be construed pursuant to the laws of the State of California. Each Party hereto agrees that the proper venue for any action arising out of the breach or the interpretation of this Agreement or other documents delivered pursuant to any provision thereof, shall be the San Bernardino County Superior Court of the State of California.

Docusign Envelope ID: BEA665C6-6610-4122-9A25-F2C06F2BBAA8

14. Entire Agreement. This Agreement constitutes the entire understanding between and among the Parties hereto. Each Party acknowledges that no Party, agent or representative of the other Party has made any promise, representation or warranty, express or implied, not expressly contained in this Agreement, which induced the other Party to sign this document. Both Parties agree that this Agreement shall not be amended or modified, except in writing signed by each Party, and shall not be construed against any Party because that Party's representative drafted the Agreement or any portion of it.

15. Additional Acts. The Parties agree to perform such further acts and to execute and deliver such further documents as may be reasonably necessary or appropriate to carry out this Agreement.

16. No Other Promise or Warranty. No promise or warranty shall be binding on any Party except as expressly contained in this Agreement.

17. Not Binding on Any Third Party. This Agreement is not for the benefit of any person or party who is not a signatory hereto or specifically named or referred to herein.

18. If Any Provision Is Void. If any provision of this Agreement shall be determined to be invalid, void or illegal, such provision shall be construed and amended in a manner which would permit its enforcement, but in no event shall such provision affect, impair or invalidate any other provision hereof.

19. Agreement Binding on Successors. It is agreed that this Agreement, together with the releases, shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives, successors in interest and assigns of the respective Parties hereto.

20. Attorneys' Fees. The Parties shall each bear their own attorney's fees and costs incurred in litigation of the Dispute. However, should either Party initiate any action at law or in equity to enforce or interpret the terms of this Agreement, the prevailing Party shall be entitled to reasonable attorneys' fees and costs.

21. Gender and Number. Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Docusign Envelope ID: BEA665C6-6610-4122-9A25-F2C06F2BBAA8

22. Effective Date. This Agreement shall be effective as of the last date set forth below.

WHEREFORE, the undersigned having read the foregoing Settlement and Release Agreement, and fully understanding it, and agreeing to its terms, hereby execute this Agreement and make it effective on the date of the last signature hereto.

DATED: July 31, 2024

CITY OF SAN BERNARDINO

By: _____
Rochelle Clayton
Acting City Manager for CITY OF SAN BERNARDINO

DATED: July ___, 2024

Victim 7/2/2024

APPROVED AS TO FORM AND CONTENT:

DATED: July 3, 2024

MCCUNE LAW GROUP

By: _____,
Joseph L. Richardson, Esq.
Attorney for Asa Carraway

DATED: July 3, 2024

JONES MAYER

By: _____
James R. Touchstone, Esq.
Attorney for City of San Bernardino

Attachment P
San Bernardino Police Department Internal Affairs Investigation Case No. 24PSB-006, dated August 1, 2024

CITY OF SAN BERNARDINO
POLICE DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Captain A. Affrunti

FROM: Detective J. Vega

SUBJECT: Internal Complaint Investigation (24PSB-006)

DATE: August 1, 2024

COPIES:

SYNOPSIS:

On Thursday, February 22, 2024, I was assigned to investigate this Internal Complaint (24PSB-006). I was made aware that San Bernardino County Assistant District Attorney Robert Brown had concerns regarding a statement captured on body-worn camera (BWC) footage for San Bernardino Police Department (SBPD) case number 2023-0122237. Officer H. Victorio was captured on BWC telling the suspect, Arrestee (DOB: PII - Civ. Code sec. 1798.24), "Your so fucking lucky there's people here, I'd beat the fuck out of you for taking away from me." Officer 1, who was standing near Officer Victorio and Arrestee, covered his BWC with his hand and muted his BWC within seconds of Officer Victorio's comment. No force was used during the detention and subsequent arrest of Arrestee

The arrest of Arrestee stemmed from a burglary investigation. On Saturday, October 28, 2023, at about 0720 hours, San Bernardino Police Dispatch received a transfer call from the Riverside County Sheriff's Department regarding a suspicious circumstance call at Incident location (Incident location.) in the City and County of San Bernardino. The reporting party (RP) was watching a live surveillance stream of the business and could see subjects taking property from the business.

This call generated a significant police response. A total of 3 Sergeants, 2 Corporals, 13 Officers, a Forensic Specialist, and a San Bernardino County Sheriff's Department helicopter (40 King) responded to the call. Three suspects (including Arrestee were arrested for burglary during the investigation.

During a review of BWC footage, Arrestee was observed being detained by Officer 1 while riding an electric scooter and wearing a black backpack on his back. Arrestee also had a black shirt in his possession when detained. The shirt was resting on Arrestee shoulder and not worn.

During a search of Arrestee Officer 1 removed a clear plastic bag from Arrestee which contained a white substance he suspected was methamphetamine.[1] During the detention, Officer 1 also removed some suspected marijuana[2] from Arrestee Officer Victorio was observed on BWC placing the clear plastic bag containing the suspected narcotics inside the backpack. Officer 1 was observed placing the suspected marijuana in the backpack. An additional clear zip lock bag containing suspected marijuana was observed in the backpack when Officer Victorio searched the backpack.

While Officer Victorio searched the backpack, some "1MORE" brand earphones were observed inside the backpack. The same brand of earphones in a similar box was observed on Officer R. Navarro-Garcia's BWC footage when he and the victim inventoried some of the stolen/recovered property at the victim's warehouse.

The backpack also contained other miscellaneous personal property which included cell phones, a USB cord, a screwdriver, lighters, and a wallet (which had no visible contents). During the investigation, the victim identified the scooter as belonging to him. The scooter was returned to the victim. Officer Victorio determined that Arrestee black shirt had been used as a mask during the burglary. Officer Victorio placed the black shirt in evidence.

Arrestee was arrested and jailed on felony charges. San Bernardino County Sheriff's Department booking records did not show Arrestee was booked with a backpack, any cell phones, or a wallet. No record of the backpack being tagged as evidence or safekeeping at the SBPD was found. No record of the narcotics was found indicating they were submitted for analysis or destruction.

A review of police reports found that neither the backpack, its contents, nor the narcotics were mentioned. BWC footage shows the last officer to have the backpack with evidence and narcotics was Officer Victorio. The BWC footage captured Officer Victorio placing the backpack with evidence and narcotics in the backseat floorboard of Unit #5.

Sergeant F. Fuentes (Witness Officer) was directed to complete a memorandum during the investigation. Sergeant Fuentes was on the initial burglary call and was the next officer assigned to use Unit #5 after Officer Victorio. He recalled responding to the call and assisting with clearing the building. Sergeant Fuentes did not recall encountering Arrestee or taking possession of his property. He was "confident" that he conducted a pre-shift inspection of Unit #5 as part of his routine. Sergeant Fuentes did not locate any property, backpack, or narcotics in Unit #5 during the pre-shift vehicle inspection.

[1] The substance Officer 1 recovered will be referred in this investigation as "suspected methamphetamine" because it was not laboratory tested.

[2] The marijuana Officer 1 recovered will be referred in this investigation as "suspected marijuana" because it was not laboratory tested.

Officer V. Trejo (Witness Officer) was interviewed during the investigation. Officer Trejo assisted with the burglary investigation by transporting the suspect Arrestee to jail. Officer Trejo was asked if she was provided a backpack that Arrestee had when he was detained. She replied, “That I recall, no.” Officer Trejo was asked if she knew what happened to the backpack and any of the additional property that he had. Officer Trejo replied, “I do not know.” She was asked if she was aware if Arrestee had any narcotics when he was contacted and detained. Officer Trejo replied, “I do not recall.”

Officer R. Navarro-Garcia (Witness Officer) was interviewed during the investigation. He recalled that on 10/28/2023, he responded to Rialto Street and E Street as part of a burglary investigation and conducted the infield lineup with the victim, Victim and that the line-up was conducted for the suspect, Arrestee Officer Navarro-Garcia was asked if he recalled the victim identifying his scooter during the line-up. He replied, “Yes.” I asked Officer Navarro-Garcia if any other property, including headphones, was shown to the victim. Officer Navarro-Garcia said he could only recall the “scooter” that the suspect had.

Officer Navarro-Garcia was asked if he was aware of what happened to a backpack, suspected narcotics and other property Arrestee had in his possession. He replied that he did not recall any other property Arrestee had other than the scooter. I asked Officer Navarro-Garcia again if he was aware of any suspected narcotics Arrestee had in his possession. He replied, “Until now, no sir” and added he did not know anything about narcotics. I asked Officer Navarro-Garcia if he had taken possession of any of Arrestee property, other than the scooter Victim took possession of. He replied, “No, only the scooter, nothing else sir.”

Officer 1 (Focus Officer) was interviewed during the investigation. Officer 1 was assisting with a burglary investigation at Incident location when he heard Officer Victorio broadcast that a suspect was fleeing from him on a scooter. He said he detained Arrestee who was riding a scooter and had a backpack at the Transit Center. Officer 1 said he located what he believed was methamphetamine in Arrestee pocket and placed the methamphetamine on top of a wall. During a secondary search, he located marijuana on Arrestee and believed he put the marijuana on the roof of his unit.

Officer 1 said he did not complete a report for the investigation. Officer Victorio told him that he (Officer Victorio) was going to “cover it” referring to documenting the incident because it was the end of Officer 1’s shift. Officer 1 said the scooter and backpack Arrestee possessed had been placed in the back of Officer Victorio’s unit. Officer 1 did not take any evidence or property with him when he left the scene. Officer 1 said he was not responsible for going to the station to tag any evidence.

Officer 1 initially said he was not sure what happened to the suspected methamphetamine and suspected marijuana because when he went back, both were gone. After reviewing BWC footage during the interview, Officer 1 said he was

confident that he was not responsible for tagging in any evidence and that the narcotics remained with Officer Victorio.

Officer Victorio (Focus Officer) was interviewed during the investigation. Officer Victorio stated he had not initially been dispatched to the burglary call but was listening to the radio and heard there was an ongoing “459” and that two possible suspects had not been accounted for. Officer Victorio observed a Hispanic male suspect near Rialto Avenue and E Street. The subject matched the suspect's description that officers at the burglary scene had provided. Officer Victorio said he was wearing a department-approved uniform. He exited his marked police vehicle and turned on his overhead lights. Officer Victorio yelled to the suspect; the suspect looked back at him. Officer Victorio tried to call the suspect to him, but the suspect began to flee on a scooter. Based on the suspect description provided by his partners, Officer Victorio believed the subject was “involved with the commission of the crime.”

Officer Victorio said Officer 1 arrived on the scene and he told Officer 1 what direction the suspect was going. Officer 1 went in that direction while Officer Victorio tried to catch up. Officer Victorio said the suspect was riding westbound, through the train station. Officer 1 detained the suspect, and Officer Victorio later confirmed it was the person who had fled from him.

Officer Victorio said Arrestee had a black backpack that contained hygiene products, an alcoholic beverage, lighters, and some tools including a screwdriver. Officer Victorio remembered Officer 1 locating suspected cocaine on Arrestee that was in a clear plastic bag. Officer 1 placed the suspected cocaine on the ledge of a wall. Officer Victorio said he collected everything that was on the ledge of the wall and placed the items inside the backpack.

When asked what happened with the backpack, Officer Victorio said, “Looking back at it now” and after reviewing all the documents that had been provided to him, he thought he had tagged the backpack in for evidence because that is what he would typically do. He continued and said after reviewing the “PR1” he noticed he did not tag it in. Officer Victorio then said, “I know” that he had “tossed it.” Officer Victorio said he believed he threw away the backpack and its contents, including the possible cocaine, at the police station.

Officer Victorio said he recognized the substance as suspected cocaine from his training and experience, but that the substance was not tested. Officer Victorio did not remember the suspected marijuana being in the backpack.

Officer Victorio collected evidence during the case and placed a shirt in evidence. Officer Victorio completed a report during the investigation and said he did not mention the backpack and cocaine in his report. Officer Victorio said since he had the suspect on a felony charge and was not going to charge the misdemeanor, he “got rid of it” referring to the suspected cocaine.

When asked why would have tagged the t-shirt and not the backpack, Officer Victorio remembered the backpack was “disgusting” and was not sure if the alcoholic beverage had “leaked” in the backpack. Officer Victorio continued and said the first time he checked the backpack was a “safety sweep” to ensure no weapons were inside. Officer Victorio said the second time he went through the backpack he had gloves on. Officer Victorio described the backpack as having an odor and being “sticky.” Officer Victorio continued and stated that we (officers) do not tag in lighters or alcoholic beverages. Officer Victorio then said, “I just didn’t see me tagging it for like safekeeping or evidence.”

Officer Victorio was shown his BWC footage during the interview. Officer Victorio confirmed the backpack and possible cocaine seen in the footage were the items being referred to during the interview.

Officer Victorio was asked if it was “common practice” to throw items of evidence or property belonging to citizens away. Officer Victorio replied, “No sir.”

Officer Victorio was asked in “hindsight,” what would have been the appropriate disposition of the property that Arrestee possessed. Officer Victorio replied, the “cocaine” even though he was not going to charge him with it, he could have tagged it in for “destruction.”

Officer Victorio continued and said he could have removed all the items he could not tag in from the backpack and thrown those items away. Officer Victorio said he could have tagged the personal belongings in the backpack as “safekeeping.”

FINDINGS:

BWC REVIEW (Tab 06)

I located a total of 34 BWC recordings for this incident. The following officers had BWC footage found not to be relevant to this investigation:

Sergeant A. Reyna (4) BWC clips of footage from the station and the initial crime scene.

Corporal J. Burgher (1) BWC clip of footage from the initial crime scene.

Corporal M. Valenzuela (1) BWC clip of footage from the initial crime scene.

Officer K. Birkett (1) BWC clip of footage from the initial crime scene.

Officer C. Oropeza (3) BWC clips of footage from the station, initial crime scene, and county jail (CDC).

Officer J. Ortiz (1) BWC clip of footage from the initial crime scene.

Officer J. Madrid (1) BWC clip of footage from the initial crime scene.

Officer R. Miars (1) BWC clip of footage from the initial crime scene.

Officer G. Rodriguez (3) BWC clips of footage from the station and the initial crime scene.

Officer J. Tubbs (1) BWC clip of footage from the initial crime scene.

Officer S. Wilcox (1) BWC clip of footage from the initial crime scene.

Officer M. Vuicich (1) BWC clip of footage from the initial crime scene.

The following Officers had BWC footage found to be relevant to this investigation:

Officers Officer 1, V. Trejo, and H. Victorio had direct contact with Arrestee. BWC footage for Officer Navarro-Garcia was also found to be relevant due to the footage showing property items (earphones) that the suspects stole and property (electric scooter) Officer Navarro-Garcia took possession of from Officer Victorio.

Officer H. Victorio had four BWC recordings for this investigation. The following is a summary of the footage:

Officer Victorio BWC #1 - Date: 10/28/2023 - Time: 07:42:18 - Length 17:19

The footage began with Officer Victorio driving north on E Street approaching Rialto Avenue. This was determined by visible street signs. At about 07:42:48, Officer Victorio exited a marked SBPD "Supervisor" vehicle (Unit #5) and stated to [redacted], "Hey bro, come here." Officer Victorio repeated, "Come here." [redacted] was visible in the footage and was riding an electric scooter. [redacted] did not comply and rode away from Officer Victorio on the scooter. The overhead emergency lights were activated on the police vehicle.

At about 07:43:12, Officer Victorio told another officer in a marked SBPD vehicle that [redacted] was "taking off," and directed the officer to "cut him off".[3] Officer Victorio (1Adam16) broadcasted to dispatch that [redacted] was taking off west through the train tracks. Officer Victorio drove his vehicle to the transit center and entered the transit center by driving south on F Street from Rialto Avenue. At about 07:44:32, Officer Victorio located [redacted] taking [redacted] into custody at the transit center. [redacted] had already handcuffed [redacted] when Officer Victorio arrived. Officer Victorio confirmed with [redacted] that [redacted] was the person who fled from him.

Officer Victorio assisted in searching [redacted] and was seen removing (07:44:49) a black, unknown make, touch screen cell phone from [redacted] right front pant pocket. Officer Victorio was also seen removing (07:44:54) a black wallet from [redacted] right rear pant pocket. These items were placed on top of a block wall. BWC footage (07:46:33) later showed the wallet did not contain any visible contents. At about 07:45:07, Officer Victorio told [redacted] "Your so fucking lucky there's people here, I'd beat the fuck out of you for taking away from me."

Officer Victorio searched [redacted] black backpack. Inside the backpack was a box of "1MORE" earphones (07:45:28).[4] A second black cell phone (07:45:49) was also seen in the backpack. Officer Victorio collected [redacted]' property from the block wall and placed the items inside the backpack. Officer Victorio collected a clear plastic bag tied in a knot that contained a white substance (suspected cocaine or methamphetamine) that [redacted] previously removed from [redacted] Officer Victorio placed the substance in the backpack. Officer Victorio secured the backpack in the backseat of his police vehicle.

At about 07:52:50, Officer Victorio removed the backpack from his backseat, placed the backpack on the ground, and again searched the backpack. Officer Victorio placed the contents back into the backpack which included the suspected narcotics and a zip lock back containing suspected marijuana. The backpack was again secured in the backseat of Officer Victorio's vehicle. This BWC footage ended as the scooter and a black shirt were placed in Officer Victorio's vehicle by both [redacted] and Officer Victorio.

[3] . [redacted] was determined to be the responding officer after further BWC review.
[4] The "1MORE" earphones were later found to match stolen earphones from the business.

Officer Victorio BWC #2 - Date: 10/28/2023 - Time: 08:04:17 - Length 6:30

This BWC footage captured Officer 1 driving away. Arrestee was left with Officer Victorio near Rialto Avenue and E Street. Per Officer Victorio's police report, officers relocated to this location to allow the train station to resume normal operations. Officer V. Trejo arrived within a minute of Officer 1 leaving. Arrestee was secured in the backseat of Officer Trejo's unit. Most of this BWC footage was muted.

Officer Victorio BWC #3 - Date: 10/28/2023 - Time: 08:43:40 - Length 4:16

This BWC footage began near the tail end of the infield line-up involving Arrestee Officer Victorio was assisted by Officer Trejo. After Arrestee was placed back into Officer Trejo's vehicle, Officer Victorio removed the electric scooter from his vehicle. The victim, whom Officer Navarro-Garcia transported, identified the scooter as his property. Officer Victorio photographed the scooter with a RIPA phone and placed the scooter in Officer Navarro-Garcia's vehicle with the victim. The backpack was seen on the floorboard behind the driver's seat in Officer Victorio's vehicle. Photographs of the scooter were found in DIMS.

Officer Victorio BWC #4 - Date: 10/28/2023 - Time: 08:49:29 - Length 3:50

This BWC footage began with Officer Victorio photographing Arrestee' tattoos with a RIPA phone. Photographs of Arrestee tattoos were found in DIMS. Officer Victorio read Arrestee his Miranda rights. Arrestee denied stealing anything during the interview.

Officer 1 had one BWC recording for this investigation. The following is a summary of the footage:

Officer 1 ***BWC - Date: 10/28/2023 - Time: 07:30:36 - Length 33:23***

This BWC footage began with Officer 1 assisting in clearing a vehicle that had been stopped during the investigation. Officer 1 assisted with establishing a perimeter of Incident location. At about 07:42:18, Officer 1 began running to his patrol car. Officer 1 drove his patrol vehicle, and then exited his vehicle at the transit center and ran after Arrestee Officer 1 pointed his duty weapon at Arrestee Arrestee dismounted the scooter and was handcuffed and detained by Officer 1. The audio on the BWC was muted during the detention of Arrestee

Officer 1 helped Arrestee stand up and escorted him to a nearby block wall. Officer 1 began searching Arrestee At about 07:44:54, Officer 1 turned on the audio to his BWC. At about 07:44:58, Officer 1 removed a bag of suspected narcotics (white substance) from Arrestee left front pant pocket. Officer 1 placed the substance on top of the block wall.

At about 07:45:07, Officer Victorio stated, “Your so fucking lucky there’s people here, I’d beat the fuck out of you for taking away from me.” At about 07:45:08, Officer 1 muted his BWC.

Officer 1 escorted Arrestee to his patrol vehicle. During another search of Arrestee Officer 1 located some US currency and a clear plastic bag containing suspected marijuana (07:46:26) in Arrestee right front pants pocket. It appeared that Officer 1 immediately placed the money back into Arrestee ’ pocket. The suspected marijuana was placed on top of his patrol vehicle. Officer 1 placed Arrestee in the backseat of his patrol vehicle. Officer 1 obtained Arrestee name and birth date and conducted a computer records search for Arrestee in his police vehicle.

At about 07:51:47, Officer 1 returned to the area Arrestee dismounted the electric scooter. Officer 1 collected the scooter and a black shirt, which was on the ground by the scooter, and he set the items by the SBPD patrol vehicles.

At about 07:55:20, Officer 1 retrieved the bag of suspected marijuana from the top of his vehicle. Officer 1 walked to Officer Victorio’s vehicle and placed the suspected marijuana inside a zippered portion of the backpack.

At about 07:59:19, Officer 1 assisted Officer Victorio in loading the scooter in the backseat of Officer Victorio’s patrol vehicle. Officer 1 left the black shirt in Officer Victorio’s vehicle.

Officer 1 drove his vehicle from the transit center and parked on Rialto Avenue, west of E Street. At about 08:03:59, Officer 1 turned off his BWC.

Officer V. Trejo had two BWC recordings for this investigation. The following is a summary of the footage:

Officer Trejo BWC #1 - Date: 10/28/2023 - Time: 08:43:02 - Length 00:52

This BWC footage began with the infield line-up involving Arrestee Officer Trejo assisted Officer Victorio with the line-up on Rialto Avenue, west of E Street. Officer Trejo turned her BWC off as Officer Victorio placed Arrestee in the backseat of Officer Trejo's police vehicle.

Officer Trejo BWC #2 - Date: 10/28/2023 - Time: 08:56:16 - Length 06:15

This BWC footage began as Officer Trejo was driving her police vehicle east on Rialto Avenue towards D Street.[5] Officer Trejo spoke with Arrestee while she was driving. Officer Trejo arrived at the intake parking lot of the county jail (CDC) and turned off her BWC while she was sitting in the driver's seat of her vehicle.

Arrestee nor any of his property were observed on this BWC footage.

[5] This was determined by street signs and landmarks.

Officer R. Navarro-Garcia (8) BWC clips of footage from the station, initial crime scene, and infield line-up of Arrestee. Most of his BWC footage was not relevant to this investigation. The BWC footage captured Victim taking possession of the scooter Arrestee was riding when he was detained.

Officer Navarro-Garcia BWC #3 - Date: 10/28/2023 - Time: 08:33:38 - Length 30:21

At about 08:40:03, Officer Navarro-Garcia admonished the victim regarding the infield line-up involving Arrestee During the infield line-up, the victim identified his scooter and the suspect's clothing. Officer Victorio told Officer Navarro-Garcia that he would photograph the scooter and put it in his (Officer Navarro-Garcia's) vehicle. At about 08:51:14, the victim exited the rear of Officer Navarro-Garcia's vehicle with the scooter. The backpack was not seen. Officer Navarro-Garcia continued with his investigation at the warehouse.

Officer Navarro-Garcia BWC #7 - Date: 10/28/2023 - Time: 10:23:43 - Length 21:38

This BWC footage captured Officer Navarro-Garcia continuing with his investigation at the warehouse. At about 10:29:10, Officer Navarro-Garcia was conducting an inventory of property the suspects removed from the warehouse. Some of the earphones "1MORE" brand appeared to be the same as the box of earphones Arrestee had in his backpack.

This concludes the BWC review.

REPORTS REVIEW (Tab 03)

I located a total of 14 police reports in Mobile Client for this incident.

- Officer Navarro-Garcia completed CR1.1, CR2, PR1, and PR1 Evidence reports. The CR1.1 referenced the suspect on the scooter. The CR2 identified the suspect who fled on the scooter as Arrestee [redacted]. Arrestee was identified via surveillance footage and an infield line-up. The scooter was identified as belonging to the victim and had been taken from inside the business. Officer Navarro-Garcia's report stated that Officer Victorio located Arrestee on the scooter.

- Officer Navarro-Garcia's PR1 Evidence report listed the item as a "CD" with footage of the burglary. The PR1 report listed (19) separate stolen and recovered items. Two of the items were listed as "1MORE" brand headphones/earphones, which was the same brand of earphones seen in Arrestee backpack.

- Officer G. Rodriguez completed CR2 and CR3 Arrest reports. The CR2 stated that one of the suspects arrived on a black scooter. The CR3 contained information for another suspect.

- Officer Victorio completed CR2 and PR1 Evidence reports. Officer Victorio described responding to the call and that one of the outstanding suspects was a bald Hispanic male wearing a white hoodie. Officer Victorio stated he located Arrestee who was a bald Hispanic male wearing a white hoodie and riding an electric scooter. Arrestee fled from him. He added Officer 1 [redacted] arrived on the scene and "intercepted" Arrestee at the train station and was detained. Officer Victorio's report stated Arrestee had a black shirt on his person.

- Officer Victorio's report also stated he viewed a brief portion of the video surveillance and noticed Arrestee used the shirt to cover his face during the crime. Officer Victorio stated Arrestee was identified during an infield line-up as one of the suspects. He added that the electric scooter was released to the reporting party at the scene. Officer Victorio had an "EVIDENCE" heading in his CR2 that listed the black shirt recovered, which was assigned tag number 23-12095. His PR1 Evidence report listed the same tag number and item as a "black shirt."

The following officers completed CR2 reports not relevant to this investigation: Officer C. Oropeza, Officer R. Miars, and Officer M. Vuicich.

Officer Oropeza also completed a CR3 Arrest report for another suspect. Officer Trejo completed a CR3 Arrest report for the suspect, Arrestee [redacted].

Laserfiche stored 6 sets of reports for this investigation. One set of records was a copy of the Booking Application and Probable Cause Declaration for Arrestee The other records were not relevant to this investigation.

- Forensic Specialist A. Lugo completed a Forensic Report. The report was not relevant to this investigation.

During a review of the police reports, there was no mention of Arrestee having any suspected narcotics or having a backpack that contained earphones. No reports indicated what happened to the backpack or the suspected narcotics.

This concludes the Report(s) review.

FOLLOW-UP INVESTIGATION

SBPD Property / Evidence Room

On Tuesday, 2/27/2024, I went to the SBPD Property Room after learning of the missing narcotics and backpack. Property Technician E. Sanchez researched case number 2023-122237 for any items that had been placed into evidence or safekeeping during the burglary investigation. Property Technician Sanchez informed me that only the following items had been tagged into evidence: A black shirt - Evidence Tag Number 23-12095 by Officer H. Victorio, and a CD – Evidence Tag Number 23-12125 by Officer R. Navarro-Garcia. Photocopies of the 2023 Evidence Tag Log for the Property Tagging Room and B-Building Bulk Storage were later made covering the date of 10/28/2023 (Tab 09).

Central Detention Center

On Tuesday, 2/27/2024, I went to the San Bernardino County Sheriff's Department (SBCSD) - Central Detention Center (CDC). A Custody Specialist located Arrestee [redacted] "Money and Personal Property Receipt" for when he was booked on 10/28/2023. I was provided a copy of the receipt (Tab 09) which indicated Arrestee was not booked with his backpack, any cell phones, wallet, or suspected controlled substances.

Scientific Investigations Division

On Tuesday, 2/27/2024, I went to the SBCSD – Scientific Investigations Division (SID). I was assisted by Property Technician Ceballos, who researched SBPD case number 2023-122237. The only items that had been submitted to SID under the case number were latent prints that had been lifted by Forensic Specialist A. Lugo. No narcotics had been submitted for analysis or destruction under the SBPD case number.

SBPD Narcotics Unit

On Tuesday, 2/27/2024, I went to the Narcotics Unit and was assisted by Criminal Investigation Officer (CIO) Officer 2 to review the Narcotic Unit logs. The date the suspected narcotics were located was on 10/28/2023 (Saturday). Any narcotics submitted to the SBCSD – SID for analysis or destruction would have been sent over on Monday, 10/30/2023.

The destruction log for 10/30/2023 contained case numbers 23-122449, 23-122566, and 23-121924. Case numbers 23-122449 and 23-121924 were found to be unrelated to this investigation. Electronic copies of the narcotics logs were obtained (Tab 09).

Case number 23-122556 contained a PR2 report that Officer E. Hill had completed. The PR2 indicates that 0.5 grams of suspected cocaine had been located on top of a marked San Bernardino police unit. The unit number is not identified in the report. The

location of the incident was listed as 205 S. Pershing Avenue (City fuel pumps). After interviewing Officer Victorio, the narcotics Officer Hill located will not be related to this investigation.

No narcotics destruction logs were found for 10/31/2023 or 11/1/2023. The narcotics analysis log ("LRN Log") for 10/30/2023 and 11/1/2023 did not contain the suspect name for this investigation. No narcotics analysis log was found for 10/31/2023.

SBPD Unit #5

On 2/27/2024, I located Unit #5 parked in its assigned parking space at the police station. I searched the vehicle and did not locate any narcotics or backpack in the vehicle. The Vehicle Inspection Log for Unit #5 (Tab 09) was in the Watch Commander's office. The log indicated that Officer Victorio used the vehicle on 10/28/23. Sergeant Fuentes was also listed on the log as using the vehicle on 10/28/23. The vehicle was not used on 10/29/23. Sergeant Passo used the vehicle on 10/30/23.

SBPD Station Cameras

On 2/27/2024, I searched the police station camera system (Genetec) for any footage from 10/28/2023. The earliest camera footage on the system was from 1/28/2024. All the previous (older) footage had been purged from the system.

Interview with [redacted] - Victim (Tab 05)

On 3/5/2024, at about 1142 hours, Sergeant M. Block and I responded to Incident location [redacted] and spoke with the victim, Victim [redacted] Victim was asked if he received a backpack when he was given the scooter. There was a slight language barrier and one of Victim's employees assisted me by translating to Victim what a backpack was. Victim replied in English, "I can't remember."

I told Victim that we were trying to find the backpack for the guy who was riding the scooter. I told Victim that I was aware his scooter had been returned to him. Victim said he had the scooter. However, he said no officers gave him a backpack. Sergeant Block and I told Victim that the backpack had headphones inside. Victim responded and said, "No, I don't have that one."

Victim said he found some headphones in the warehouse that he had already given to police officers. Victim also confirmed he had some headphones that the suspects tried to steal. I showed Victim two images of the headphones that had been seen in Arrestee [redacted] backpack and asked him, "They looked like this?" I obtained the images from BWC footage from Officer Victorio. After viewing the images, Victim stated, "Yeah, yeah, we have a lot of this."

Victim recalled and described conducting the infield line-up of the suspect. Victim saw the scooter and did not remember if the suspect had a backpack.

Transit Center Cameras – Dylan Firth (Omnitrans Security Specialist)

On 3/14/2024, Sergeant Block sent Firth an email requesting video footage of this incident. Firth replied to the email and indicated his system only retains footage for 90 days, and that he did not see any downloaded footage for the requested date. No video footage was obtained from Omnitrans.

CDC Cameras

On 3/14/2024, Lauren OdebraIski, a CDC employee, provided me with surveillance footage (Tab 08) that captured Arrestee booking process. Sergeant Block had requested the footage. I reviewed the footage and did not see Arrestee being booked with the black backpack. The footage did not capture Officer Trejo in possession of the backpack.

Review of Ring Camera Footage

On 4/25/2024, Sergeant Block obtained a CD that had been placed into evidence by Officer Navarro-Garcia under tag number 23-12125. The CD contained two Ring Camera video surveillance clips depicting the burglary. I reviewed the footage recorded on the CD, which recorded both audio and video. Below is a description of what the footage captured.

Ring Clip #1 - Date: 10/28/2023 - Time: 07:18:10 - Length 1:12

This footage captured an unknown suspect (suspect #1) removing some property from the business through an exterior door. The suspect can be heard talking to someone else who is out of camera view and presumably inside the building. The visible suspect is wearing a black baseball cap, a white face mask, a black long-sleeve shirt, light-colored jeans, red gloves, and white/black shoes. No officers were seen or heard contacting the suspect(s).

Ring Clip #2 - Date: 10/28/2023 - Time: 07:23:27 - Length 1:18

This footage captured a second burglary suspect moving property with suspect #1. This suspect is wearing a white hooded sweatshirt, a black T-shirt covering his face, dark gloves, blue jeans, and black and white shoes moving property. Based on the clothing, it is believed the second suspect is Arrestee No officers were seen or heard contacting the suspects.

DIRECTED MEMORANDUM (Tab 05)

On Tuesday, 3/26/2024, I notified Sergeant F. Fuentes he needed to prepare a memorandum in response to several questions regarding this investigation. Sergeant Fuentes was provided with all police reports for this investigation, a CAD report, and a copy of the Unit #5 Vehicle Inspection Log. Sergeant Fuentes was given until 4/15/2024 to complete the memorandum and was asked to answer the following questions:

1. How long have you been a police officer with the City of San Bernardino?

    a. Do you have any prior law enforcement experience? If so, with what agency and how many years of service?
    b. What is your current shift and assignment?
    c. In October 2023, what was your shift and assignment?

2. On 10/28/2023, at about 0751 hours, you responded to Incident location for a burglary call. During the burglary investigation, Arrestee was detained and subsequently arrested for burglary and conspiracy. Arrestee had in his possession a black backpack and electric scooter. Did you have any contact with Arrestee during the investigation? If so, did you take possession of any of his property?

3. Were you aware that suspected narcotics were recovered from Arrestee If so, do you know why no narcotic-related charges were listed on his booking application?
4. Are you aware of what happened to the narcotics Arrestee possessed?

5. Do you know what was done with the black backpack Arrestee possessed?

6. Do you know what was done with the property inside the black backpack Arrestee possessed?

7. In the evening hours (Graveyard Shift) of 10/28/2023, you were assigned San Bernardino Police Department Supervisor Vehicle Unit #5. Did you perform a pre-shift inspection of the vehicle?

8. As part of the vehicle inspection, did you search the interior of the vehicle before putting the vehicle in service? Why or why not?

9. Can you explain what the purpose of the search is?

10. Did you locate drugs or a black backpack in the vehicle? If so, what did you do with the property?

11. Are you aware of any additional information that may be relevant to this investigation? If so, please provide the additional information.

DIRECTED MEMORANDUM RESPONSES (Tab 05)
Sergeant F. Fuentes (Witness Officer)

On Monday, 4/15/2024, I received a memorandum from Sergeant Fuentes.

Sergeant Fuentes has been a police officer for about 16 ½ years with SBPD. Before becoming a police officer with SBPD, he was a Correctional Officer for about 7 years. Sergeant Fuentes is currently a patrol sergeant assigned to the dayshift weekend schedule. In October of 2023, he was assigned to the graveyard weekend schedule, working Friday to Sunday, from 1930 to 0800 hours.

Sergeant Fuentes recalled responding to a burglary call at Incident location and assisting with "clearing the building". He had no recollection of encountering Arrestee or taking possession of his property.

Sergeant Fuentes did not recall if any narcotics were recovered from Arrestee He added that "depending on the totality of a given circumstance" would determine if someone would be charged for having narcotics. Sergeant Fuentes said that depending on the amount of narcotics discovered would determine if it was consistent with possession or possession for sales. He also stated that the narcotics would be "articulated in the police report" and regardless of whether the subject was charged or not, the narcotics would be placed into evidence.

Sergeant Fuentes was not aware of any narcotics Arrestee possessed or any belongings he may have had.

Sergeant Fuentes said he was "confident" he would have conducted a pre-shift inspection of Unit #5 as part of his routine and before leaving the station. He inspects his assigned unit before his shift for unreported damage, that the equipment functions properly, that it contains necessary equipment, and that there is no property belonging to the prior operator, such as contraband, narcotics, weapons, or items of evidence. Sergeant Fuentes did not locate any property, backpack, or narcotics in Unit #5 during the pre-shift vehicle inspection.

Sergeant Fuentes was unaware of any additional information that may be relevant to the investigation.

INTERVIEWS (Tab 05)
Officer V. Trejo (Witness Officer)

On Thursday, 4/25/2024, at about 0702 hours, Sergeant M. Block and I interviewed Officer Trejo in the SBPD PSB Interview Room. The interview was audio recorded. The following is a summary of the interview. Officer Trejo did not have a representative with her. Officer Trejo reviewed her BWC and the documents I provided her before the interview. She was not aware of any additional recordings or documents that she had authored and wished to review.

At about 0705 hours, I read Officer Trejo her Miranda Rights. She said she understood her rights and was not willing to speak to me. At about 0706 hours, I read Officer Trejo the Lybarger Advisement and ordered her to provide a statement and answer questions.

Officer Trejo will reach her 5-year mark as a police officer with the City of San Bernardino in May of 2024. She does not have prior law enforcement experience. Officer Trejo is currently assigned to the “Patrol Division”, in the Adam District (Western Area). Officer Trejo works the 4 – 10 schedule, which consists of working Monday through Thursday, from 0600 hours to 1500 hours. In October of 2023, she was assigned to the “Patrol Division”, in the “David Beat” (Southern District) and worked the “three twelves”. Officers who work the 3 – 12 schedule work Friday through Sunday. In October of 2023, the dayshift start time began at 0700 hours and ended at 1930 hours.

I asked Officer Trejo if she received training regarding the chain of custody for evidence and she replied, “Yes.” I asked her to summarize her knowledge of how the chain of evidence is handled.

Officer Trejo said if someone is detained or arrested, their personal property, such as a phone or wallet that is small and will fit when booked, can be booked with the suspect at a detention center. Any items that do not fit are usually taken to the station and stored as “Safekeeping.” Officer Trejo said the items are tagged together, itemized, and placed into a locker. I confirmed with Officer Trejo that this was the process for the suspect's personal property.

I asked Officer Trejo what she would do with a gun used by a suspect during a robbery that had been recovered as evidence. Officer Trejo said, “ID” (Forensic Technicians) would take pictures and then she would take possession of it. The gun would be test-fired at the police station, and then taken to the evidence room. The gun and ammunition would be stored separately.

I used as an example of a ski mask or screwdriver as items used to commit crimes and asked Officer Trejo if she would store the items herself at the police station. She replied, “Yes, I would take that as evidence.” I asked if it was her experience that she completed both processes where someone had bulk property or she recovered crime evidence. Officer Trejo replied, “I’ve done it multiple times.”

I asked Officer Trejo how she assisted with the investigation after responding to Rialto Avenue and E Street on 10/28/2023 as part of the burglary investigation stemming from Incident location in San Bernardino. Officer Trejo replied that she responded because “transportation” was needed for the suspect in custody. She said when she arrived, she met with Officer Victorio, the suspect was in the backseat of Officer Victorio’s patrol unit. Officer Trejo said the investigation had not yet been completed. She waited there until the investigation was “fully done” to transport the suspect to “CDC.”

I asked Officer Trejo if it was “clear” to her that she was going there to be a transport officer. She replied, “Yes.” She also confirmed she was not responding to investigate the actual burglary. Officer Trejo stated she was only with Officer Victorio at Rialto Street and E Street, but that Officer Navarro conducted an infield line-up and brought the victim to the location.

Officer Trejo did not recall the suspect's name. I showed Officer Trejo the booking application and probable cause declaration (SBPD Case # 23-122237) for the suspect, Arrestee (DOB: PII - Civ. Code sec. 1798.24) to refresh her recollection. She viewed the booking application first and confirmed the form was completed in her writing. Officer Trejo confirmed that Arrestee was the suspect she transported. She confirmed that Arrestee was the suspect Officer Victorio had detained in his vehicle and Arrestee was the suspect viewed in the infield line-up.

Officer Trejo said she transported Arrestee to the “Central Detention Center”. I asked her what property she booked Arrestee with. Officer Trejo did not recall booking Arrestee with any property. I asked if Arrestee had a bicycle and she replied, “No.” I asked Officer Trejo if he had a backpack and she replied, "That I recall, no.”

Sergeant Block pointed out that the booking application listed Arrestee being booked with $1.28 and asked if she was inferring that he did not have any property or if she was inferring that he did not have any property that stood out that she could recall that would be unusual. Sergeant Block confirmed with Officer Trejo that the suspect's property goes into a small plastic bag. Sergeant Block began to state that if the suspect's property did not fit in the bag, Officer Trejo interjected and said she would have to take the property to the station and book it there. Sergeant Block then asked if the property could be left with a family member. Officer Trejo responded, “Yes.”

Sergeant Block asked Officer Trejo what property if any, including the $1.28, she booked Arrestee in with. Officer Trejo said she did not recall what items she booked Arrestee other than the money listed on the booking application.

I asked Officer Trejo if she was provided with a backpack that Arrestee had when he was detained. She replied, “That I recall, no.” I asked her if she knew what happened to the backpack and any of the additional property that he had. Officer Trejo replied, “I do not know.”

I asked Officer Trejo if she was aware if Arrestee had any narcotics when he was contacted and detained. Officer Trejo replied, “I do not recall.”

I asked Officer Trejo if she recalled having any conversations with Officer Victorio about any narcotics or backpack Arrestee may have had. She replied, “I do not recall.”

I stated to Officer Trejo that she had completed the booking application and probable cause declaration, and the forms stated Arrestee had been charged with burglary and conspiracy and then asked Officer Trejo if she knew why Arrestee had not been charged with a controlled substance charge. She replied, “I don’t.”

I asked Officer Trejo if it was fair to say that she was not made aware that he needed to be charged with that or if she just didn’t remember. Officer Trejo responded that the “lead investigator” of the case, advised her that Arrestee was only going to be charged with those two charges, burglary and conspiracy. She was not advised of any other charges as she did not have the “full investigation” of this case. She did not recall which officer gave her this information.

I asked Officer Trejo how she came up with the information needed to fill out the probable cause declaration. She stated that Officer Navarro was the lead investigator and that the information she obtained was from Officer Navarro. Officer Trejo did not have first-hand knowledge of the information and had to contact Officer Navarro. I asked her if it was a common practice to obtain information from someone else to book somebody. She replied, “Yes, when you’re not the lead investigator, yes.”

Sergeant Block asked Officer Trejo when she spoke with Officer Navarro, did she have any information that Arrestee at any time possessed controlled substances or stolen property. She replied, “Controlled substances, no.” She added that the stolen property information was obtained by Officer Navarro and Officer Victorio. Sergeant Block asked if she was aware that Arrestee had stolen property in his possession and she replied, “Yes.”

Sergeant Block asked Officer Trejo if she had ever seen Arrestee in possession of a controlled substance. She replied, “I don’t recall.”

I asked Officer Trejo if she recalled what specific stolen property Arrestee possessed. She replied that it was an “electric scooter.”

The recording was paused and we went off the record at 0719 hours. We went back on the record at 0721 hours. Officer Trejo was asked if anyone had asked her any questions while the recordings were stopped. She replied, “No.”

I summarized the interview with Officer Trejo. I stated to her that back in October or 2023, she was a “David Beat” officer working dayshift patrol and responded to Rialto Avenue and E Street. She assisted in transporting Arrestee to jail and had no part in the burglary investigation but was made aware that he had a stolen electric

scooter. I further stated that she was told what information to put on the probable cause declaration. I asked Officer Trejo if this was a fair summary of what we had discussed and she responded, “Yes.”

I showed Officer Trejo a San Bernardino County Sheriff's Department form titled, “Money and Personal Property Receipt.” The form contained the name of [redacted] Arrestee Officer Trejo said this was the “first time” she had this form. I explained to her that this is a form used by the county to itemize property for someone who was booked. I asked Officer Trejo to review the form. She then began nodding her head up and down and I asked her if this was an indication that she had read the form. Officer Trejo responded, “Yes” and added that she read it.

After reviewing the form, I read the items listed on the form for the listed property which included money, a necklace, a belt, paperwork, a watch, an earring, and a bracelet. I asked Officer Trejo, based on the form, if it was an accurate depiction of what she recalled and what property Arrestee was booked with. She responded, “I don’t recall” and added that it was due to the “timeframe.”

Officer Trejo did not have any questions for Sergeant Block and me.

The interview with Officer Trejo ended at 0726 hours.

Officer R. Navarro-Garcia (Witness Officer)

On Thursday, 4/25/2024, at about 0747 hours, I interviewed Officer Navarro-Garcia in the SBPD PSB Interview Room. The interview was audio recorded. The following is a summary of the interview. Officer Navarro-Garcia did not have a representative with him. Officer Navarro-Garcia reviewed his BWC and the documents I provided him before the interview. He was not aware of any additional recordings or documents that he authored and wished to review.

At about 0750 hours, I read Officer Navarro-Garcia his Miranda Rights. He said he understood his rights and was not willing to speak to me. At about 0751 hours, I read Officer Navarro-Garcia the Lybarger Advisement and ordered him to provide a statement and answer questions.

Officer Navarro-Garcia has been a police officer with the City of San Bernardino for almost 5 years and has no prior law enforcement experience. He currently works patrol on the 3 - 12 ½ shift on the weekend and is assigned to the David Beat (Southern District). Officer Navarro-Garcia's hours are from 0600 to 1830 hours Friday to Sunday. Every four weeks he works a "buy back" day on a Thursday. In October of 2023, his shift and assignment were also in the David Beat, on the same shift and days off.

I asked Officer Navarro-Garcia if he had received training for the chain of custody for evidence. He replied, "Yes sir." I asked him to explain what the chain of custody of evidence was. Officer Navarro-Garcia explained if he took "possession of something", he would maintain it in his possession. If he handed it to someone else, he would document that he transferred custody of the property to the other person.

I asked Officer Navarro-Garcia what the process would be if he collected a knife as evidence that had been used in a stabbing. He stated that he would maintain it in his possession and once done at the scene, he would take it to the San Bernardino Police Department and place it in evidence. In the evidence room, he would use envelopes to cover the blade due to the sharpness. Officer Navarro-Garcia would then put it in another envelope, seal it, and place his initials on the seal to show it wasn't tampered with. He would then place a tag on it to show it was tagged under a certain tag number.

Officer Navarro-Garcia said he had tagged in evidence before. I asked Officer Navarro-Garcia if it was a "normal practice" for evidence to be collected, maintained, and brought to the station to tag in. He replied, "From what I taught, yes sir."

Officer Navarro-Garcia said he has arrested suspects in his 5-years of experience. I asked him if it had been his experience that he arrested subjects with "bulk property" such as a bicycle, a laptop, or a large duffel bag that the jail would not accept. He replied, "Yes it has."

I asked Officer Navarro-Garcia what the procedure was for property that is not evidence of a crime but belongs to somebody. Officer Navarro-Garcia said "bulk property" is

something too large to put in with the subject in jail, it is “safekeeping” if it is not considered evidence. The subject would then have a number of days to collect it when released from jail.

I asked Officer Navarro-Garcia how “safekeeping” works in the field and used the example of someone having a bicycle. He said if he took possession of the bicycle, it would be a “chain of custody” and keep possession of it until arriving at the police department. He would put a tag somewhere on the bicycle so that it identifies that it belongs to a certain person who was arrested, based on a certain case number.

I asked Officer Navarro-Garcia if he recalled on 10/28/2023, he responded to Rialto Street and E Street as part of a burglary investigation and conducted the infield lineup with the victim, Victim , and that the line-up was conducted for the suspect, Arrestee He replied, “Yes sir.” I asked him if he recalled the victim identifying his scooter during the line-up. He replied, “Yes.”

I asked Officer Navarro-Garcia if any other property, including headphones, was shown to the victim. Officer Navarro-Garcia said he could only recall the “scooter” that the suspect had. I asked him if he could recall what officers were with the suspect at Rialto Avenue and E Street. He recalled Officer Victorio and Officer Trejo were there when he arrived with the victim.

I asked Officer Navarro-Garcia if he was aware of any other property, other than the scooter, that Arrestee had when he was contacted by officers. He stated during “pretrial” he was made aware that the suspect had a black shirt that was used as a face covering. I asked him how he learned of that information. Officer Navarro-Garcia stated he reviewed reports, and property reports before going to pretrial and learned of the other evidence. I asked him if he recalled seeing the black shirt at the scene. Officer Navarro-Garcia did not recall seeing it at the scene. Officer Navarro-Garcia confirmed that he saw the scooter at the scene.

I asked Officer Navarro-Garcia if he was aware of what happened to a backpack, suspected narcotics and other property Arrestee had in his possession. He replied that he did not recall any other property Arrestee had other than the scooter. I asked Officer Navarro-Garcia if he had spoken with Arrestee He replied, “No sir.” Officer Navarro-Garcia said he knew who Arrestee was, but only viewed him for infield purposes.

I asked Officer Navarro-Garcia again if he was aware of any suspected narcotics Arrestee had in his possession. He replied, “Until now, no sir” and added he did not know anything about narcotics.

I asked Officer Navarro-Garcia if he had taken possession of any of Arrestee property, other than the scooter Victim took possession of. He replied, “No, only the scooter, nothing else sir.”

I asked him if Victim had shown him what property the suspects had removed or tried to remove from the warehouse. Officer Navarro-Garcia recalled Victim showing him "box crates" of his merchandise in the backseat of the suspect's vehicle.

I asked Officer Navarro-Garcia if he had been shown what had been tampered with in the warehouse during his investigation. He said he walked through the warehouse with the victim who pointed out certain boxes on the floor, and the "entry point" where the suspects on a previous day had gone through, as well as additional boxes and crates that had been tampered with as well as moved toward the exit by the suspects. Officer Navarro-Garcia also mentioned he viewed a video during his investigation.

I asked Officer Navarro-Garcia if he had determined that earphones/headphones had been stolen during his investigation. He was aware that "a lot" of headphones and earphones were recovered from crates when looking at the crates with the victim. I asked him if any officer had shown him any box of earphones/headphones during the investigation. He did not recall being shown any type of earphones or headphones.

I asked him if he knew why Arrestee was not charged with possession of any controlled substances. Officer Navarro-Garcia replied, "No sir, I did not know there was any narcotics to begin with."

I stated to Officer Navarro-Garcia that Officer Trejo transported Arrestee to the jail, however, she was not part of the initial call and asked him if he talked to her and gave her a summary of what had occurred to book Arrestee He said it was "possibly" Officer Trejo whom he had given the information for the "PC Dec and booking app" and added it was a lengthy investigation. I asked Officer Navarro-Garcia if it was a common practice for an officer to tell the transport officer what information to include on the probable cause declaration. He replied, "I would say yes" and added the other officer might not have all the facts.

The recording was paused and we went off the record at 0804 hours. We went back on the record at 0806 hours. I asked Officer Navarro-Garcia if anyone asked him any questions regarding this case while the recordings were stopped. He replied, "No sir."

I summarized with Officer Navarro-Garcia what we had discussed and stated the following to him: In October of 2023 when he responded to the burglary investigation, he was the investigating officer. I asked him if that was correct and he replied, "Yes sir." I continued and added that at some point he was made aware that a suspect, Arrestee had been detained at Rialto Avenue and E Street. Officer Navarro-Garcia responded and said "Yes." I then asked Officer Navarro-Garcia how he was made aware of that. He recalled that before he made it to the scene, Officer Victorio already had a suspect in custody who was determined to be Arrestee

I continued and asked Officer Navarro-Garcia when he went to the burglary investigation that stemmed from Athol Street, where he went first. Officer Navarro-

Garcia said he was first on a perimeter at Athol Street and D Street and later contacted the victim. He also mentioned that this was near the suspect vehicle.

I asked Officer Navarro-Garcia how the determination to conduct the infield came about. He said after the scene was secure and everyone was in custody, from what he recalled it was "between us and the sergeants on scene." Officer Navarro-Garcia added that even though they had a video, they wanted to ensure the victim could "positively identify everybody."

I then stated that he went to Rialto Avenue and E Street to conduct the infield, and there he encountered Officer Victorio and Officer Trejo, who had the suspect, [redacted] Arrestee detained. Officer Navarro-Garcia stated, "Yes sir." I further stated that during the infield line-up, the victim saw Arrestee and at some point, Victim was shown the scooter the suspect had been using and that he observed that process. Officer Navarro-Garcia stated, "Yes", and added the victim identified it as belonging to him.

I confirmed with him that he had no part in detaining the suspect. I also confirmed with Officer Navarro-Garcia that during the line-up he was shown a scooter, but no additional property including a backpack and drugs. I asked Officer Navarro-Garcia if this was accurate. He responded, "Not that I can recall, no other property other than that scooter."

I then mentioned that we had discussed that he likely provided Officer Trejo with the information for the probable cause declaration and booking application because he was the investigating officer and that there was no mention of narcotics. I asked Officer Navarro-Garcia if it was because he was not aware of that at the time. He responded, "Yes sir, I was not aware of any narcotics."

I stated that later at "pre-trial" he learned the suspect had additional evidence, but that it was a black t-shirt as part of the case that had been tagged in. Officer Navarro-Garcia said this was how he recalled it.

Officer Navarro-Garcia did not have any questions for me. The interview concluded at about 0810 hours.

Officer 1 ***(Focus Officer)***

On Thursday, 4/25/2024, at about 1245 hours, I interviewed Officer 1 in the SBPD PSB Interview Room. The interview was audio recorded. The following is a summary of the interview. Officer 1 did not have a representative with him. Officer 1 reviewed his BWC footage and the documents I provided him before the interview. He was not aware of any additional recordings or documents that he authored and wished to review.

At about 1248 hours, I read Officer 1 his Miranda Rights. He said he understood his rights and was not willing to speak to me. At about 1249 hours, I read Officer 1 the Lybarger Advisement and ordered him to provide a statement and answer questions.

Officer 1 Pen. Code sec. 832.7 - peace officer personnel records

Pen. Code sec. 832.7 - peace officer personnel records

Pen. Code sec. 832.7 - peace officer personnel records

Pen. Code sec. 832.7 - peace officer personnel records

Pen. Code sec. 832.7 - peace officer personnel records

Pen. Code sec. 832.7 - peace officer personnel records

I stated that on 10/28/2023, he responded to incident location in San Bernardino to assist with a burglary in progress call. During the call, he detained Arrestee. I asked Officer 1 what information led him to contact Arrestee. He stated that he heard "over the radio," Officer Victorio providing a description of a suspect fleeing from him on a scooter, going through the transit station on Rialto Avenue. I asked him if this caused him to respond to the general area. He replied, "Yes sir." Officer 1 said he responded from Athol Street.

I asked Officer 1 what happened when he arrived at the general area. Officer 1 said it was "broadcasted" that the suspect was going "westbound through the transit station," so he went to the main entrance off Rialto Avenue and observed the subject on the electric scooter riding westbound on the sidewalk/curb area. Officer 1 said he exited his patrol vehicle and detained the subject without further incident.

I asked Officer 1 what property Arrestee had in his possession, besides the scooter. He replied that he had a "large backpack on," which he believed was dark in color and that he could "see right away." Officer 1 detained Arrestee and placed handcuffs on him. He escorted Arrestee to a wall, removed a backpack from him, and searched his pockets.

I asked Officer 1 if he had located anything when he searched Arrestee. He replied, "I did." I asked Officer 1 what he found. He located a "small baggie" of what he suspected to be "possibly methamphetamine." I asked Officer 1 if in his training and experience, he had seen methamphetamine before. He replied, "Yes." Officer 1 also received training in the recognition of methamphetamine and other street drugs. Based on his experience and observation of the item, Officer 1 concluded the item was possibly methamphetamine.

I asked Officer 1 to describe how the methamphetamine was packaged and appeared. He stated if he could "recall correctly," that it was a "small bindle in a clear baggie." Officer 1 said it was a cellophane bag which he believed was removed from Arrestee left pant pocket. Officer 1 placed the methamphetamine on a brick wall that was in front of him. Officer 1 could see through the baggie and it was apparent to him it contained methamphetamine.

I stated to Officer 1 it appeared (this was based on BWC footage I reviewed) that he later pulled marijuana out of Arrestee right front pocket. Officer 1 said, "Yes." He believed it happened when he walked Arrestee to his unit. He explained that he commonly checks a partner's work before placing someone in his vehicle. Officer 1 said as he was searching the left side of Arrestee Officer Victorio searched Arrestee right side. Officer 1 said he removed another baggie that contained suspected marijuana. He suspected the substance was marijuana from his training and experience.

I asked Officer 1 if he knew what he did with the suspected methamphetamine and marijuana. He stated he placed the suspected methamphetamine on the wall where he did the initial search. Officer 1 said when he transported Arrestee to his unit, he removed the baggie from the right side and believed he placed the baggie on the roof of his patrol unit and then placed Arrestee in his unit. Officer 1 said when he came back out, he noticed both the substances were gone.

I asked Officer 1 if he knew what happened to the substances. He said, "No." He added it was common for partners to "pick up the slack" and look out for each other. When he did not see the methamphetamine on the wall, he assumed that his partner recovered it. Officer Victorio was the only other officer there at that time. I asked Officer 1 if he had conversations with Officer Victorio about the suspected methamphetamine, he had recovered that was now missing. He replied, "No," and added that the only conversation he and Officer Victorio had was that Officer Victorio intended on taking over the "in custody of the suspect" and transporting the suspect, "and everything else" because it was the end of his shift and beginning of Officer Victorio's shift.

I asked Officer 1 if he and Officer Victorio discussed what portions of the investigation needed to be documented and by whom. Officer Victorio told him that he was going to "cover it" due to it being the end of Officer 1 's shift.

I asked Officer 1 if Officer Victorio was "aware" of the suspected methamphetamine and it was "clear" that he (Officer 1) had located suspected methamphetamine on Arrestee Officer 1 said he was not too sure if it was "clear" and had not made a verbal announcement to Officer Victorio that there was suspected methamphetamine on the wall.

I asked Officer 1 what he and Officer Victorio determined would happen with the backpack and electric scooter. Officer 1 said he did not make any statements telling him what to do or how to handle his job. Officer 1 added that he assumed that if he was going to take over the investigation, Officer Victorio would do it in accordance with "policy." Officer 1 continued and included to tag in "bulk property" and "methamphetamine" or "narcotics." I stated to Officer 1 that it was his "assumption" that Officer Victorio was going to handle the arrest, any subsequent evidence found, and any property the suspect was in possession of. I asked Officer 1 if that was a fair statement and he replied, "Yes sir."

I asked Officer 1 if Arrestee property, including the narcotics, remained on scene when he left the call. Officer 1 said he recalled placing the scooter and the backpack in the back of Officer Victorio's unit. I stated, "You left the scene, didn't take anything with you." He replied, "Not that I recall, no." Officer 1 said he was not responsible for going to the station to tag in any property. I asked Officer 1 if he was aware of what happened to the suspected narcotics and he replied, "No sir."

I asked Officer 1 if he was aware of what charges Arrestee was ultimately charged with. He replied he would just "imagine the burglary." I asked him if he knew why no narcotics charges were added. Officer 1 replied, "No sir."

The recording was paused and we went off the record at 1302 hours. We went back on the record at 1316 hours. Officer 1 was asked if anyone asked him any questions regarding this investigation while the recordings were stopped. He replied, "No they did not."

I asked Officer 1 if methamphetamine was a dangerous substance in his opinion. He replied, "It can be, yes." I asked if marijuana was a dangerous substance in his opinion. He replied that it could be if it were laced with something, but "commonly no." I asked him if the transit center, where the incident occurred, was a well-used area with a lot of foot traffic and vehicle traffic. Officer 1 replied, "Absolutely yes."

I asked him if the suspected methamphetamine had been a gun, would he have placed the gun on the wall and "not safeguarded it." He replied, "No, I would have safeguarded the firearm."

I then informed Officer 1 that methamphetamine is dangerous, that it was a busy area, and that I wanted to cover the importance of safeguarding evidence. I continued and reminded him that earlier he said he wasn't sure if his partner had recovered the suspected methamphetamine, and he assumed his partner had taken it. I told Officer 1 that we have a duty and obligation to safeguard evidence.

I asked Officer 1 if he was required to complete a report for this investigation. He replied that "looking back," he probably should have completed a supplemental report, but he did not complete a supplemental report because Officer Victorio said he was "going to cover it."

I spoke with Officer 1 about Officer Victorio covering the arrest, and pointed out that he was not sure how much Officer Victorio knew of the "dope." He responded, "That's correct." I made the statement that for "court purposes, that's an issue." I used an example of shaved keys found in a stolen car but it never gets documented. I asked Officer 1 if he recognized that that was a problem and he replied, "Yes sir."

I asked Officer 1 if I showed him BWC footage, would it refresh his recollection of some of the events that occurred? He replied, "Yes sir."

Detective D. McCarthy entered the interview room and assisted me with the laptop and TV to show Officer 1 his BWC footage of Arrestee arrest.

I showed Officer 1 some of his footage and asked if he could see what he was retrieving from the roof of his patrol unit. Officer 1 replied that it was "Maybe the weed right there." As the footage played on, the bag of marijuana came into view again and Officer 1 stated, "Oh there it is."

I made Officer 1 aware that he was opening the backpack and putting the marijuana into the backpack. I asked Officer 1 if he recalled that now that we were viewing his BWC footage. He replied, "Yes sir." I asked Officer 1 if the black backpack on his BWC footage was the backpack that Arrestee had when he initially detained him. He replied, "Yes sir."

I showed Officer 1 another video clip from Officer Victorio's BWC footage. The footage showed the plastic bag on the wall containing the suspected methamphetamine. I asked Officer 1 if this was the bag he recalled "collecting." Officer 1 replied, "Yes sir." He then corrected me and said, "Removing," because I had said he collected it.

As I played additional footage from Officer Victorio's BWC, the footage showed Officer Victorio placing the suspected methamphetamine into the backpack, I asked Officer 1 if it looked familiar. Officer 1 replied, "Yes sir." I showed Officer 1 additional BWC footage from Officer Victorio which showed Officer Victorio conducting a secondary search of the backpack. The footage showed Officer 1 standing in front of Officer Victorio who was kneeling on the ground. I asked Officer 1 if he could see the bag (containing suspected methamphetamine) in Officer Victorio's hand and he replied, "That's correct, yes." I asked Officer 1 if he remembered any of that. Officer 1 replied that he did not remember Officer Victorio specifically pulling the suspected methamphetamine out of the backpack but did recall Officer Victorio searching the backpack. Officer 1 pointed out that he was distracted by his phone as seen on BWC.

After reviewing the BWC footage, I asked Officer 1 if he was "confident" that he was not responsible for tagging any evidence before clearing the scene. Officer 1 replied, "Yes, I'm confident."

The recording was paused and we went off the record at 1327 hours. We went back on the record at 1330 hours. Officer 1 was asked if any questions were asked while the recording was paused or when I stepped out of the room. He replied, "No."

I summarized the interview with Officer 1 and told him that I did not want a misunderstanding on what he told me. I stated that he had responded to a burglary on Athol Street and at some time during that heard a broadcast at Rialto Avenue and E Street from Officer Victorio that he had a potential suspect.

I continued and stated that he responded to the area and encountered Arrestee [redacted] riding a scooter and wearing a backpack at the Transit Center. I added that he detained him and found what he believed to be methamphetamine in Arrestee [redacted] left pocket and placed the suspected methamphetamine on a wall. I further said that he took him to his unit and during a secondary search, he located some suspected marijuana. Officer 1 [redacted] then stated, “Yes sir.”

I continued and stated that initially, he was not sure what happened to those items because when he went back, they were gone. After playing the BWC footage, he was confident that the suspected marijuana and suspected methamphetamine remained in Officer Victorio’s possession. I asked Officer 1 [redacted] if what I said was correct. He replied, “That’s correct.”

I then stated that he had not completed the report and that it was his understanding that because he was getting off work and had worked all night, Officer Victorio was going to complete the investigation as it pertained to Arrestee [redacted] and dispose of the items of evidence and that he (Officer 1 [redacted]) had no responsibility for that as well. I asked Officer 1 [redacted] if this was also accurate and he replied, “Yes.”

Officer 1 [redacted] did not have anything to add to the investigation or have any questions.

The interview with Officer 1 [redacted] concluded at 1333 hours.

Officer H. Victorio (Focus Officer)

On Thursday, 4/25/2024, at about 1430 hours, Sergeant M. Block and I interviewed Officer Victorio in the SBPD PSB Interview Room. The interview was audio recorded. The following is a summary of the interview. Officer Victorio was represented by his attorney, Kasey Castillo of Castillo Harper.

Officer Victorio had reviewed his BWC footage and the documents I had provided him before the interview. He was not aware of any additional recordings or documents that he authored and wanted to review.

At about 1433 hours, I read Officer Victorio his Miranda Rights. He said he understood his rights and was not willing to speak to me. At about 1434 hours, I read Officer Victorio the Lybarger Advisement and ordered him to provide a statement and answer questions.

Officer Victorio has been a police officer with the City of San Bernardino for over 2 years and has no prior law enforcement experience. Officer Victorio is currently assigned to Shift 3, the weekend shift in the Western District (Adam Area). The weekend shift is Friday through Sunday 1400 to 0230 hours. In October of 2023, he was assigned to Shift 1, also on the weekends. Officer Victorio also worked the Adam Area but from 0700 to 1930 hours. The weekend schedule works the occasional buyback Thursday.

Officer Victorio was asked if he participated in the Field Training Program and he replied, “Yes sir.” Officer Victorio received training regarding report preparation in the Field Training Program and in the academy. I asked him if he received training regarding evidence collection and replied, “Yes sir.” I asked Officer Victorio to briefly explain some of the training for report writing and evidence collection.

Officer Victorio said report writing would summarize the investigation and document the facts. For evidence tagging, Officer Victorio said anything that could be used as evidence would be tagged into the evidence room. I used a TV remote control that was on the table as an example and asked Officer Victorio what the process would be for tagging in the remote control at the station if I had used it to hit someone.

Officer Victorio said he would photograph the remote control, collect it, take it to the evidence room, fill out the property sheet, obtain a tag for the remote control (fill out the tag and describe the item), and then tag it in and create a “PR1” and submit it. I asked Officer Victorio if it was something he had conducted during his experience as a police officer. He replied, “Yes sir.” I asked him if it was something he had seen his partners do during their times as police officers. Officer Victorio responded that if he was ever helping them out, “Yes sir.”

I asked Officer Victorio if he remembered trying to detain Arrestee [redacted] near Rialto Avenue and E Street after responding to assist with a burglary in progress call that occurred at Incident location [redacted]. He replied, “Yes sir.” I asked Officer Victorio what

information led him to try and contact Arrestee Officer Victorio said he had not initially been dispatched to the call and was on his way to Loma Linda for a relief call. Officer Victorio said he was listening to the radio and heard there was an ongoing “459” and that two possible suspects had not been accounted for.

Officer Victorio was listening for the descriptions and as he was driving southbound on E Street and passing Rialto Avenue, he observed a Hispanic male who matched the description. Officer Victorio said he broadcasted that he would be with one subject matching, possibly related to the burglary. Officer Victorio said he exited his vehicle and turned on his lights. Officer Victorio said he yelled out to him and the suspect looked back at him. Officer Victorio said he tried to call the suspect to him, but the suspect began to flee. I stated, “He didn’t comply with you.” Officer Victorio replied, “No sir.”

Sergeant Block asked Officer Victorio where he heard the “description,” if it was a “suspect description” and if so, what the suspect was a suspect of. Officer Victorio replied the suspect was the suspect in a burglary that was “a couple of blocks down in the direction that he was coming from.” Officer Victorio said the suspect was described as a Hispanic male. He could not remember the exact description and did not want to mess up the description, but at that time the suspect matched the description that had been given out by officers who were on scene. Officer Victorio added that the description had been provided by the business owner (victim) who had a “live feed to the business.” This information is what led Officer Victorio to contact the suspect.

I summarized what Officer Victorio had provided. I stated that he was driving and had been assigned to go to Loma Linda, but was conscious of what was going on, he heard the call, saw the suspect in the broadcast, and tried to contact him. Officer Victorio said, “So I tried to contact him, yes sir.” I also stated that the suspect did not comply with him. Officer Victorio said, “Correct.” Sergeant Block asked Officer Victorio if he believed the suspect was responsible for the burglary at that time. Officer Victorio replied, “I did.”

I asked Officer Victorio what the suspect was doing when he first saw him. He replied that he was riding a scooter, northbound on E Street, and was coming from the direction of the burglary. The direction the suspect was coming from along with the description, made him believe that he may be related, so he tried to contact him. I stated from what the suspect was wearing and the proximity to the burglary. Officer Victorio said, “Yes sir.” Sergeant Block asked Officer Victorio when he used the term “related,” did he think he was responsible for the burglary or what he meant by the term “related.” Officer Victorio replied that based on the description provided by his partners, he believed the suspect was “involved with the commission of the crime.”

I asked Officer Victorio if he was in a marked black and white police vehicle when he said he exited his vehicle and the suspect did not comply. He replied, “Yes sir,” and added that he was in a black and white police vehicle, with the overhead lights on (red and blue) and was wearing a “department-approved uniform.” I confirmed that the lights were “flashing” and were on and he said, “Yes sir.”

Officer Victorio continued and said he yelled out to the suspect, who looked back in his direction. He remembered calling out to the suspect who disregarded his command and started fleeing in the opposite direction. Officer Victorio said he fled on the scooter. He said he was going to give chase but did not know how fast the scooter could go. Officer Victorio said Officer 1 arrived on the scene and he told Officer 1 what direction the suspect was going, at which point Officer 1 went in that direction while he tried to catch up. Officer Victorio said the suspect was riding westbound, through the train station.

I asked Officer Victorio if Officer 1 detained Arrestee in the Transit Center. He replied, “Yes sir” and added that it was in the westernmost portion. Officer Victorio responded. Officer Victorio saw the person Officer 1 detained and confirmed it was the person who fled from him.

I asked Officer Victorio what property Arrestee had with him when he initially arrived to assist Officer 1. Officer Victorio said Arrestee had a black backpack and the electric scooter he fled on. I asked Officer Victorio if at some point he observed what was inside the backpack. He replied, “Yes sir.” I asked Officer Victorio if he remembered what those items were. He said, “hygiene products”, an alcoholic beverage, lighters, and some tools including a screwdriver.

I stated that he and Officer 1 conducted a physical search of the suspect and a “white substance” was found in his pocket. I asked Officer Victorio if he remembered the substance. He replied, “I do.” I asked Officer Victorio if he remembered what it was. Officer Victorio said from his training and experience he believed it was a “cocaine substance.” He added that he did not “physically pull it out” but that he did recall seeing it. I asked Officer Victorio if he had seen cocaine before and he replied, “I have.”

I asked Officer Victorio how the cocaine was packaged and appeared. He said it appeared to be in a clear plastic container, “possibly like a sandwich bag.” I stated that it was the typical dope in a bag and Officer Victorio replied, “Yes sir.” Officer Victorio could see through the bag.

I asked Officer Victorio if he remembered conducting a secondary search of the backpack. He replied, “Yes sir.” I asked Officer Victorio if he remembered collecting the cocaine. He replied, “Yes sir.” Officer Victorio said Officer 1 placed the cocaine on a “ledge” when the suspect was being searched and said he collected everything that was on top of the ledge and put them into the backpack. Officer Victorio added that the second time he searched the backpack, all the same contents were inside.

I asked Officer Victorio if he knew what happened with the backpack. Officer Victorio said, “Looking back at it now” and after reviewing all the documents that had been provided to him, he thought he had tagged the backpack in for evidence because that is what he would typically do. He continued and said after reviewing the “PR1” he noticed he had not tagged it in.

Officer Victorio then said, “I know” that he had “tossed it.” I asked Officer Victorio if he remembered where he “tossed it.” Officer Victorio said he did not remember exactly where but that it was at the station. Officer Victorio then said, “Typically I would do it in the back lot” because that is where he parks his car. He continued and said if he has “trash” that he doesn’t tag in for evidence, he throws his trash away in the trash bin. He identified the trashcan (blue bin) as being near the pedestrian gate (on the west side of the fence) where the mobile command post had been parked. Officer Victorio said this is where he believes he “threw away the backpack.”

I asked Officer Victorio if he tested the substance (cocaine) and he said, “No sir.” I then said that he was basing it being cocaine from his training and its appearance. He replied, “Yes sir.”

I mentioned marijuana and cocaine and asked Officer Victorio if those substances were in the backpack when he threw it away. Officer Victorio said that “pertaining to marijuana” he did not recall coming in contact with marijuana and just remembered the cocaine itself. Officer Victorio added, “The possible cocaine was inside of the backpack.”

I asked Officer Victorio if he remembered collecting evidence in this case. He replied, “Yes sir” and added that it was a shirt that he (the suspect) used across his face as a mask. I stated, “You tagged that in.” Officer Victorio replied, "Yes sir.” I asked him if he followed the same procedures when we talked about the remote being used as a weapon and he replied, “Yes sir.”

Officer Victorio confirmed that he completed a report for this investigation. He replied, “Yes sir.” I asked him if he mentioned the items in his report and he replied, “I did not sir, no.” Sergeant Block asked Officer Victorio if he knew why he did not mention the items in his report. He replied, “Yes sir.” Officer Victorio continued and stated that in his “eyes,” he had the suspect in custody for a “felony,” and was not going to charge him for a “misdemeanor” when he had the burglary charge and said he “got rid of it.” Officer Victorio continued and said looking back, that he understood it was not the correct way of “getting rid of that substance or possible substance.” He stated he was already “tagging in the shirt”, so he should have tagged in the substance correctly.

I asked Officer Victorio if he remembered an infield line-up was conducted during the investigation with the victim, Victim , and Officer Navarro. He replied, “Yes sir.” Officer Victorio confirmed the victim was shown the scooter and took possession of the scooter. I asked Officer Victorio if any of the backpack contents were shown to the victim. Officer Victorio did not remember if he did or did not show the contents.

I asked Officer Victorio if he knew that items had been stolen during the burglary. Officer Victorio said he did not know and never got a list of the stolen property. He added he knew the scooter was stolen because when the victim arrived, he identified the scooter as belonging to him. Officer Victorio said the victim took possession of the scooter.

I told Officer Victorio that he briefly mentioned the items that were in the backpack and I tried to confirm the items from memory. I mentioned “hygiene items”, and Officer Victorio interjected “lighters.” I mentioned “tools.” Officer Victorio said it could have been a “flathead” screwdriver. Officer Victorio continued and said, “An open alcoholic container” that was “circular”. I asked Officer Victorio if he remembered any other contents. Officer Victorio said there was a “big box” but did not remember what the box was. Officer Victorio remembered the box was made of cardboard. Sergeant Block asked Officer Victorio if he remembered the color of the box or what the box contained. Officer Victorio said, “No sir” and added it may have been a darker colored box. Officer Victorio did not remember what was inside or if he even opened the box.

I repeated the list of items in the backpack and added that he mentioned the “cocaine” was inside the backpack. Officer Victorio said, “Yes sir.”

Sergeant Block told Officer Victorio that he said he realized he likely “tossed the backpack” when he reviewed the documents for this case. Sergeant Block asked when he realized he had “tossed the backpack”. Officer Victorio replied, “To be completely honest with you” and then added, “Maybe an hour ago.” Officer Victorio continued and said he had not looked at the “PR1 specifically.” Officer Victorio continued and said, “Typically, I tag all that stuff in” so when he was reviewing the PR1 today for the interview with his attorney, he noticed the backpack was not on the PR1. Officer Victorio said it was “odd” to him because he normally tags everything in, and that’s when he found out. Sergeant Block asked, “That’s when you realized it?” Officer Victorio replied, “Yes sir.”

Sergeant Block asked Officer Victorio if he could think of a reason why he would have tagged in the t-shirt but not the backpack. Sergeant Block added, “Do you know what happened there?” Officer Victorio replied, “Yes sir.” Officer Victorio remembered the backpack was “disgusting” and was not sure if the alcoholic beverage had “leaked” in the backpack. Officer Victorio continued and said the first time he checked the backpack was a “safety sweep” to ensure no weapons were inside. Officer Victorio said the second time he went through the backpack he had gloves on. Officer Victorio described the backpack as having an odor and being “sticky.”

Officer Victorio continued and stated that we (officers) do not tag in lighters or alcoholic beverages. Officer Victorio said, “I just didn’t see me tagging it for like safekeeping or evidence.” As Sergeant Block began asking Officer Victorio what he meant by “we” don’t tag in lighters, Officer Victorio interjected and stated, “I, Officer Victorio didn’t see, a purpose to tag it in,” and added because it was “moist” and “sticky” and contained a residue of an unknown substance.

Sergeant Block asked Officer Victorio if he was aware of any San Bernardino Police Department policies that prevented him from tagging in alcoholic beverages or flammable objects such as a lighter. Officer Victorio stated he could not read back the policy “verbatim” but knew there was a policy and that was the main reason he did not want to tag in the backpack. Officer Victorio said there were a lot of things in the

backpack that he knew should not have been tagged in. Officer Victorio said he could not give the policy but knew one existed.

Sergeant Block confirmed with Officer Victorio that he did not recall seeing a substance consistent with marijuana.

Sergeant Block told Officer Victorio that we were planning on taking a break and asked Officer Victorio if he had anything he wanted to ask or say before the break and we "go off the record." Initially, Officer Victorio replied, "No sir." Officer Victorio continued, saying, "I understand what I said to the suspect at the time wasn't the right thing to do." Officer Victorio continued and said he had since attended training on "de-escalation."

The recording was paused and we went off the record at 1454 hours. We went back on the record at 1510 hours. I asked Officer Victorio if any questions were asked of him while the recordings were paused. Officer Victorio replied, "No sir."

I showed Officer Victorio footage from his first BWC clip of this case. I pointed out a shirt and the black backpack on the screen and asked Officer Victorio if this was the backpack Arrestee had. I informed Officer Victorio that at this point in the footage, Arrestee had already been detained and that Officer 1 was with Arrestee I asked Officer Victorio if that was a fair assessment of what I was seeing. Officer Victorio replied, "Yes sir."

As the footage continued, Officer Victorio was seen grabbing the backpack that was on the ground. Again, I asked if this was the backpack we were referring to. Officer Victorio replied, "Yes sir." As the footage continued, the footage showed Officer Victorio opening the zippered areas of the backpack and removing a box of earphones from the backpack. I asked Officer Victorio if that was the box he had described. Officer Victorio replied, "Yes sir." Officer Victorio next pulled a red colored drink from the backpack. Officer Victorio confirmed this was the alcohol.

As the footage continued, I pointed out that I could see some tools and a lighter (handle of what appeared to be a screwdriver and BBQ flame lighter). Officer Victorio is seen placing what appears to be a cell phone on top of the box for the earphones. I made Officer Victorio aware that the footage caught a glimpse of the cell phone on the top of the box. I asked Officer Victorio if he recalled this. Officer Victorio said after he reviewed his BWC footage, he realized he had removed the phone.

The footage showed Officer Victorio appearing to wipe his hands on his pants. I asked Officer Victorio if this was what he was referring to when he said it was "sticky" and something had spilled. Officer Victorio said it was "nasty."

I informed Officer Victorio that after this in the BWC footage, he secured the backpack in his vehicle. I then moved forward in the same video (BWC clip #1). Officer Victorio wiped his hands with wipes and moved his arms from side to side. I stated that it appeared to me that he was drying his hands. I pointed out Officer 1 in the

background and stated that was the scooter and shirt Arrestee had. Officer Victorio replied, “Yes sir.”

After putting gloves on, I stated that it looked like he did a “secondary search” of the backpack. Officer Victorio replied, “Yes sir.” During the search, Officer Victorio removed a clear plastic zip lock bag from the backpack that contained an unknown green substance, possibly marijuana. I asked Officer Victorio if he saw it and he replied, “Yes sir.” I informed Officer Victorio that this was the substance I had referred to.

Officer Victorio searched another pouch of the backpack and was seen removing a black wallet and a clear plastic bag that contained an unknown white substance. I stated that it appeared the item was the same item he collected from the wall that looked like the cocaine. I told Officer Victorio that I wanted to make sure we were referring to the same item. I asked Officer Victorio if he saw the substance in his hand. Officer Victorio replied, “Yes sir.” I told Officer Victorio that it appeared the wallet had no contents. Officer Victorio could not remember if there were any contents in the wallet and said he likely looked in the wallet for Arrestee ’ “ID.”

During the secondary search, Officer Victorio was seen removing a box commercially packaged for earphones, a functioning cell phone, a lighter, a small green pouch, a small floral print pouch, the alcohol container, hand sanitizer, a USB cord, an unknown small white device, hygiene items, and a black sock.

After pausing the video, I asked Officer Victorio if it was the backpack we were referring to and if the substance was the substance he believed was cocaine. Officer Victorio replied, “Yes sir.” Officer Victorio said he did not remember the possible marijuana seen in the video.

I asked Officer Victorio if he and Officer Navarro had any conversations regarding the items that had been stolen during the burglary. Officer Victorio replied that he did not remember. Officer Victorio said he remembered the scooter was taken because the victim had pointed out it was his property.

I asked Officer Victorio if it was “common practice” to throw items of evidence or property belonging to citizens away. Officer Victorio replied, “No sir.”

I asked Officer Victorio how he documents in his reports items found at scenes that are deemed as items of evidence. Officer Victorio replied that he “typically” documents his reports in “chronological order.” Officer Victorio then stated that if I was referring to the “possible cocaine,” he did not document the possible cocaine because he was not going to charge Arrestee with the cocaine because he had Arrestee in custody for the “felony.”

I stated that he had the “shirt” that he deemed had “evidentiary value” and documented that. Officer Victorio replied, “Yes sir.”

I asked Officer Victorio in “hindsight,” what would have been the appropriate disposition of the property that Arrestee possessed. Officer Victorio replied, the “cocaine” even though he was not going to charge him with it, he could have tagged it in for “destruction.”

Officer Victorio continued and said he could have removed all the items he could not tag in from the backpack and thrown those items away. Officer Victorio said he could have tagged the personal belongings in the backpack as “safekeeping.” Sergeant Block asked if he would have discarded items such as the lighter and alcohol would it be appropriate to document in his report that Arrestee had the items but that they were thrown away/destroyed. Officer Victorio replied, “Yes sir.” Sergeant Block added consistent with a cocaine or methamphetamine pipe. Officer Victorio again replied, “Yes sir.”

I then summarized Officer Victorio’s statement to him. I stated that he was on his way to Loma Linda on an unrelated call and heard this burglary call. I continued and said he heard the description and saw a person who matched the description in the area. I stated that he directed Officer 1 to detain the subject. I stated during the detention “possible cocaine” and a backpack were located.

I continued and said at some point the suspect was arrested and taken to jail. I asked Officer Victorio if he remembered who took the suspect to jail. Officer Victorio thought Officer Trejo had taken the suspect to jail. Officer Victorio remembered Officer 1 was at the end of his shift and “specifically remembered” Officer 1 that he “had this” because it was the end of his shift.

I then continued with the summary and said the “cocaine is found” and the “arrest is made” and he documented the arrest. I then said that he “relieved” Officer 1 of any obligation and that he would handle the arrest and the documentation. Officer Victorio stated, “Yes sir.” I added that this was based on the time Officer 1 got off shift. Officer Victorio again said, “Yes sir.”

I added that he did complete a report and documented some of the contact with Arrestee I then said we knew what had happened to the other property.

The interview was concluded at 1520 hours and the recording was stopped.

TIMELINE OF DISCARDED EVIDENCE:



10/28/2023 @ 0744 hours - Officer 1 's BWC

This image is from Officer 1 's BWC and shows him detaining Arrestee at the transit center. The black backpack Officer 1 possessed is on the ground next to Arrestee



10/28/2023 @ 0744 hours – Officer 1 's BWC

The image above shows Officer 1 removing suspected narcotics from Arrestee left front pant pocket. The image below shows Officer 1 placing the suspected narcotics on top of a block wall.



10/28/2023 @ 0746 hours – Officer Victorio's BWC



This image shows Officer Victorio searching the backpack and some of the backpack contents which included some of the following visible items: a cell phone, a box of earphones, a screwdriver, a lighter, an alcoholic beverage, a power cord, and a small pouch.

The image below shows Officer Victorio collecting additional property from the top of the block wall. These items included the suspected narcotics, a black wallet, fingernail clippers, a pen, and another lighter.



10/28/2023 @ 0746 hours – Officer 1 's BWC



This image shows Officer 1 removing money and suspected marijuana from Arrestee right front pant pocket. Officer 1 places the suspected marijuana on the roof of his unit and returns the money to Arrestee pocket.

10/28/2023 @ 0746 hours – Officer Victorio's BWC



This image shows Officer Victorio placing the suspected narcotics into the backpack. The other items from the block wall had already been placed inside the backpack.

10/28/2023 @ 0747 hours – Officer Victorio's BWC



This image shows Officer Victorio placing the backpack inside his patrol unit.

10/28/2023 @ 0753 hours – Officer Victorio's BWC



This image shows Officer Victorio conducting a second search of the backpack. Officer Victorio removes a zip lock containing suspected marijuana. In addition to the previous items seen in the backpack, these additional items were seen: a USB cord, a black sock, a floral print pouch, a white unknown electronic device, hand sanitizer, body wash, and some small boxes.

10/28/2023 @ 0754 hours – Officer Victorio's BWC



After the second search of the backpack, Officer Victorio placed the backpack in the backseat area of his patrol vehicle. The suspected cocaine and suspected marijuana were inside the backpack.

10/28/2023 @ 0755 – Officer 1 's BWC



This image shows Officer 1 putting the suspected marijuana he recovered from Arrestee into the backpack. Officer 1 retrieved suspected marijuana from the roof of his unit before placing it in the backpack. Officer 1 did not remove the backpack from Officer Victorio's unit.

10/28/2023 @ 0844 hours – Officer Victorio's BWC



This image shows Officer Victorio removing the scooter from his vehicle to return it to the victim. The backpack is visible in the backseat of his patrol unit. This was the last time the backpack and its contents were captured on BWC.

ATTACHMENTS:

Tab 01	Investigation
Tab 03	Reports and CAD
Tab 04	Notifications
Tab 05	Interviews / Directed Memorandum
Tab 06	BWC Footage
Tab 07	Dispatch and 911 Audio
Tab 08	Video
Tab 09	Supporting Documentation

Attachment Q
Settlement Agreement in Case No. 24PSB-006 between the City of San Bernardino and Hector Victorio, dated October 24, 2024

SETTLEMENT AGREEMENT

This Settlement Agreement and Appeal Waiver ("Agreement") is entered into as of October 24th, 2024, by and between the City of San Bernardino ("City") and Hector Victorio ("Employee") (collectively, the "Parties").

RECITALS

WHEREAS:

A. On September 16th, 2021, Employee was hired by the City in the position of Law Enforcement Trainee, and sworn in as a Police Officer on March 14th, 2022, within the City's Police Department ("Department").

On March 14th, 2024 the Employee was notified about an internal investigation regarding neglecting his duties during a burglary investigation, which occurred on October 28th, 2023 (San Bernardino Case #2023-122237). During that investigation narcotics, along with evidence, were neglectfully discarded.

Subsequently, the employee advised he wanted to bypass the disciplinary appeal process. Further, the Employee indicated he was willing to admit to substandard conduct, performance, and safety, failing to prepare a detailed report, destruction of evidence, failing to adhere to property booking procedures, failing to adhere to the narcotics and dangerous drugs policy, failing to obey laws, regulations and orders, failing to properly perform his duty, and to neglecting his duty.

B. Specifically, the employee admits to violating San Bernardino Policies §340.3.2 - Conduct, §340.3.5 – Performance, §340.3.6 – Safety, §344.1.1 – Report Preparation, §804.3 – Property Handling, §804.3.1 – Property Booking Procedure, §804.3.2 – Narcotics and Dangerous Drugs, Policy and Procedures, §3.01 – General Behavior, §3.02 – Obedience to Laws, Regulations, and Orders, §4.01 – Performance of Duty, §4.02 – Neglect of Duty.

C. As a result, the Parties have since agreed to disciplinary action as follows: An imposition of a (40) forty-hour suspension without pay, and the imposition of a Performance Improvement Plan (PIP) to assist in correcting stated deficiencies. This is done with the understanding that Employee waive any right he may otherwise have had to contest, or appeal this said discipline.

AGREEMENT

NOW, THEREFORE, in consideration for the mutual promises and undertakings of the Parties as set forth below, the City and Employee hereby enter into this Agreement and agree as follows:

1. Incorporation of Recitals. The recitals set forth above are true and correct and are hereby fully incorporated into this Agreement by this reference.

2. No Admission of Liability. This Agreement shall in no way be construed as an admission by the City that it, the Department, or any officer, employee, or agent thereof, has acted wrongfully with respect to Employee. The City specifically disclaims any liability to or wrongful acts against Employee on the part of the City, the Department, or any officer, employee, or agent thereof.

3. No Precedent. This Agreement is in no way intended, and shall in no way be construed, to restrict any rights guaranteed to the City under local, state, or federal law, rule, or policy or by private agreement, or to establish a precedent in this or any other matter, now or in the future.

4. Pending Disciplinary Action. The City and Employee agree that in return for valuable consideration—i.e., the City's non-adversarial, early and efficient resolution of this disciplinary action, and the Employee's non-adversarial, early and efficient resolution of this disciplinary action, the Employee agrees to accept and abide by all of the terms specified in this Agreement.

5. Employee's Promises.

a) Concurrent with the execution of this agreement, Employee agrees that he will not file any appeal, claim, or lawsuit relating to the subject incident or acts referenced in this agreement **(24PSB-006).**

b) Employee agrees to an imposition of a (40) hour suspension without pay, and the imposition of a Performance Improvement Plan (PIP) to assist in correcting stated deficiencies. Employee agrees to the restriction of any and all overtime compensation, unless authorized by the Chief of Police, during the pay period(s) in which the (40) hour suspension is imposed.

c) Employee agrees to waive any and all pre-discipline rights and any and all post-discipline rights that he may have to appeal, grieve, litigate, or otherwise contest the imposition of the discipline set forth in subdivisions a, b, c, and d of this section, above, under any provision or principle of local, state, or federal law, or under any contract or agreement written or oral, express or implied, including but not limited to, a collective bargaining agreement, a MOU, or any future "for cause" provisions of any employment agreement with the City, as may be further applicable, in any forum whatsoever, to the fullest extent permitted by law;

d) Employee agrees to comply with each and every one of the rules, regulations, and/or policies applicable to employees of the City in the Department, including from the date of the execution of this Agreement through the duration of the Employee's employment with the City.

Employee's Misconduct and/or Unsatisfactory Behavior. Employee admits to neglecting his duties while assisting with case #2023-122237, as specified in department policy. Employee agrees and acknowledges that the aforementioned misconduct and unsatisfactory behavior constitute(s) a violation(s) of San Bernardino Policies §340.3.2 - Conduct, §340.3.5 – Performance, §340.3.6 – Safety, §344.1.1 – Report Preparation, §804.3 – Property Handling, §804.3.1 – Property Booking

Procedure, §804.3.2 – Narcotics and Dangerous Drugs, Policy and Procedures, §3.01 – General Behavior, §3.02 – Obedience to Laws, Regulations, and Orders, §4.01 – Performance of Duty, §4.02 – Neglect of Duty.

7. Not a Limit on Future Actions. This Agreement in no way limits the City's ability to discipline Employee for other conduct by him that may violate City rules, policies, or regulations and/or terms of any applicable Memorandum of Understanding or standards of behavior. Moreover

e) Nothing in this Agreement shall limit the City's right to use or make reference to matters described in this Agreement, as a basis, in whole or in part, to justify a decision to discipline or to discharge Employee for any conduct arising or newly discovered subsequent to the execution of this Agreement, except to the extent limited by a City rule or policy or by a negotiated agreement or MOU with the employee's authorized and recognized representative; and

f) The City may place a copy of this Agreement in Employee's official personnel file, and Employee hereby consents to the City doing so and waives any and all rights to respond to and/or appeal the placement of this Agreement in his personnel file.

8. Voluntariness. Employee acknowledges that, prior to signing this Agreement, he was provided with an opportunity to consult with a representative and/or attorney of his own choosing and that he is voluntarily, knowingly, and intelligently entering into this Agreement with sufficient awareness of the relevant circumstances and likely consequences of this Agreement, on the advice of his own chosen counsel, and without reliance on any representations made by the City, the Department, or any officer, employee, or agent thereof, except as provided in this Agreement. Employee further acknowledges that he was given reasonable and sufficient time and opportunity to negotiate the terms of this Agreement and to consider the execution thereof under the terms set forth herein

9. Entire Agreement. The Parties acknowledge that this Agreement constitutes a signed integrated agreement expressing the entire agreement between the Parties and fully superseding any and all prior or contemporaneous oral or written agreements, understandings, promises, or representations between the Parties pertaining to the subject matter of this Agreement. Moreover, no subsequent agreement concerning the subject matter of this Agreement or modification to this Agreement shall be binding unless it is signed by both Parties.

10. Governing Law and Venue. This Agreement shall be governed by and interpreted under the laws of the State of California applicable to contracts made and to be performed within the State. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of San Bernardino, California.

11. Interpretation and Severability. The Parties agree that the customary rule of construction that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement. The Parties further agree that, should any provision of this Agreement be declared or determined by any court of competent jurisdiction to be invalid, illegal, or otherwise

unenforceable for any reason, such determination shall not affect the validity of the remaining parts, terms, or provisions hereof, or of the offending provision in any other circumstance.

12. Authority. The persons signing this Agreement on behalf of the Parties hereto hereby warrant and represent that they are duly authorized to execute this Agreement on behalf of said Parties and that, by doing so, the Parties hereto are hereby formally bound to the provisions of this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR SETTLEMENT AGREEMENT AND APPEAL WAIVER

PLEASE READ THIS AGREEMENT CAREFULLY. IT INCLUDES A WAIVER OF DISCIPLINE APPEAL RIGHTS AND A RELEASE BY THE CITY EMPLOYEE OF ANY AND ALL KNOWN AND UNKNOWN CLAIMS THAT HE MAY HAVE AGAINST THE CITY, THE DEPARTMENT, OR ANY OFFICER, EMPLOYEE, OR AGENT THEREOF.

IN WITNESS HEREOF, the Parties have executed this Agreement as of the date first written above.

CITY:

Approved By:

Darren L. Goodman
Chief, San Bernardino Police Department, City of San Bernardino

EMPLOYEE:

Approved By:

Officer Hector Victorio

Attachment R
San Bernardino Police Department
Performance Improvement Plan, Case No. 24PSB-006, dated October 28, 2024

CITY OF SAN BERNARDINO
POLICE DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Officer Hector Victorio

FROM: Lieutenant Miguel Cintron

SUBJECT: Notification – Performance Improvement Plan (#24PSB-006)

DATE: October 28th, 2024

COPIES: File

This memorandum serves as a notice to you that based on noted deficiencies in your job performance, you are being placed on a Performance Improvement Plan (PIP). The PIP is intended to provide you with an opportunity to demonstrate an acceptable level of performance, demonstrate your understanding of department policy, and prove your capacity to comply with department standards and practices as a valued employee.

The PIP will begin on 11/1/2024 and remain in effect until 4/30/2025. The PIP may be extended at the discretion of management, or by the amount of time corresponding to any cumulative leave use above 40 hours during the period of the PIP.

Areas of Concern

Over the past 20 months, your performance has not conformed to the policies, procedures, and work rules as specified by Department Policy and the Policy and Procedures Manual. Specifically, the following areas of concern have arisen:

- **Report Preparation:**

  You have failed to complete accurate reports, which include all pertinent information seen, heard, or assimilated by any other sense, and accurately document any actions taken.

- **Driving Practices:**

  You have failed to drive and/or operate your vehicle, while on duty, with due regard and caution for the safety of all persons and property.

- **Standards of Conduct:**

  You have failed to comply with standards of conduct that are consistent with the values and mission of this department.

Previous Noted Deficiencies

- On October 24th, 2024, you received a 40-hour suspension for sustained findings of unbecoming conduct, neglect of duty, and improper tactics.
- On March 11th, 2024, you received a 40-hour suspension for sustained findings of utilizing improper tactics, unreasonable force, and unbecoming conduct.
- On June 27th, 2023, you received a verbal counseling regarding tactical communication and de-escalation.
- On June 12th, 2023, you received a documented counseling for an at-fault, on-duty collision.
- On May 7th, 2023, you received a documented counseling for losing department issued equipment (cell phone).
- On March 30th, 2023, you received a documented counseling for an at-fault, on-duty traffic collision.

How to Improve Your Performance

You are required to complete your reports in compliance with the guidelines of Department Policy 344. Additionally, those reports should be properly formatted, contain accurate information, and have few, if any, grammatical or spelling errors. When report errors are brought to your attention by a supervisor, you are to make the recommended corrections, and resubmit the report once all corrections have been made. These reports shall be completed in the time frames required by Department Policy.

You will be given time to complete your reports during normal working hours. Under normal circumstances, you will have an opportunity to request time after briefing and/or prior to the end of your shift. You are required to request that time from a supervisor or the watch commander.

Your direct supervisor will conduct audits on your reports and body worn camera footage to ensure you are complying with department policy. All of your reports shall be submitted to, and held for your direct supervisor, or any designated supervisor in their absence. This shall continue for the duration of the PIP.

While on duty, you shall drive your assigned patrol vehicle with due regard and caution for the safety of all persons and property in compliance with department policy and the California Vehicle Code. Your direct supervisor will monitor and conduct audits regarding your driving and vehicle pursuit practices.

You are required to adhere to the established standards of conduct outlined in Department Policy 340. Your conduct will remain consistent with the values and mission

of this department. You shall familiarize yourself with Department Policy 340 and are responsible for the compliance with each. Should you need clarification and/or guidance in the event of any perceived ambiguity or uncertainty it will be your responsibility to notify your direct supervisor.

If you believe you need additional assistance to meet the goals of this PIP, it is your responsibility to notify your direct supervisor so they can decide as to whether the requested assistance is appropriate. If the requested assistance is appropriate, the necessary arrangements will be made to obtain the assistance requested. Any request for assistance should be submitted in writing.

Regular Meetings, Assistance, and Guidance

Your direct supervisor will meet with you monthly to discuss your progress on the PIP and written progress evaluations will be provided. Following each meeting, Your direct supervisor will provide feedback to Lieutenant John Echevarria. Your performance will be fully evaluated at the conclusion of the PIP.

Failure to Improve

If you have not adequately achieved the work performance objectives and assignments as set forth in this plan, and your work performance does not improve to comply with the minimum job requirements during the term of this PIP, the PIP may be continued or disciplinary actions up to and including termination for neglect of duty may be applied.

You are required to make immediate, significant, and sustained improvements during the period of the PIP, and you are required to maintain that improvement after the completion of the PIP. Failure to improve will merit formal discipline up to and including termination.

X _____ Date: 11/7/24

By signing, I acknowledge I have received a copy of this Performance Improvement Plan (PIP) and fully understand its contents.

Attachment S
San Bernardino Police Department Internal Affairs Investigation Case No. 25PSB-093, dated September 17, 2025

CITY OF SAN BERNARDINO
POLICE DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Captain Adam Affrunti

FROM: Detective Mario Molina

SUBJECT: 25PSB-093

DATE: September 17, 2025

COPIES: File

Synopsis:

On Tuesday, May 6, 2025, the San Bernardino County Sheriff's Department's Professional Standards Bureau (PSB) received a complaint from Complainant. After an initial review, the Sheriff's Department determined that the matter involved officers from the San Bernardino Police Department.

On Wednesday, May 21, 2025, the complaint was forwarded via U.S. mail from the San Bernardino County Sheriff's Department to the San Bernardino Police Department's PSB for further review and action.

In Complainant written statement, Complainant alleged that Officers H. Victorio and Pen. Code sec. 832.7 stopped her on April 28, 2025. According to her allegations, during the traffic stop, the officers deactivated their body-worn cameras while she was detained. Complainant further claimed that, following a conversation between the officers, one officer informed her that if she consented to a search of her residence, her vehicle would not be towed, and she would not be arrested.

The complaint further alleged that the officer involved transported Complainant to her residence and conducted a search while she remained in the patrol unit. During this search, the officer reportedly recovered approximately five bullets from Complainant's residence. Complainant was then returned to her vehicle and released at the scene with a citation for her suspended CDL.

On May 29, 2025, the complaint was formally referred to the appropriate Division for investigation, review, and disposition. Following a preliminary inquiry, the matter was forwarded to the Professional Standards Bureau for a full administrative investigation, and this investigation was assigned to me.

During the course of my investigation, I learned that on April 28, 2025, at approximately 2113 hours, Officer Victorio activated his body-worn camera (BWC) while conducting a traffic stop in the area of State Street and Hanford Street, in the City and County of San Bernardino. The vehicle stopped was a 2014 Dodge Charger, California license plate [redacted] occupied solely by the driver, Complainant [redacted].

Officer Victorio told Complainant she had been stopped for a violation of CVC 26708 (tinted windows). Upon request for her California Driver's License (CDL), Complainant said she had a prior gun-related offense. A CDL inquiry confirmed her license was suspended. Complainant was directed out of the vehicle, and a search of her person and vehicle was conducted.

BWC footage confirmed that no contraband or illegal items were located during the search of Complainant or her vehicle. After completing the vehicle search, Officer Victorio told his partner, Officer Pen. Code sec. 832 "You can cut off," and both officers deactivated their BWCs.

Several minutes later, Officer Victorio reactivated his BWC, at which time he was at Complainant's residence, Complainant's address. Complainant remained seated, handcuffed, and unsupervised in the rear of Officer Victorio's police unit as Officer Victorio walked away.

BWC footage showed Officer Victorio approached the front door of Complainant's residence, which appeared to have been opened by a Black male juvenile. Officer Victorio entered the residence and proceeded to Complainant bedroom, where he opened multiple dresser drawers. Inside one drawer, Officer Victorio located several loose live ammunition rounds, which Officer Victorio took into his possession. Upon returning to his unit, BWC audio captured the sound of the rounds being placed into the unit's cupholder located in the unit's center console. Officer Victorio then deactivated his BWC.

Officer Victorio reactivated his BWC for a third time during the incident. Footage showed Officer Victorio had returned to the original stop location at State Street and Hanford Street. Officer Victorio opened the rear passenger door of his patrol unit, removed Complainant's handcuffs, and allowed Complainant to exit his patrol vehicle.

Officer Pen. Code sec. 8 asked Officer Victorio to complete the address portion of the citation after Complainant provided her current address. Officer Victorio finished the citation, advised Complainant he would not tow her vehicle because of "what we spoke about," and issued Complainant citation #1104027 for driving with a suspended CDL. Complainant was released from the scene.

A review of police reports associated with the enforcement stop found no record of the ammunition being tagged into evidence.

On July 30, 2025, Detective Miles and I interviewed Officer Victorio in the Professional Standards Bureau (PSB) interview room at the San Bernardino Police Department. The following is a summary of Officer Victorio's interview.

Officer Victorio confirmed that on April 28, 2025, at approximately 2114 hours, he conducted a traffic enforcement stop on Complainant's vehicle near State Street and Hanford Avenue for a violation of CVC 26708 (tinted windows).

During the stop, Officer Victorio checked Complainant's California Driver's License (CDL) status and learned her CDL was suspended. When Officer Victorio advised Complainant of her CDL status, Complainant told Officer Victorio that she had a prior firearm-related charge.

Officer Victorio directed Complainant to exit her vehicle and conducted a search of both her person and her vehicle. No contraband was located.

Officer Victorio acknowledged deactivating his body-worn camera (BWC) during the encounter. When asked why, he said he was unsure but believed he may have done so because Complainant was going to be transported to her residence to retrieve ammunition she admitted to possessing.

Officer Victorio transported Complainant to her residence. While Complainant remained handcuffed and unsupervised in the back seat of his patrol unit, Officer Victorio entered Complainant's residence and went to her bedroom. Once inside, Officer Victorio opened several drawers and recovered loose rounds of ammunition.

After leaving the residence, Officer Victorio returned to his unit and placed the ammunition in the center console's cupholder. Officer Victorio then transported Complainant back to the original location of the stop, where he cited and released Complainant

Officer Victorio admitted that he did not tag the ammunition for safekeeping. Instead, he placed it in his equipment bag and retained it until the conclusion of our interview, in accordance with instructions from his representative to comply with PSB's directive given at the time he was notified of his PSB interview.

Officer Victorio acknowledged that he should have kept his BWC activated throughout the traffic enforcement stop and that the ammunition should have been tagged as evidence on the date he took possession of it.

On August 19, 2025, Detective Miles and I interviewed Officer Pen. Code sec. 8 in the PSB interview room at the San Bernardino Police Department. The following is a summary of his interview.

Officer [redacted] confirmed he was the Officer who backed Officer Victorio on April 28, 2025, at about 2114 hours in the area of Hanford and State Street during a traffic enforcement stop.

Officer [redacted] said that during the stop, he contacted [redacted] but the conversation he had with [redacted] did not involve a search of her residence or an agreement not to tow her vehicle and/or arrest her if she did allow a search of her residence.

Officer [redacted] also said he deactivated his BWC because he believed the enforcement stop had concluded, and it did not occur to him to reactivate his BWC.

During my investigation, I called [redacted] several times. During one of our phone calls, [redacted] agreed to be interviewed at the police station on Wednesday, July 9, 2025, at 1400 hours.

On July 9, 2025, [redacted] failed to appear for her scheduled interview. I attempted to contact her several times by telephone to reschedule; however, my calls went to voicemail, and a message was left. As of September 9, 2025, [redacted] had not returned my calls.

On July 31, 2025, I conducted a residence check, which revealed [redacted] and her family had moved from [redacted].

I also conducted a criminal history check on [redacted] and nothing indicated that [redacted] was prohibited from owning and/or possessing ammunition.

SUMMARY OF ALLEGATIONS

Allegations:

[redacted] alleged that Officer Victorio employed improper tactics during the search of her home, which occurred during her traffic enforcement stop.

Evidence Considered:

I reviewed the following evidence about the above allegation: Officer Victorio's statement, Officer [redacted]'s statement, body-worn camera (BWC) footage, and the complainant's written complaint.

Lexipol Policy Review:

§322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for San Bernardino Police Department personnel to consider when dealing with search and seizure issues.

§322.2 POLICY

It is the policy of the San Bernardino Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

§322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- *Valid consent*
- *Incident to a lawful arrest*
- *Legitimate community caretaking interests*
- *Vehicle searches under certain circumstances*
- *Exigent circumstances*

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

§322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

a. *Members of this department will strive to conduct searches with dignity and courtesy.*

b. *Officers should explain to the person being searched the reason for the search and how the search will be conducted.*

c. *Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.*

d. *In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.*

e. *When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:*

    1. *Another officer or a supervisor should witness the search.*

    2. *The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.*

f. *When officers are going to rely on a consent search in lieu of a search warrant, it will be necessary to establish that the consent was given voluntarily. The San Bernardino County District Attorney requests that a "Consent to Search" form be utilized when possible. This form can then be utilized as a court document for presentation to the jury.*

§322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- *Reason for the search*

- *Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)*

- *What, if any, injuries or damage occurred*
- *All steps taken to secure property*
- *The results of the search, including a description of any property or contraband seized*
- *If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer*

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

§*340.1 PURPOSE AND SCOPE*

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of all members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers, and volunteers.

§*340.2 DISCIPLINE POLICY*

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

§*340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE*

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of

misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

§*340.3.1 ATTENDANCE*

a. *Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.*
b. *Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.*
c. *Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.*
d. *Failure to notify the Department within 24 hours of any change in residence address, home phone number, or cell phone number.*

§*340.3.2 CONDUCT*

a. *Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.*
b. *Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.*
c. *Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.*
d. *Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.*
e. *Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.*
f. *Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.*
g. *Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.*
h. *Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.*
i. *The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline under this policy.*
j. *Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.*
k. *Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.*
l. *Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.*

m. *Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.*

§*340.3.5 PERFORMANCE*

a. *Unauthorized sleeping during on-duty time or assignments.*
b. *Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.*
c. *Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.*
d. *Concealing, attempting to conceal, removing or destroying defective or incompetent work.*
e. *Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.*
f. *The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.*
g. *Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.*
h. *Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.*
i. *The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.*
j. *Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.*
k. *The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.*
l. *The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).*
m. *Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.*
n. *Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.*

o. *Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.*
p. *Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.*
q. *Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.*
r. *Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.*
s. *Offer or acceptance of a bribe or gratuity.*
t. *Misappropriation or misuse of public funds.*
u. *Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.*
v. *Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.*
w. *Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.*
x. *Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.*
y. *Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.*
z. *Violating any misdemeanor or felony statute.*
aa. *Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.*
bb. *Any failure or refusal of an employee to properly perform the function and duties of an assigned position.*
cc. *Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).*
dd. *Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.*

Allegations:

During the investigation, it was determined that Officer Victorio may have failed to properly tag the live ammunition he located at Complainant's residence as evidence, safekeeping, or as found property.

Evidence Considered:

I reviewed the following evidence regarding the above allegation: Officer Victorio's statement, Officer Pen. Code sec. 8 's statement, body-worn camera (BWC) footage, and the complainant's written complaint.

San Bernardino Police Department Policies and Procedures:

§4.02 Neglect of Duty

Employees may be deemed incompetent and subject to discipline when they: fail to properly perform their assigned duties; act in a manner tending to bring discredit to themselves or the Department; or fail to assume responsibility or exercise diligence, intelligence, and interest in the pursuit of their duties.

§3.20 Custodial Property

Employees shall deliver to the property custodian any property not their own, which comes into their possession while (1) on duty, and/or, (2) performing as a police officer. A report and property tag shall be completed for each transaction.

§3.202Safeguarding Money, Property, and Evidence

All employees shall be responsible for safeguarding public or city money, prisoner's money and property, and property and evidence in their possession. They shall observe appropriate procedures regarding the handling of money and when money is received, it shall be placed together with any corresponding records in an envelope and sealed. The envelope shall be marked with all necessary identifying data. The item shall then be deposited in the Department's safe or evidence locker.

Lexipol Policy Review:

§344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide

sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

§344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports in a timely manner. The following documentation shall be submitted prior to the end of the reporting employee's shift, unless a supervisor approves otherwise:

a. *All portions of arrest reports where the suspect remains in custody*

b. *Booking applications and juvenile applications for petition*

c. *All reports associated with officer-involved shootings or in-custody deaths*

d. *All reports associated with homicide or death investigations*

e. *All portions of missing persons reports*

f. *CHP 180's*

g. *Face pages, CHP 555 pages 1-3, and property control pages on all reports*

h. *Any reports requiring prompt follow-up on active leads*

All other documentation shall be submitted by the end of the employee's work week, unless other arrangements are approved by a supervisor.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Handwritten reports must be authorized by the Watch Commander. Employees who dictate reports shall use appropriate grammar. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the

reporting employee's opinions should not be included in reports unless specifically identified as such.

§344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

§344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee becomes aware that a crime has occurred, either due to a call for service or through self-initiated activity, the employee is required to document the activity. The fact that a victim is not desirous of prosecution does not exempt the employee from the responsibility of documenting a crime. The following are examples of required documentation:

a. *In every instance where a felony has occurred, the documentation shall take the form of a written crime report*

b. *In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report.*

c. *If the victim does not desire a report, the incident may be recorded as a crime report with the "reluctant victim" and "no further action" boxes checked*

d. *In every case where any force is used against any person by police personnel*

e. *All incidents involving domestic violence shall be documented as a crime report or as a "PC 13700" incident report, whichever is appropriate*

f. *All arrests*

§344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

a. *Any use of force against any person by a member of this department (see the Use of Force Policy)*

b. *Any firearm discharge (see the Firearms and Qualification Policy)*

c. *Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)*

d. *Any found property or found evidence*

e. *Any traffic collisions will be documented in accordance with the Traffic Collision Reporting Policy, Policy §502*

f. *Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy*

g. *All protective custody detentions*

h. *Suspicious incidents that may place the public or others at risk*

i. *Whenever the employee believes the circumstances should be documented or at the direction of a supervisor*

§804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

§804.1.1 DEFINITIONS

Definitions related to this policy include:

Property *- All articles placed in secure storage within the Property Unit, including the following:*

- *Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.*
- *Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.*
- *Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.*

§804.2 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe

the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

§804.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the member going off-duty unless otherwise approved by a supervisor. Members booking property shall observe the following guidelines:

a. *Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.*

b. *Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.*

c. *Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.*

d. *Place the case number in the upper right-hand corner of the bag.*

e. *The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.*

f. *When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.*

§804.3 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

a. *Narcotics and dangerous drugs*

b. *Firearms (ensure they are unloaded and booked separately from ammunition)*

c. *Property with more than one known owner*

d. *Paraphernalia as described in Health and Safety Code § 11364*

e. *Fireworks*

f. *Contraband*

§804.3.1 PACKAGING CONTAINER

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

§804.4 RECORDING OF PROPERTY

The Property and Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the San Bernardino Police Department shall be noted in the property logbook.

§804.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The Property and Evidence Technician shall obtain the signature of the person to whom property is released and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

§804.5.4 AUTHORITY TO RELEASE PROPERTY

Case agents or authorized personnel shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

§804.5.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released, the property card will remain with the Property Unit. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The assigned detective should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

§804.6 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

§804.8 POLICY

It is the policy of the San Bernardino Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

Allegations:

During this investigation, it was suspected that Officer Victorio may have failed to comply with the agreed-upon terms and conditions of his Performance Improvement Plan (PIP), reference 24PSB-006, which was in effect from November 1, 2024, through April 30, 2025. The incident under review occurred on April 28, 2025—two days before the scheduled conclusion of his PIP.

Evidence Considered:

I reviewed the following evidence about the above allegation: Officer Victorio's statement, Officer [redacted] Pen. Code sec. 8's statement, body-worn camera (BWC), Property Data Sheet, and Officer Victorio's PIP.

San Bernardino Police Department Policies and Procedures:

*§***3.20 Custodial Property**

Employees shall deliver to the property custodian any property not their own, which comes into their possession while (1) on duty, and/or, (2) performing as a police officer. A report and property tag shall be completed for each transaction.

*§***3.202 Safeguarding Money, Property, and Evidence**

All employees shall be responsible for safeguarding public or city money, prisoner's money and property, and property and evidence in their possession. They shall observe appropriate procedures regarding the handling of money and when money is received, it shall be placed together with any corresponding records in an envelope and sealed. The envelope shall be marked with all

necessary identifying data. The item shall then be deposited in the Department's safe or evidence locker.

§4.02 Neglect of Duty

Employees may be deemed incompetent and subject to discipline when they: fail to properly perform their assigned duties; act in a manner tending to bring discredit to themselves or the Department; or fail to assume responsibility or exercise diligence, intelligence, and interest in the pursuit of their duties.

Performance Improvement Plan (24PSB-006)

Officer Victorio was required to complete all reports in compliance with the guidelines outlined in Department Policy 344 and to adhere to the established standards of conduct contained in Department Policy 340. The Performance Improvement Plan (PIP) explicitly stated that Officer Victorio *"shall"* familiarize himself with Policy 340 and is responsible for full compliance with its provisions.

Under the "Failure to Improve" section of the PIP, it states that if the minimum job requirements are not adequately achieved during the term of the PIP, the Department may either extend the PIP or impose disciplinary action, up to and including termination for neglect of duty. The PIP further directs Officer Victorio to make *immediate, significant, and sustained* improvements throughout its duration and to maintain that level of performance upon completion. Failure to do so may result in formal disciplinary action, including termination.

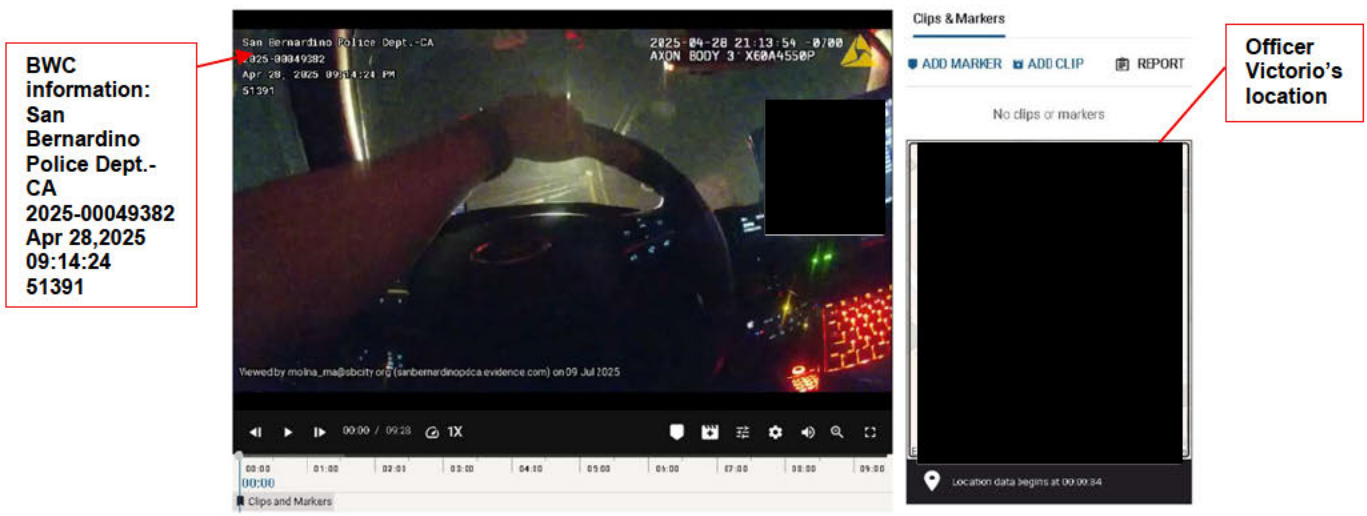
Officer Victorio signed and dated the PIP on November 7, 2024, directly above the acknowledgment statement: "*By signing, I acknowledge I have received a copy of this Performance Improvement Plan (PIP) and fully understand its contents."*

FINDINGS:

BWC REVIEW (Tab 06)

Officer H. Victorio – BWC # 1Footage 9:28

The first 30 seconds of Officer H. Victorio's body-worn camera (BWC) footage were muted, consistent with the system's pre-event buffering mode. When Officer Victorio's BWC was activated, he was observed seated in the driver's seat of his patrol unit. Officer Victorio appeared to activate the vehicle's red and blue overhead emergency lights before exiting his police unit. Officer Victorio then approached the driver's side of a gray four-door vehicle, which was occupied by a Black adult female later identified as Complainant [redacted]. The BWC location data indicated that Officer Victorio conducted his enforcement stop on April 28, 2025, at about 2114 hours in the area of Hanford and University in the City and County of San Bernardino, reference our case # 25-49382



When Officer Victorio contacted [redacted] she denied being on probation or parole and informed Officer Victorio that she had previously been arrested for petty theft and a firearm-related offense. Officer Victorio asked [redacted] if she currently had a firearm in her possession. [redacted] said she did not. [redacted] then briefly explained the circumstances surrounding the prior firearm-related offense.

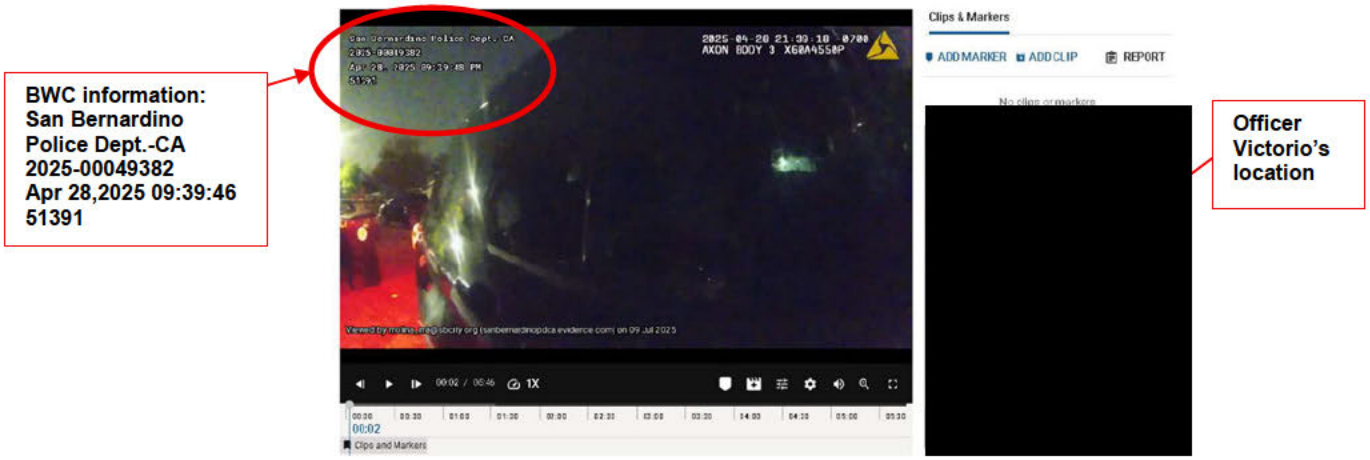
Officer Victorio returned to his patrol vehicle with [redacted]'s identification and appeared to conduct a records check using the mobile data terminal (MDT) inside of his unit. After the records check, Officer Victorio returned to [redacted]'s vehicle, and at Officer Victorio's request, [redacted] exited her vehicle. A search of [redacted] was conducted, after which she was seated on the curb under the supervision of Officer [redacted]

Officer Victorio searched [redacted]'s vehicle. During the search, Officer Victorio asked [redacted] where she lived. [redacted] said she lived around the corner, prompting Officer Victorio to ask why she needed directions home. [redacted] admitted she did not know how to get home from the hospital.

After concluding the vehicle search, Officer Victorio walked back toward his patrol unit and told Officer [redacted] "You can cut off." Officer Victorio then deactivated his body-worn camera (BWC).

Officer H. Victorio – BWC #2 Footage 5:46

The first 30 seconds of Officer H. Victorio's body-worn camera (BWC) footage were muted, consistent with the system's pre-event buffering mode. When the video recording was activated, Officer Victorio was observed walking along the passenger side of a patrol unit. The BWC location data indicated that Officer Victorio was in the area of 17th Street and Arizona Street in the City and County of San Bernardino at about 2146 hours.



The recording showed Officer Victorio walk away from a patrol unit and walk parallel to a white vinyl fence toward the front door of a residence.

Officer Victorio knocked on the front door, which was slightly ajar, and rang the doorbell. A short time later, an individual inside the residence closed the door. Officer Victorio stated, "I see you," and then used his right hand to briefly turn the door handle clockwise, which appeared to slightly open the door and an individual could be seen standing behind it. Officer Victorio asked the unidentified subject, who appeared to be a black male juvenile, if Minor 1,' his 'older sister,' was home. The juvenile responded by saying she was not.

Officer Victorio informed the unidentified black male juvenile that his mother was seated in the back of his patrol vehicle. Officer Victorio stated he was going to enter the residence, retrieve a few bullets that the juvenile's mother had in her room, and then leave. Officer Victorio further explained that afterward, the juvenile's mother would be released.

As the unidentified Black male juvenile walked away from the door, Officer Victorio appeared to lightly open the door and enter the residence. He proceeded further inside and encountered another Black male who identified himself as Minor 2 the oldest person at the location. Officer Victorio explained that he was there because the juvenile's mother had informed him, she had some bullets in a drawer, which he intended to retrieve before releasing her. Minor 2 responded by saying, 'OK.'

Officer Victorio then approached a dresser and opened the top right drawer, which he illuminated with his flashlight. Officer Victorio searched through the contents of the drawer for approximately 50 seconds and located several loose live rounds.

Several live rounds in Officer Victorio's left hand and several loose live rounds on the drawer's bottom panel.



Officer Victorio closed the drawer and placed the live rounds he was holding onto the bed in the bedroom.[1]

Officer Victorio opened four additional drawers in the bedroom and briefly glanced at their contents. After visually inspecting the drawers, he checked behind a pillow on the bed but did not locate any items. He then returned to the loose live rounds he had placed on the bed and picked them up.

Loose live rounds on bed.



Before exiting the bedroom, Officer Victorio visually inspected the walk-in closet. He then informed Minor 2 and the unidentified Black male juvenile that their mother would be home shortly and subsequently exited the residence.

Officer Victorio walked back to his patrol unit, at which point Complainant made an unintelligible comment. Officer Victorio responded, stating, 'They are okay. She wasn't even in there. I spoke with your next oldest son.'

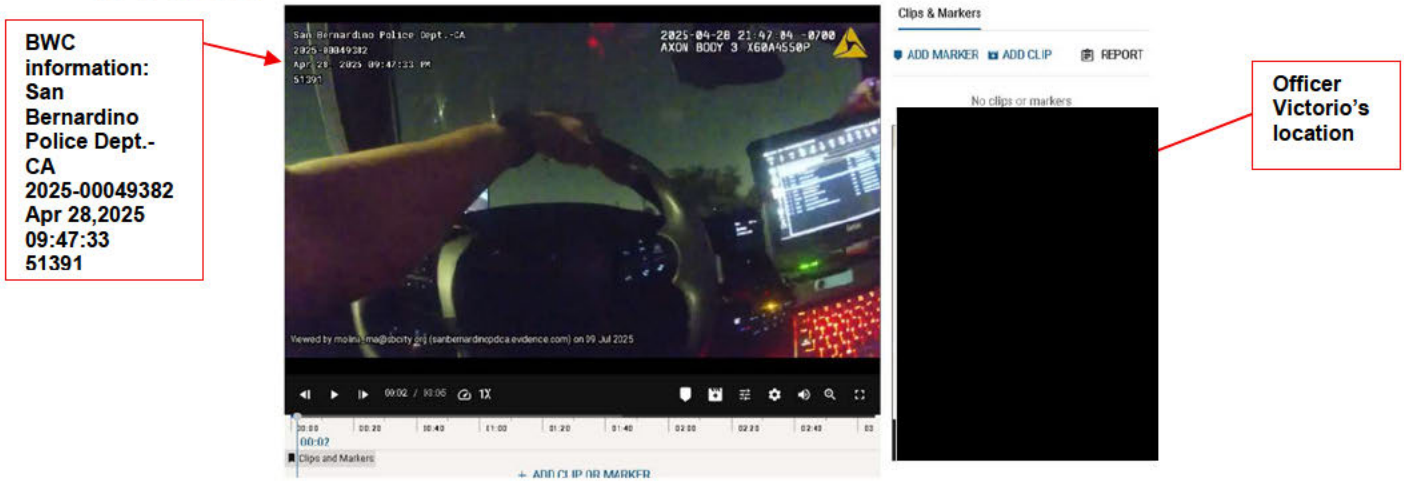
[1] Officer Victorio BWC audio captured the sound of several rounds being placed on the surface of the bed in the bedroom at about the 03:37 mark.

Officer Victorio then opened the front passenger side door of his patrol unit, illuminated the center console with his flashlight, and placed the loose live rounds he was holding into the console's cupholder.[2]

The front passenger side door of the police unit was shut, and Officer Victorio deactivated his BWC.

Officer H. Victorio – BWC #3 Footage 3:05

The first 30 seconds of Officer H. Victorio's body-worn camera (BWC) footage were muted, consistent with the system's pre-event buffering mode. When the video recording was activated, Officer Victorio was observed driving and parking his unit. The BWC location data indicated that Officer Victorio was in the area of University Parkway north of Hanford Street in the City and County of San Bernardino at about the time of 2147 hours.



Officer Victorio exited his patrol unit, walked to the rear passenger-side door, and opened it for Complainant Once the body-worn camera (BWC) audio was activated, Complainant could be heard asking someone if they had followed her location. A female responded affirmatively, explaining that she had responded to the location because Complainant's location had stopped.

Officer Victorio then removed Complainant's handcuffs. After being uncuffed, Complainant briefly spoke with the unidentified female and a Black male juvenile who were standing on the sidewalk.

Officer Victorio approached Officer Pen. Code sec. 832 who was seated in the driver's seat of his patrol unit. Officer Pen. Code sec. 8 handed Officer Victorio the citation for Complainant and requested that he add Complainant's current address to it.

[2] Officer Victorio BWC audio captured what sounded like several rounds being placed in the console's cupholder at about the 05:36 mark

Officer Victorio recontacted Complainant who provided her address. Officer Victorio wrote the address on the citation and appeared to add additional information. After completing the citation, Officer Victorio explained to Complainant that it was being issued for driving with a suspended license. He informed her that he would not be towing her vehicle based on their prior conversation.[3]

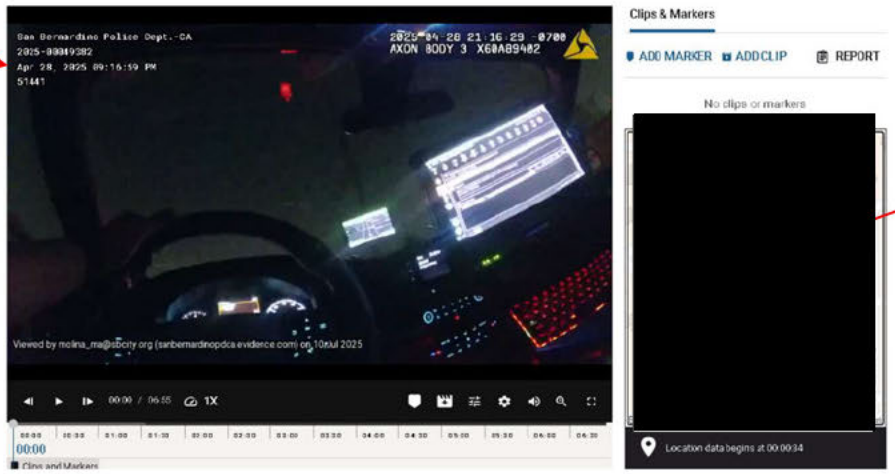
Complainant signed the citation, and Officer Victorio returned her California identification card and provided her with a copy of the citation. Officer Victorio also explained that she would not be charged for possessing the ammunition; however, the ammunition would be "taken" for safekeeping.[4]

Officer Victorio then deactivated his BWC.

Officer Pen. Code sec. 832.7 – BWC Footage 3:05

The first 30 seconds of Officer Pen. Code sec. 832.7's body-worn camera (BWC) footage were muted, consistent with the system's pre-event buffering mode. When the video recording was activated, Officer Pen. Code sec. 8 was observed driving his marked patrol unit. The BWC location data indicated that Officer Pen. Code sec. 8 was in the area of Hanford and University in the City and County of San Bernardino on April 28, 2025, at about 2116 hours, reference our case # 25-49382.

BWC information: San Bernardino Police Dept.- CA 2025-00049382 Apr 28,2025 09:14:24 51441



Officer Pen. Code sec. 8 exited his patrol unit and approached the gray four-door vehicle that had been stopped by Officer Victorio. As Officer Pen. Code sec. 8 approached, Officer Victorio was standing at the front driver's side door of the gray vehicle, and Officer Pen. Code sec. 8 positioned himself along the passenger side of the gray vehicle. While on the passenger side, Complainant walked toward Officer Pen. Code sec. 83 and he asked if she wanted to have a seat. Complainant responded, "Okay," and sat on the curb.

[3] Officer Victorio's BWC captured this at about the 2:25 mark.
[4] Officer Victorio's BWC captured this at about the 2:52 mark.

From the 00:50 mark until Officer Pen. Code sec. 8 deactivated his body-worn camera (BWC), his BWC footage remained generally consistent with the footage captured by Officer Victorio's BWC #1 footage.
Officer Pen. Code sec. 8 then deactivated his BWC.

Detective Molina – BWC Footage 2:00

The first 30 seconds of my body-worn camera (BWC) footage were muted, consistent with the system's pre-event buffering mode. When the recording was activated, I was walking eastbound in the 1900 block of W. 17th Street toward Complainant's address to locate and interview Complainant. As I approached the location, I observed a truck with an attached trailer parked nearby. The trailer and truck bed were loaded with furniture and other miscellaneous property.

Detective Miles and I proceeded to the front door of Complainant's address and contacted a cleaning crew at the location. The workers stated the residence had been vacant for approximately one month and confirmed they did not know the whereabouts of the previous tenants.

With the workers' consent, Detective Miles and I conducted a walkthrough of the residence. We did not locate Complainant or any of her belongings. It appeared that Complainant and her family had moved out of the location.

Following the check of the interior, I deactivated my BWC.

Detective Miles – BWC Footage 2:09

Detective Miles' BWC footage is a replica of my (Detective Molina's) BWC footage.

This concludes the BWC review.

BWC ANALYSIS

A review of the body-worn camera (BWC) footage for Officers Victorio and Pen. Code sec. 8 revealed that the last time Officer Victorio possessed the live ammunition discovered in Complainant's residence was at approximately the 5:36 mark of Officer Victorio's third BWC recording. At that point, an audible sound consistent with loose ammunition being placed into the unit's cup holder could be heard.

REPORTS REVIEW (Tab 03)

Citation # 1104027

Officer Pen. Code sec. 832.7 issued Complainant a citation for a violation of California Vehicle Code section 14601(a) [Driving When Privilege Suspended or

Revoked]. The citation listed Complainant's address as Complainant's address San Bernardino, California. The 2014 Dodge Charger involved in the incident, bearing California license plate [redacted] was registered to Complainant [redacted] at the same address. The citation includes a scheduled court appearance date of September 15, 2025. Complainant signed the citation at the time it was issued.

CR3 Arrest

Officer H. Victorio completed a CR-3 Arrest Report, which documented Complainant's residential address, physical description, and clothing description at the time of the incident.

Property Report

On 07/30/25, I completed a property report documenting 16 live rounds of .22 caliber ammunition that Officer Victorio provided to me, which he alleged were recovered from Complainant's residence. The ammunition was tagged for safekeeping and given barcode # 1335987.

This concludes the Report(s) review.

SURVEILLANCE FOOTAGE REVIEW

No surveillance footage related to this incident was located.

FOLLOW-UP INVESTIGATION

SBPD Property/ Evidence Room

On Thursday, July 3, 2025, I went to the SBPD Property Room after learning of the missing ammunition. Property and Evidence Supervisor K. Tennison generated a Property Report listing all evidence and property tagged by Officer Victorio into evidence or safekeeping between April 1, 2025, and July 3, 2025.[5] The report did not indicate that Officer Victorio had tagged any ammunition associated with case #25-49382.

On Thursday, July 10, 2025, I returned to the SBPD Property Room regarding the missing ammunition associated with case #25-49382. I spoke with Property and Evidence Technician II E. Sanchez, who generated a second Property Report listing all evidence Officer Victorio had tagged into evidence or safekeeping since July 1, 2025.[6] The two-page report created by Sanchez did not indicate that Officer Victorio had tagged any ammunition as evidence or safekeeping under case #25-49382.

[5] All four pages of the printed report provided by K. Tennison were placed under Tab 06 of this investigation.
[6] Both pages of the printed report provided by E. Sanchez were placed under Tab 06 of this investigation.

Summary of Complaint: (Tab 02)

Complainant alleged that on Monday, April 28, 2025, at approximately 2200 hours, she was in the area of State Street and University Parkway when San Bernardino Police Officers H. Victorio and Pen. Code sec. 832.7 conducted an enforcement stop on her vehicle due to a window tint violation.

Complainant stated that she did not contest the reason for the stop, but was confused when one of the officers told her that he would not tow her vehicle and would release her with a citation if she allowed him to search her residence. According to Complainant the officer transported her to her residence, where the officer searched it while she remained seated in his police unit.

A short time later, the officer returned to the unit with several bullets. Complainant reported that she was then transported back to the original stop location and released from the scene with a citation.

Complainant alleged that she suspected an illegal search of her residence had been conducted. During my review of the incident, it appeared that Officer Victorio neglected his duty by failing to properly tag the live ammunition he located at Complainant's residence.

INTERVIEWS: (Tab 08)

Interview of Officer H. Victorio
Recording Duration 44:37
Date July 30, 2025
Time: Approximately 1440 hours
Location: San Bernardino Police Department, Professional Standards Interview Room.

On July 30, 2025, at approximately 1440 hours, Detective Miles and I interviewed Officer H. Victorio in the Professional Standards Interview Room of the San Bernardino Police Department. The interview was audio-recorded.[7] Officer Victorio was represented by his attorney, Kasey Castillo, with KC Law Group.

Before the interview, Officer Victorio reviewed his Body-Worn Camera (BWC) footage and the documents that had been provided to him. Officer Victorio indicated that he was not aware of any additional recordings or documents that he had authored and wished to review.

At approximately 1443 hours, I advised Officer Victorio of his Miranda Rights. Officer Victorio stated that he understood his rights but declined to speak with me.

[7] Two audio recordings of this interview were attached to this report under Tab 08 – Audio – Victorio Interview MP3/ Victorio Interview MP4.

At approximately 1444 hours, I issued Officer Victorio the Lybarger Advisement and ordered him to provide a statement and respond to questions.

Officer Victorio said he has been employed as a police officer with the City of San Bernardino for over three years. He has no prior law enforcement experience. He is currently assigned to the Northern District as a District Resource Officer (DRO). His regular shift runs from 0700 to 1700 hours, Monday through Thursday.

Officer Victorio confirmed that he participated in the Field Training Program. Officer Victorio said he received training on report preparation both during the academy and as part of the Field Training Program. When asked whether he received training on evidence collection, Officer Victorio said, “Yes, sir.”

When asked to briefly describe the training he received in report writing and evidence collection, Officer Victorio explained that report writing involves summarizing an investigation and documenting the relevant facts. Regarding evidence tagging, he said that any item that could be considered evidence would be tagged and placed into the evidence room.

Officer Victorio stated that he received training on conducting searches during both the police academy and the Field Training Program. When asked to explain the concept of a consent search, Officer Victorio responded that a consent search occurs when a person gives an officer permission to search. He further stated that a consent search cannot be conditional. Officer Victorio acknowledged that he had never been taught that a consent search can be conditional.[8]

Officer Victorio said that a person has the option to withdraw consent for a search at any time by verbally instructing the officer to stop.

When asked to explain the process for tagging an item for evidence or safekeeping, Officer Victorio explained that the item is collected and, when time permits, brought to the police department’s evidence room. If the item is narcotics, it is KPAK’d, placed into an envelope, tagged, and then submitted as evidence.[9]

When I asked Officer Victorio if he had a clear understanding of the expectations outlined in his Performance Improvement Plan (PIP) when he signed it on November 7, 2024, Officer Victorio said, “Yes, sir.” When asked to elaborate on those expectations, Officer Victorio stated that he was required to follow proper evidence tagging procedures. Officer Victorio also acknowledged that failure to do so could result in the extension of the PIP or disciplinary action, up to and including termination for neglect of duty.

Officer Victorio agreed that on April 28, 2025, at approximately 2114 hours, he conducted an enforcement stop on a vehicle for a window tint violation in the area of

[8] Officer Victorio’s recorded interview discussed this at about the 0:08:18 mark.
[9] KPAK’d: a term used to identify heat-sealed plastic packaging.

State Street and Hanford Avenue, in the City and County of San Bernardino. He admitted that during the stop, he contacted the driver/sole occupant, who was later identified as Complainant

Officer Victorio said he learned Complainant had a prior arrest for a firearm charge when Complainant disclosed this information to him. Officer Victorio also learned that Complainant's California Driver's License (CDL) was suspended after conducting an inquiry into her license status.

During the enforcement stop, Officer Victorio asked Complainant to step out of her vehicle after learning that her CDL was suspended. Once Complainant exited the vehicle, Officer Victorio conducted a search of Complainant's person and Complainant's vehicle but did not locate any illegal items.

When asked about the reason for deactivating his body-worn camera (BWC) after searching Complainant's vehicle, Officer Victorio said he did not know what he was thinking at the time. However, he believed he deactivated his BWC because Complainant was going to be transported back to her residence to retrieve ammunition that she had admitted to having.

When I asked Officer Victorio why he instructed his partner to turn off his body-worn camera, Officer Victorio said he did not think much of the request at the time. Officer Victorio explained that he was transporting Complainant away from the vehicle, while his partner remained at the vehicle, and he did not perceive a continued need for recording.

Officer Victorio did not have a clear recollection of who handcuffed Complainant prior to her transport to her residence, but Officer Victorio believed he likely was the one who applied the handcuffs because Complainant was in the back seat of his police unit.

I asked Officer Victorio why Complainant was placed in the back seat of his police unit. Officer Victorio said he placed Complainant there because Complainant had "consented" to be transported to her residence so that the ammunition she had there could be recovered. Officer Victorio said this conversation took place when he had his BWC deactivated.[10]

I explained to Officer Victorio that he had deactivated his BWC footage at about 2123 hours and reactivated his BWC at about 2139 hours. I then asked Officer Victorio what had taken place during the 16 minutes his BWC was deactivated. Officer Victorio said he was "debriefing" Complainant at the location of the traffic stop to get information on who was at her residence so that he could determine if he needed additional officers at her residence.

I informed Officer Victorio that, according to the Complainant's complaint, she alleged he told her that her vehicle would not be towed if she allowed him to search her home. I asked Officer Victorio to explain this portion of their conversation. Officer Victorio

[10] Officer Victorio's recorded interview discussed this at about the 0:15:55 mark.

responded, “That is essentially what happened, sir.” Officer Victorio later stated that Complainant consented to returning to her residence, but he “did not recall” whether he made that offer. Officer Victorio also stated that he “did not recall” who initially suggested the option of searching Complainant’s residence during the contact. He acknowledged that he should have had his body-worn camera activated when obtaining consent from Complainant

I asked Officer Victorio to explain this portion of their conversation. Officer Victorio said, “That is essentially what happened, sir.” Officer Victorio later added that Complainant consented to going back to her residence, but he “did not recall” if he made that offer. Officer Victorio “did not recall” who introduced Complainant’s residence as a search option during this contact.

I asked Officer Victorio if he had completed a consent form. Officer Victorio stated that he did not, explaining that he did not have one available at the time, which is why he documented the consent on the computer. He further stated that he “did not recall” whether he asked his partner for a consent form.

I explained to Officer Victorio that, according to the Complainant’s complaint, she alleged he told her that she would not be taken to jail for the misdemeanor offense she had committed if she allowed him to search her home. I then asked Officer Victorio to clarify that portion of their conversation. Officer Victorio said, “I don’t recall that conversation. Looking back at it now, I wish I would have had my body camera rolling so that way, obviously, it could of helped me in this situation.”

I asked Officer Victorio if there was any reason Complainant might have misunderstood their conversation. Officer Victorio responded that he did not know what Complainant was thinking. He acknowledged that he did ask Complainant for permission to search her home for the ammunition, and Complainant gave consent. Officer Victorio denied telling Complainant that he would not tow her vehicle in exchange for allowing the search. When I asked Officer Victorio if he told Complainant that, if nothing was found during the search of her residence, she would be released with a citation, he responded, “Yes.”

Officer Victorio did not recall whether Complainant said that she understood the conversation regarding the search of her residence. Officer Victorio said that Complainant knew she was giving consent to the search because he had asked her about her prior firearm violation. Officer Victorio explained that he found it “strange” that Complainant possessed ammunition, and he suspected there might be a firearm at the residence because, in his view, it was unusual to have bullets but no firearm. Complainant also told Officer Victorio where to locate the ammunition at her residence.

Officer Victorio stated that he believed the Complainant understood their conversation regarding the search of her residence because she had given consent to the search, provided him with directions to where the ammunition could be located, and never withdrew or denied consent. Officer Victorio said he transported Complainant to her residence. Upon arrival, Complainant remained handcuffed and seated in the back seat of

his patrol unit without an officer present, because no other officers were on scene, and he did not ask if any other officers were available. Officer Victorio explained that Officer Pen. Code sec. 8 had remained at the location of the enforcement stop to fulfill his obligation to secure Complainant's vehicle.

Officer Victorio acknowledged that, because Complainant had been left in his patrol unit without another officer present, she had no opportunity to withdraw her consent while he searched her residence.

I informed Officer Victorio that his body-worn camera footage showed that, upon his arrival at the Complainant's residence, the front door appeared to be slightly ajar. The audio from the camera captured the sound of someone inside the residence closing the door, after which it appeared that Officer Victorio opened the door. I asked Officer Victorio whether he had opened the door himself or if someone inside the residence had opened it. Officer Victorio responded, "I don't recall." Officer Victorio said he did remember knocking on the door, identifying himself as "police," as he walked into the residence. Officer Victorio believed the door had been opened by a young black male who stood behind the door inside the residence.

Officer Victorio confirmed that no one inside Complainant's residence gave him consent to enter, but he relied on the consent previously given to him by Complainant. Officer Victorio believed the "little boy" who met him at the door led him to Complainant's bedroom. No one in the bedroom gave Officer Victorio consent to search the dresser drawers, but Complainant had provided consent before Officer Victorio entered the residence.

Officer Victorio said he took possession of the loose ammunition found in Complainant's dresser drawer for safekeeping. Although Complainant is not prohibited from possessing ammunition, Officer Victorio believed it was the right thing to do, and since Complainant's firearm had been "confiscated," Complainant did not need the ammunition.

I informed Officer Victorio that, in Complainant's complaint, Complainant alleged he did not take all the ammunition. Officer Victorio said he took the ammunition he observed and checked several drawers because he found it unusual that Complainant possessed ammunition without a firearm and believed additional ammunition might be located in other drawers.

I informed Officer Victorio that, upon reviewing his body-worn camera (BWC) footage, the audio appeared to capture the sound of ammunition being placed in the cupholder of his patrol vehicle. Officer Victorio confirmed that the audio was of the ammunition he recovered from Complainant's dresser drawer being placed into his patrol unit's cupholder.

Officer Victorio was asked why he deactivated his BWC before he transported Complainant back to the location of the enforcement stop. Officer Victorio said he did not think much of it and turned it off because he concluded what he had been doing at Complainant's residence and believed it was not relevant to keep his BWC on.

I told Officer Victorio that before he cited Complainant he told Complainant he was only citing her for her suspended license and that he was not going to tow her vehicle because "what we spoke about." I asked Officer Victorio what conversation he was referring to. Officer Victorio said the conversation that took place when his BWC was off.

I asked Officer Victorio for the context of that conversation. Officer Victorio said that he took the ammunition for safekeeping and that consent was given to go to her home.

Officer Victorio did not recall if he confirmed with dispatch whether or not Complainant was a convicted felon or prohibited from owning ammunition. Officer Victorio added that when Complainant was arrested, it was in Los Angeles County, and he believed we would not get that return. Officer Victorio did not recall if he ran a criminal history check on Complainant

Officer Victorio said there was nothing that indicated to him that Complainant was prohibited from owning ammunition. Complainant just mentioned she had a prior weapon violation, and Officer Victorio believed Complainant was probably not carrying the firearm correctly, so he took the ammunition, and he told Complainant he was taking the ammunition for safekeeping.

Officer Victorio believed he should have left his BWC on during this incident because it would have helped him in this situation, and it is important.

Officer Victorio said Complainant was cited for having a suspended license, and Officer Victorio said he should have gone to the station after the call, tagged the live ammunition into evidence, and completed a property sheet or the necessary associated forms.

I asked Officer Victorio why he had not tagged the found ammunition as evidence, found property, or safekeeping. Officer Victorio said he forgot about it. Officer Victorio explained that the ammunition was in his duffel bag. He did not realize he still had the ammunition until PSB notified him about his interview. After receiving the interview notification, he checked his duffel bag and located the ammunition. Once the ammunition was located, he contacted his "counsel," which is why the ammunition still had not been tagged in.

During the interview, Officer Victorio acknowledged that he remained in possession of the ammunition recovered during the incident, and the ammo had not been tagged into evidence. Officer Victorio's legal counsel, Attorney Kasey Castillo, stated that upon Officer Victorio receiving notice of the interview, she instructed him to wait until the interview before taking any additional action regarding the ammunition. Attorney Castillo explained that this direction was given to ensure compliance with the interview notification, which specifically advised Officer Victorio not to discuss the case with any other person.

When asked if he believed he failed to perform his assigned duties during this incident, Officer Victorio responded, “Yes, sir.” When asked to specify the nature of the failure, Officer Victorio stated that he failed to tag the evidence into the system and to document it correctly. Officer Victorio agreed that he did not effectively fulfill his role during the incident.

Detective Grant informed Officer Victorio that ammunition belonging to Complainant had been recovered and asked if it would match the ammunition in his possession. Officer Victorio confirmed that it would.

When asked if he had anything further to add, Officer Victorio stated that, in hindsight, the correct course of action would have been to keep his body-worn camera activated for the entire duration of the incident. He further stated that, following his contact with Complainant he should have “slowed down” because he works at a very “high-paced” tempo. Officer Victorio said that he makes many arrests and wants his cases to be successfully prosecuted. As a corrective measure, Officer Victorio stated that he now ensures that he does not wait until the end of his shift to tag any evidence.

Officer Victorio was asked if he had been taught the importance of keeping his BWC on when transporting a female. Officer Victorio said, “Yes. “

I asked Officer Victorio if he told Complainant her vehicle would not be towed if she allowed him to search her residence. Officer Victorio asked if this was the “conditional thing.” I said yes. Officer Victorio said he did not give Complainant a “condition.” Officer Victorio asked Complainant if she had a firearm at the house. Complainant said she did not, but admitted to having ammunition. Officer Victorio asked Complainant if it would be ok if “he’d go”; that is when Complainant consented. Officer Victorio agreed that he never told Complainant that if she allowed him to search her residence, he would not tow her car.

Attorney Kasey Castillo asked Officer Victorio if there was a reason he would not have made that offer. Officer Victorio said he usually does not like to tow cars, and in this situation, he did not have to tow Complainant’s vehicle.

Arrangements were then made to collect the loose rounds Officer Victorio had in his possession that he had recovered from Complainant’s residence.

My interview with Officer Victorio concluded at 1539 hours.

Interview of Officer Pen. Code sec. 832.7
Recording Duration 27:26
Date August 19, 2025
Time: Approximately 0632 hours

Location: San Bernardino Police Department, Professional Standards Interview Room.

On August 19, 2025, at approximately 0632 hours, Detective Miles and I interviewed Officer [redacted] in the Professional Standards Interview Room of the San Bernardino Police Department. The interview was audio-recorded.[11] Officer [redacted] was accompanied by his chosen representative, San Bernardino Police Sergeant Loera.

Before the interview, Officer [redacted] reviewed his Body-Worn Camera (BWC) footage and the documents provided to him. Officer [redacted] stated he was not aware of any additional recordings or documents that he had authored and wished to review.

At approximately 0635 hours, I advised Officer [redacted] of his Miranda Rights. Officer [redacted] stated he understood his rights and declined to speak with me.

At approximately 0636 hours, I issued Officer [redacted] the Lybarger Advisement and ordered him to provide a statement and respond to questions.

Pen. Code sec. 832.7 [redacted]

Pen. Code sec. 832.7 [redacted]

Pen. Code sec. 832.7 [redacted]

Pen. Code sec. 832.7 [redacted]

Pen. Code sec. 832.7 [redacted]

Pen. Code sec. 832.7 [redacted]

Pen. Code sec. 832.7 [redacted]

[11] Two audio recordings of this interview were attached to this report under Tab 08 – Audio – [redacted] Interview MP3/ [redacted] Interview MP4.

Pen. Code sec. 832.7

Officer Pen. Code sec. 8 confirmed that on April 28, 2025, Officer Victorio conducted a traffic stop on a vehicle in the area of Hanford and University. Officer Pen. Code sec. 8 did not recall the specific traffic violation that led to the enforcement stop.

Officer Pen. Code sec. 8 admitted that he and Officer Victorio did contact a female with the last name of Complainant during this stop; however, Officer Pen. Code sec. 8 did not remember if he learned that Complainant was on probation and/or parole.

Officer Pen. Code sec. 8 told me he did not remember if he learned that Victim had a prior firearm-related arrest.

Officer Pen. Code sec. 8 learned that Complainant had a suspended CDL when he was informed by Officer Victorio.

Per Officer Pen. Code sec. 832 Officer Victorio asked Complainant to step out of her vehicle. Officer Pen. Code sec. 8 did not know if Officer Victorio had discovered anything illegal on Complainant's person or in her vehicle.

Officer Pen. Code sec. 8 was asked why he deactivated his BWC during the enforcement stop. He stated he believed the traffic stop was over and that he commonly turns his BWC off when he believes a stop has concluded. Officer Pen. Code sec. 8 was advised that his BWC recorded Officer Victorio stating, "You could go off." Officer Pen. Code sec. 8 explained he believed the enforcement stop was over at that point, but he did not question Officer Victorio regarding the reason for deactivating the BWC, nor did he ask Officer Victorio why he made that statement.[12]

Officer Pen. Code sec. 8 told me he did not remember who handcuffed Complainant he did not know why she was handcuffed, and he "did not recall" why Complainant was seated in the backseat of a patrol unit.

Officer Pen. Code sec. 8 said he talked with Complainant before she was transported to her residence. I asked Officer Pen. Code sec. 8 to summarize his conversation with Complainant Officer Pen. Code sec. 8 said he did not remember what they talked about but guessed the conversation was "small talk" about where she lived or where she was driving to.

Officer Pen. Code sec. 8 said Officer Victorio did have a conversation with Complainant but he replied "I don't recall" when I asked Officer Pen. Code sec. 8 to summarize the conversation between Complainant and Officer Victorio. Officer Pen. Code sec. 8 believed the conversation did appear friendly.

[12] Officer Pen. Code sec's recorded interview talked about this at about the 0:10:50 mark.

Officer [redacted] was advised that, in her complaint, [redacted] alleged she spoke with an officer who told her that if she allowed the officer to search her home, her vehicle would not be towed. Officer [redacted] stated he did not have that conversation with [redacted] and confirmed that the only other officer on scene was Officer Victorio.

Officer [redacted] was told that, in [redacted]'s complaint, [redacted] alleged an officer told her that if she allowed a search of her home, she would not be arrested for the misdemeanor offense she had committed. Officer [redacted] stated he did not have that conversation with [redacted] and confirmed that the only other officer present was Officer Victorio.

I asked Officer [redacted] if he or Officer Victorio told [redacted] that if a search of her home was conducted and nothing illegal was located, she would be released from the location with a citation. Officer [redacted] stated he did not have that conversation with [redacted] and confirmed that the only other officer present was Officer Victorio.

I asked Officer [redacted] if [redacted] told him or Officer Victorio that she understood the conversation about the search of her home. Officer [redacted] confirmed that [redacted] did not tell him anything and that the only other officer on scene was Officer Victorio.

Officer [redacted] said [redacted] did not tell him her home could be searched. [redacted] did not say anything to him that made him believe she understood the conversation that involved the search of her home. He did not hear [redacted] tell Officer Victorio anything regarding this.

Officer [redacted] said he did not know who had introduced the idea of searching [redacted]'s home, but he knew it was not him. Officer [redacted] said that Officer Victorio transported [redacted] to her residence and instructed him to remain with [redacted]'s vehicle.

Officer [redacted] stated that Officer Victorio told him he was transporting [redacted] to her residence in furtherance of his investigation. Prior to transporting [redacted] Officer Victorio asked Officer [redacted] for a consent-to-search form; however, Officer [redacted] did not have one available.

When asked to summarize his role in the incident, Officer [redacted] said he acted as Officer Victorio's backup during the traffic stop. He wrote a citation and remained with [redacted]'s vehicle while Officer Victorio searched [redacted]'s residence.

Officer [redacted] said he did not know why an additional unit was not requested. He further stated that he believed Officer Victorio made the decision not to tow [redacted]'s vehicle, despite [redacted]'s CDL being suspended.

According to Officer [redacted] Officer Victorio later told him that ammunition had been recovered from [redacted]'s residence. Officer [redacted] noted, however, that nothing at the time indicated [redacted] was prohibited from possessing ammunition.

Officer [redacted] stated he believed he should have kept his body-worn camera (BWC) activated during this incident because the traffic stop had not yet concluded. He added that once he realized the stop was still ongoing, it did not occur to him to reactivate the BWC.

When asked if it was common practice for him to search a residence alone, Officer [redacted] replied, "No," and explained that he did not believe it was safe to conduct such a search by himself.

Detective Miles asked Officer [redacted] whether a consent search could be conditional, providing the example: "If I do something for you, will you let me search your property?" Officer [redacted] responded that he did not believe a consent search could be conditional.

Detective Miles then asked Officer [redacted] where he was positioned when Officer Victorio spoke with [redacted] Officer [redacted] stated he was standing on the sidewalk approximately 8 to 10 feet from Officer Victorio and [redacted] who were speaking in a low tone.

Officer [redacted] recalled that when Officer Victorio and [redacted] returned to the location of the traffic stop, [redacted] appeared normal. He also remembered that near the conclusion of the stop, [redacted]'s children arrived at the scene.

Officer [redacted] had nothing further to add. The interview concluded at 0659 hours.

TIMELINE OF COLLECTED EVIDENCE:



04/28/25 @ 21:42:45 hours – Officer H. Victorio's BWC footage.

This image, captured from Officer Victorio's body-worn camera (BWC), shows his left hand holding several live rounds.



04/28/25 @ 21:43:41 hours – Officer H. Victorio's BWC footage.

This image, captured from Officer Victorio's body-worn camera (BWC), shows several live rounds on the bed in Complainant's bedroom. These rounds are the rounds Officer Victorio had recovered from the dresser drawer inside of Complainant's bedroom.



04/28/25 @ 21:44:49 hours – Officer H. Victorio's BWC footage.

This image, captured from Officer Victorio's body-worn camera (BWC), shows him extending his left arm toward the unit's cupholder. Several seconds later, the BWC audio captured sounds consistent with multiple rounds being placed into the console's cupholder.

PHOTOS

On Wednesday 7/30/25 Officer Victorio provided me with 16 rounds of the following ammunition, which he alleged was the ammunition recovered from Complainant residence.



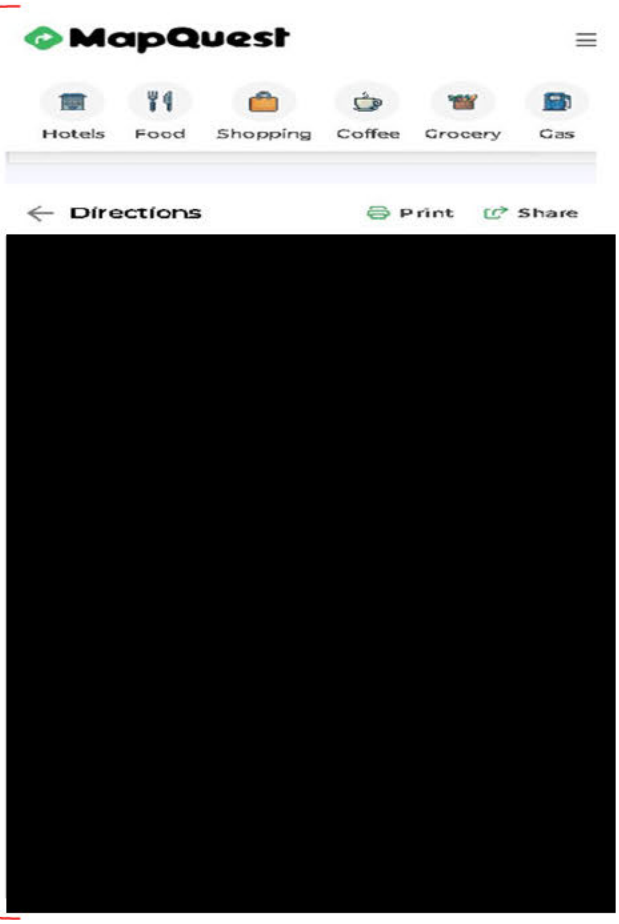
Headstamp of the ammunition provided by Officer Victorio on 7/30/25



Marker A represents the area where Officer Victorio conducted the enforcement stop. Marker B represents the location of Complainant residence, per MapQuest.

Official MapQuest - Maps, Driving Directions, Live Traffic





Per MapQuest, the time and distance from the location of the stop to [redacted] residence.

SUMMARY OF FINDINGS:

On April 28, 2025, Officer H. Victorio conducted a traffic stop on [redacted] for a violation of CVC 26708 (tinted windows), and Officer Curiel backed him. During the contact, it was determined that [redacted]'s driver's license was suspended, and she had a prior firearm-related charge. A search of [redacted]'s person and vehicle was conducted, which yielded no contraband.

Following the vehicle search, Officer Victorio and Officer Curiel deactivated their body-worn cameras (BWCs) before the enforcement stop was concluded. Officer Victorio then transported [redacted]—handcuffed—to her residence without supervisory notification or additional officer support. [redacted] remained unsupervised in the patrol unit while Officer Victorio entered her residence and conducted a consent search, and a written consent form was not obtained. Officer Victorio recovered live ammunition from [redacted]'s bedroom dresser but failed to book or document the items into evidence properly. [redacted] was returned to the original traffic stop location and released with a citation for driving with a suspended license.

Subsequently, Complainant filed a complaint alleging:

- Officers turned off their BWCs during the traffic stop.
- She was told her vehicle would not be towed and she would not be arrested if she consented to a home search.
- Her residence was searched while she remained detained.

The Professional Standards Bureau conducted a full investigation, including review of BWC footage, officer interviews, and related reports.

Recommendations

Officer H. Victorio

1. Improper deactivation of BWC: Sustained.

Summary of Findings.

Officer Victorio turned off his BWC several times during this enforcement stop and failed to reactivate it during critical interactions.

Lexipol Policy Review

***§*450.5.9 When and Where to Record**

a. Enforcement and Non-Enforcement Related Contacts

a. Officers shall use the event mode to record enforcement and all call for service- related contacts. The event mode should be activated prior to exiting your vehicle, prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact or call for service is concluded.
b. Enforcement-related contacts include but are not limited to the following: Traffic stops, field interviews, detentions, arrests, search warrant service, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.
c. Non-Enforcement related contacts include but are not limited to the following: Calls for service involving crime reports, death

investigations, traffic collisions, civil disputes, child custody disputes, keep-the-peace type calls, and missing persons.

d. Covering/backing another City employee or law enforcement officer during an enforcement contract, including, but not limited to: CSOs, Parking Enforcement Officers, Animal Control Officers, etc.
e. Officers working plain clothes assignments are exempt from this policy while working in a plain clothes capacity.
f. If an officer is unable to activate his or her BWC prior to initiating any of these enforcement or investigative activities, the officer shall activate the device as soon as it is practical and safe to do so. As in all enforcement and investigative activities, including vehicle and pedestrian stops, the safety of the officers and members of the public are the highest priorities.
g. Supervisors and Managers may permit employees not to activate the BWC based on articulable circumstances (community meetings, specials events, etc.).
h. Supervisors are not required to record while performing administrative supervisor duties.

b. Arrest

1. Officers may stop recording in the event mode once the arrestee is no longer in their custody.

c. Suspect Interviews
    a. Officers shall record suspect interviews. Officers should not stop and start the recording during a suspect interview.
    b. When recording interviews, officers shall ensure they record any admonishments prior to the start of an interview.

2. Improper search/transport to residence: Sustained

Summary of Findings:

It was alleged that Officer Victorio conducted a search without proper safeguards,

Lexipol Policy Review

§322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general

guidelines for San Bernardino Police Department personnel to consider when dealing with search and seizure issues.

§322.2 POLICY

It is the policy of the San Bernardino Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

§322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- *Valid consent*
- *Incident to a lawful arrest*
- *Legitimate community caretaking interests*
- *Vehicle searches under certain circumstances*
- *Exigent circumstances*

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

§322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

a. *Members of this department will strive to conduct searches with dignity and courtesy.*
b. *Officers should explain to the person being searched the reason for the search and how the search will be conducted.*
c. *Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.*
d. *In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.*
e. *When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:*
    1. *Another officer or a supervisor should witness the search.*
    2. *The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.*
f. *When officers are going to rely on a consent search in lieu of a search warrant, it will be necessary to establish that the consent was given voluntarily. The San Bernardino County District Attorney requests that a "Consent to Search" form be utilized when possible. This form can then be utilized as a court document for presentation to the jury.*

§907.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the San Bernardino Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

§907.2 POLICY

It is the policy of the San Bernardino Police Department to provide safe, secure, and humane transportation for all persons in custody.

§907.13 PROHIBITIONS

When transporting a person in custody, officers should not:

C. Leave the vehicle unattended with the person in custody in the vehicle.

3. Failure to properly document Search / Incident – Sustained

Summary of Findings:

Officer Victorio did not properly document the search he conducted during this incident.

§322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- *Reason for the search*
- *Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)*
- *What, if any, injuries or damage occurred*
- *All steps taken to secure property*
- *The results of the search, including a description of any property or contraband seized*
- *If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer*

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

4. Failure to properly tag ammunition into evidence: Sustained

Summary of Findings:

Ammunition recovered was not properly documented or entered into evidence until months later.

San Bernardino Police Department Policies and Procedures:

*§**4.02 Neglect of Duty***

Employees may be deemed incompetent and subject to discipline when they: fail to properly perform their assigned duties; act in a manner tending to bring

discredit to themselves or the Department; or fail to assume responsibility or exercise diligence, intelligence, and interest in the pursuit of their duties.

§3.20 Custodial Property

Employees shall deliver to the property custodian any property not their own, which comes into their possession while (1) on duty, and/or, (2) performing as a police officer. A report and property tag shall be completed for each transaction.

§3.202Safeguarding Money, Property, and Evidence

All employees shall be responsible for safeguarding public or city money, prisoner's money and property, and property and evidence in their possession. They shall observe appropriate procedures regarding the handling of money and when money is received, it shall be placed together with any corresponding records in an envelope and sealed. The envelope shall be marked with all necessary identifying data. The item shall then be deposited in the Department's safe or evidence locker.

Lexipol Policy Review:

§344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

§344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports in a timely manner. The following documentation shall be submitted prior to the end of the reporting employee's shift, unless a supervisor approves otherwise:

i. All portions of arrest reports where the suspect remains in custody

j. Booking applications and juvenile applications for petition

k. All reports associated with officer-involved shootings or in-custody deaths

l. All reports associated with homicide or death investigations

m. All portions of missing persons reports

n. CHP 180's

o. *Face pages, CHP 555 pages 1-3, and property control pages on all reports*

p. *Any reports requiring prompt follow-up on active leads*

All other documentation shall be submitted by the end of the employee's work week, unless other arrangements are approved by a supervisor.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Handwritten reports must be authorized by the Watch Commander. Employees who dictate reports shall use appropriate grammar. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

§344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

§344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee becomes aware that a crime has occurred, either due to a call for service or through self-initiated activity, the employee is required to document the activity. The fact that a victim is not desirous of prosecution does not exempt the employee from the responsibility of documenting a crime. The following are examples of required documentation:

g. *In every instance where a felony has occurred, the documentation shall take the form of a written crime report*

h. *In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report.*

i. *If the victim does not desire a report, the incident may be recorded as a crime report with the "reluctant victim" and "no further action" boxes checked*

j. *In every case where any force is used against any person by police personnel*

k. *All incidents involving domestic violence shall be documented as a crime report or as a "PC 13700" incident report, whichever is appropriate*

l. *All arrests*

§344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

j. *Any use of force against any person by a member of this department (see the Use of Force Policy)*

k. *Any firearm discharge (see the Firearms and Qualification Policy)*

l. *Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)*

m. *Any found property or found evidence*

n. *Any traffic collisions will be documented in accordance with the Traffic Collision Reporting Policy, Policy §502*

o. *Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy*

p. *All protective custody detentions*

q. *Suspicious incidents that may place the public or others at risk*

r. *Whenever the employee believes the circumstances should be documented or at the direction of a supervisor*

§804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

§804.1.1 DEFINITIONS

Definitions related to this policy include:

Property *- All articles placed in secure storage within the Property Unit, including the following:*

- *Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.*

- *Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.*

- *Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.*

§804.2 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

§804.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the member going off-duty unless otherwise approved by a supervisor. Members booking property shall observe the following guidelines:

g. *Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.*

h. *Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.*

i. *Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.*

j. Place the case number in the upper right-hand corner of the bag.

k. The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

l. When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

§804.3 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

g. Narcotics and dangerous drugs

h. Firearms (ensure they are unloaded and booked separately from ammunition)

i. Property with more than one known owner

j. Paraphernalia as described in Health and Safety Code § 11364

k. Fireworks

l. *Contraband*

§804.3.1 PACKAGING CONTAINER

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

§804.4 RECORDING OF PROPERTY

The Property and Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the San Bernardino Police Department shall be noted in the property logbook.

§804.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The Property and Evidence Technician shall obtain the signature of the person to whom property is released and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

§804.5.4 AUTHORITY TO RELEASE PROPERTY

Case agents or authorized personnel shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

§804.5.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Bureau for filing with the

case. If some items of property have not been released, the property card will remain with the Property Unit. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The assigned detective should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

*§***804.6 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

*§***804.8 POLICY**

It is the policy of the San Bernardino Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

4. Conditional consent/quid pro quo: Not Sustained

Summary of findings:

Insufficient evidence to prove or disprove the allegation against Officer Victorio.

Officer Pen. Code sec. 832.7

Pen. Code sec. 832.7

Pen. Code sec. 832.7

Pen. Code sec. 832.7

a. Pen. Code sec. 832.7

Pen. Code sec. 832.7 [redacted]

[redacted]

ATTACHMENTS:

Tab 02	Complaint
Tab 03	Report and CAD
Tab 04	Notification
Tab 05	BWC
Tab 06	Supporting Documentation
Tab 07	24PSB-006 PIP/ Settlement
Tab 08	Audio
Tab 09	Photos
Tab 10	Miranda / Lybarger

Attachment T
Settlement Agreement in Case No. 25PSB-093 between the City of San Bernardino and Hector Victorio, dated November 4, 2025

SETTLEMENT AGREEMENT AND APPEAL WAIVER

This Settlement Agreement and Appeal Waiver ("Agreement") is entered into as of November 4th, 2025, by and between the City of San Bernardino ("City") and Hector Victorio ("Employee") (collectively, the "Parties").

RECITALS

WHEREAS:

A. On September 16th, 2021, Employee was hired by the City in the position of Law Enforcement Trainee (LET), and sworn in as a Police Officer within the City's Police Department ("Department") on March 14th, 2022.

B. On September 29th, 2025, the Employee was served with Discovery and the notification of an Investigative Review Process (IRP) regarding his actions of neglecting his duties, insubordination, and using improper tactics during a traffic stop.

Subsequently, the employee through his legal representative advised that he wanted to waive his right to a Disciplinary Review Board (DRB) and Pre-Skelly Hearing and meet directly with the Chief of Police for a Skelly Hearing. After the Skelly Hearing, the employee and his legal representative agreed to resolve the disciplinary process via settlement. Further, the Employee indicated he was willing to admit to neglecting his duties, insubordination, and to utilizing improper tactics during a traffic stop and arrest on April 28th, 2025. The employee failed to complete reports as specified in department policy, failed to secure evidence/property with the property unit as specified in department policy, failed to activate his body worn camera as specified in department policy, and failed to adhere to the terms, conditions and expectations of his performance improvement plan (PIP).

C. Specifically, the employee admits to violating San Bernardino Policies §322.2(f) – Search Protocol, §322.5 – Documentation, §340.3.5(m) – Performance, §340.3.5(aa) – Performance, §340.3.6 – Safety, §344.1.1 – Report Preparation, §450.5.9 – When and Where to Record (BWC), §804.3.1 – Property Booking Procedure, §907.4 – Officer Responsibilities (Prisoners), §907.13 – Prohibitions (Prisoners), and Policy and Procedure §3.01 – General Behavior, §3.02 – Obedience to Laws, Regulations, and Orders, §4.01 – Performance of Duty, and §4.02 – Neglect of Duty;

D. As a result, the Parties have since agreed to discipline as follows: Reclassification to top-step Community Service Officer (CSO). As a result of this negotiated discipline, the Employee waives any right he may otherwise have to contest or appeal said discipline.

AGREEMENT

NOW, THEREFORE, in consideration for the mutual promises and undertakings of the Parties as set forth below, the City and Employee hereby enter into this Agreement and agree as follows:

1. Incorporation of Recitals. The recitals set forth above are true and correct and are hereby fully incorporated into this Agreement by this reference.

2. No Admission of Liability. This Agreement shall in no way be construed as an admission by the City that it, the Department, or any officer, employee, or agent thereof, has acted wrongfully with respect to Employee. The City specifically disclaims any liability to or wrongful acts against Employee on the part of the City, the Department, or any officer, employee, or agent thereof.

3. No Precedent. This Agreement is in no way intended, and shall in no way be construed, to restrict any rights guaranteed to the City under local, state, or federal law, rule, or policy or by private agreement, or to establish a precedent in this or any other matter, now or in the future.

4. Pending Disciplinary Action. The City and Employee agree that in return for valuable consideration—i.e., the City's non-adversarial, early and efficient resolution of this disciplinary action, and the Employee's non-adversarial, early and efficient resolution of this disciplinary action. Employee agrees to accept and abide by all of the terms specified in this Agreement. Employee further agrees, understands, and acknowledges that;

5. Employee's Promises. Concurrent with the execution of this agreement, Employee agrees that he will not file any appeal, claim, or lawsuit relating to the subject incident or acts referenced in this agreement **(25PSB-093).**

   a. Employee agrees to the immediate reclassification to a top-step Community Service Officer (CSO).

   b. Employee agrees to waive any and all pre-discipline rights and any and all post-discipline rights that he may have to appeal, grieve, litigate, or otherwise contest the imposition of the discipline set forth in subdivisions a, b, c, d, e, and f of this section, above, under any provision or principle of local, state, or federal law, or under any contract or agreement written or oral, express or implied, including but not limited to, a collective bargaining agreement, a MOU, or any future "for cause" provisions of any employment agreement with the City, as may be further applicable, in any forum whatsoever, to the fullest extent permitted by law.;

   c. Employee agrees to comply with each and every one of the rules, regulations, and/or policies applicable to employees of the City in the Department, including from the date of the execution of this Agreement through the duration of the Employee's employment with the City;

6. Employee's Misconduct and/or Unsatisfactory Behavior. Employee admits to failing to complete reports as specified in department policy timelines, failing to secure evidence/property with the property unit as specified in department policy, failing to activate his body worn camera as specified in department policy, and for failing to meet the terms, conditions and expectations of his performance improvement plan. Employee agrees and acknowledges that the aforementioned misconduct and

CONFIDENTIAL

unsatisfactory behavior constitute(s) a violation San Bernardino Policies §322.2(f) – Search Protocol, §322.5 – Documentation, §340.3.5(m) – Performance, §340.3.5(aa) – Performance, §340.3.6 – Safety, §344.1.1 – Report Preparation, §450.5.9 – When and Where to Record (BWC), §804.3.1 – Property Booking Procedure, §907.4 – Officer Responsibilities (Prisoners), §907.13 – Prohibitions (Prisoners), and Policy and Procedure §3.01 – General Behavior, §3.02 – Obedience to Laws, Regulations, and Orders, §4.01 – Performance of Duty, and §4.02 – Neglect of Duty;

7. Not a Limit on Future Actions. This Agreement in no way limits the City's ability to discipline Employee for other conduct by him that may violate City rules, policies, or regulations and/or terms of any applicable Memorandum of Understanding or standards of behavior. Moreover

    a. Nothing in this Agreement shall limit the City's right to use or make reference to matters described in this Agreement, as a basis, in whole or in part, to justify a decision to discipline or to discharge Employee for any conduct arising or newly discovered subsequent to the execution of this Agreement, except to the extent limited by a City rule or policy or by a negotiated agreement or MOU with the employee's authorized and recognized representative; and

    b. The City may place a copy of this Agreement in Employee's official personnel file, and Employee hereby consents to the City doing so and waives any and all rights to respond to and/or appeal the placement of this Agreement in his personnel file.

8. Voluntariness. Employee acknowledges that, prior to signing this Agreement, he was provided with an opportunity to consult with a representative and/or attorney of his own choosing and that he is voluntarily, knowingly, and intelligently entering into this Agreement with sufficient awareness of the relevant circumstances and likely consequences of this Agreement, on the advice of his own chosen counsel, and without reliance on any representations made by the City, the Department, or any officer, employee, or agent thereof, except as provided in this Agreement. Employee further acknowledges that he was given reasonable and sufficient time and opportunity to negotiate the terms of this Agreement and to consider the execution thereof under the terms set forth herein

9. Entire Agreement. The Parties acknowledge that this Agreement constitutes a signed integrated agreement expressing the entire agreement between the Parties and fully superseding any and all prior or contemporaneous oral or written agreements, understandings, promises, or representations between the Parties pertaining to the subject matter of this Agreement. Moreover, no subsequent agreement concerning the subject matter of this Agreement or modification to this Agreement shall be binding unless it is signed by both Parties.

10. Governing Law and Venue. This Agreement shall be governed by and interpreted under the laws of the State of California applicable to contracts made and to be performed

within the State. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of San Bernardino, California.

11. Interpretation and Severability. The Parties agree that the customary rule of construction that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement. The Parties further agree that, should any provision of this Agreement be declared or determined by any court of competent jurisdiction to be invalid, illegal, or otherwise unenforceable for any reason, such determination shall not affect the validity of the remaining parts, terms, or provisions hereof, or of the offending provision in any other circumstance.

12. Authority. The persons signing this Agreement on behalf of the Parties hereto hereby warrant and represent that they are duly authorized to execute this Agreement on behalf of said Parties and that, by doing so, the Parties hereto are hereby formally bound to the provisions of this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

CONFIDENTIAL

25PSB-093

SIGNATURE PAGE FOR SETTLEMENT AGREEMENT AND APPEAL WAIVER

PLEASE READ THIS AGREEMENT CAREFULLY. IT INCLUDES A WAIVER OF DISCIPLINE APPEAL RIGHTS AND A RELEASE BY THE CITY EMPLOYEE OF ANY AND ALL KNOWN AND UNKNOWN CLAIMS THAT HE MAY HAVE AGAINST THE CITY, THE DEPARTMENT, OR ANY OFFICER, EMPLOYEE, OR AGENT THEREOF IN THIS MATTER.

IN WITNESS HEREOF, the Parties have executed this Agreement as of the date first written above.

CITY:

Approved By:

Darren L. Goodman
Chief, San Bernardino Police Department, City of San Bernardino

EMPLOYEE:

Approved By:

Officer Hector Victorio

Jonathan M. Plummer

710 N D Street

San Bernardino, CA 92401

March 4, 2026

To Whom It May Concern,

I am writing this character letter on behalf of Hector Victorio. Since May of 2025, I have witnessed Hector’s growth and maturity. He has taken full accountability for his actions and demonstrated true ownership of his choices. This transformation is not only evident to me but also recognized by his peers. Hector has made significant strides in proving his worth and showcasing a positive change in his character.

During this time, Hector has enrolled in college, where he is committed to furthering his education and honing his skills. His hard work has earned him recognition as an exemplary student, maintaining a GPA of over 3.3. This achievement reflects his dedication to personal growth and his understanding that education is vital for his future. He is eager to learn, improve, and embrace new challenges.

At work, Hector consistently arrives on time, dressed well, and with a positive attitude. He is always willing to assist his peers, fostering a supportive and collaborative environment. When faced with challenges, he has chosen not to adopt a defeated mindset; instead, he focuses on positivity and growth. His humility is commendable, as he understands the responsibilities he carries not only for himself but for those around him as well.

Hector is also actively involved in his church, maintaining a positive outlook in all areas of his life. I've heard from several of his peers that he takes the time to discuss and mentor them in areas where he can improve and offers guidance on positive paths to avoid negative outcomes. His willingness to support others reflects his commitment to making a meaningful difference in both his life and the lives of those around him.

Thank you for considering this letter. I believe Hector has shown progress and maturity, and I support him in his ongoing journey.

Sincerely,

Jonathan M. Plummer, Lieutenant

To Whom it May Concern,

I am writing to provide a character reference letter for Hector Victorio. I have had the opportunity to work alongside Hector for over two years. During this time period, I was his shift partner on patrol, partner during over time Project Safe Neighborhood and on the San Bernardino Police Department's Special Weapons and Tactics Team (S.W.A.T). I specifically wanted Hector as my partner because I knew he had a strong worth ethic and had the same goals as I did. Those goals were to reduce violent crime to the citizens of San Bernardino.

While working with Hector, he showed his true dedication to being a Police Officer, strong work ethic, and willingness to learn and improve in every aspect of the job. Hector ensured the district he was assigned to was covered and went above and beyond by conducting proactive policing in high crime areas to ensure the community was safe. Hector never shied away from responding to calls regardless of how much paper work it may have resulted in. Hector treated every call we responded to as if the victim or reporting party was his own family and ensured he went above and beyond to assist in any way possible. Hector was always willing to help any other Officer or person at a moment's notice. Hector has always been honest and truthful even when faced with adversity and owned up to any mistakes made.

Following the incident that resulted in a demotion, Hector took full accountability without complaint and understood his punishment. Hector maintained his professionalism and used the time to better himself in his work field. Hector attended numerous self initiated classes and even enrolled into college to obtain his Associates degree in Business. While working the front desk, Hector has been a direct liaison to the Officers assigned to the Special Investigations Bureau that have resulted in the rapid arrest of violent criminals.

For these reasons I can confidently say Hector is an Officer of strong character who continues to grow and have a meaningful impact on the community of San Bernardino. I would recommend Hector for reinstatement as a sworn police officer. I would not hesitate to have Hector as my partner once again.

Respectfully,

Officer Gabriel Rodriguez

San Bernardino Police Department

To Whom It May Concern,

I am writing to provide a recommendation for Officer Hector Victorio. I have known Officer Victorio for approximately three years. We worked together at the San Bernardino Police Department. During that time, I have had the opportunity to observe his professional development, character, and commitment to improving himself as a law enforcement officer.

Throughout the time I have known him, Officer Victorio has demonstrated clear growth in his abilities and professionalism. Early in his career, he consistently sought guidance from more experienced officers, particularly in areas such as report writing and investigative work. His willingness to ask questions and accept constructive feedback reflects his strong desire to learn and continuously improve.

Additionally, Officer Victorio has acknowledged and taken responsibility for past mistakes. In my experience, he has expressed genuine remorse and has taken those experiences seriously as opportunities to learn and grow. He has been receptive to feedback and has demonstrated a sincere effort to become a better officer as a result.

I have also had the privilege of working alongside Officer Victorio in demanding assignments, including crime suppression details and while serving together on the SWAT team for the San Bernardino Police Department. In those environments, he demonstrated teamwork, dedication, and a commitment to improving his performance.

Based on my experience working with him, I believe Officer Victorio possesses the character, honesty, and willingness to learn that are essential qualities in law enforcement. I have seen meaningful growth in him during the time I have known him, and I believe he will continue to develop into a capable and dependable officer.

Sincerely,
Freddy Luna
Police Officer
San Bernardino Police Department

Letter of Character and Professional Reference – Officer Hector Victorio

To whom it may concern,

My name is Richard Garcia, I am currently a sworn police officer with the San Bernardino Police Department assigned to patrol. I have served the with department for approximately two years. Prior to my law enforcement career, I served eight years in the United States military, including five years on active duty in the United States Marine Corps.

I have known Officer Hector Victorio for approximately six years. I first met Hector in 2020 while we were both serving in the United States Marine Corps. During our time in service, we both held the rank of Sergeant and served in leadership billets as squad leaders. In 2020-2021, we deployed together on a campaign in the Middle East. Following the deployment, we both returned home and honorably departed active duty later that same year.

After leaving active-duty, Hector began his law enforcement career when he was hired by the San Bernardino Police Department. His example and guidance played a significant role in inspiring me to pursue a career in law enforcement as well. Nearly 2 years later, I was fortunate enough to be hired by the same department, where we have continued to work alongside one another.

Since the beginning of my professional career at the age of 18 in the military to the present day, I can recall only a small number of individuals who consistently carry themselves with the level of respect, professionalism and selfishness that Hector demonstrates. Hector's work ethic and temperament are truly rare qualities that I have observed throughout our time serving together both in the military and in law enforcement. Through many challenging moments in my own life and career, Hector's leadership and mental fortitude have helped guide me, and I have always looked up to him as someone who consistently strives to do the right thing.

Since being hired by the San Bernardino police department, Hector has developed a reputation as one of the most hard-working officers within the department. He consistently distinguishes himself among his peers and has proven to be a dependable teammate. I can recall multiple occasions where Hector was the senior officer on scene and took the time to provide guidance and mentorship to junior officers regarding professional conduct and decision-making.

I am familiar with the incident currently being reviewed. Based on my knowledge of Hector's character and the years I have worked alongside him; I can confidently state that the circumstances surrounding the incident do not reflect the true character or professionalism that Hector consistently demonstrates. Since the incident, I personally observed Hector approach the matter with seriousness and use it as an opportunity for reflection and continued professional development.

I strongly support Hector Victorio remaining a peace officer. I wholeheartedly believe he is fit to continue serving the public and that he remains a valuable asset to the San Bernardino police department. Hector has consistently demonstrated dedication to his profession, loyalty to his fellow officers, and a genuine commitment to doing what is right. It is my sincere hope that this matter will be carefully reviewed and reassessed with consideration of the character and service Hector has demonstrated throughout his career.

Sincerely,

Richard Garcia
Police Officer
San Bernardino Police Department
710 N. D St, San Bernardino, Ca 92401
(714)-688-6722

To Whom It May Concern,

I am writing this letter of character for my partner and friend, Hector Victorio, with whom I work with at the San Bernardino Police Department. Having worked alongside Hector for several years, I have had the opportunity to observe his development as a police officer and his commitment to the profession and the community we serve.

Over time, I have seen Hector grow significantly in maturity as an officer. He consistently places the community first and makes decisions with the mission and reputation of the San Bernardino Police Department in mind. One of the most notable aspects of his growth is how he uses lessons from his own past experiences and mistakes to mentor younger officers. Rather than keeping those lessons to himself, he actively helps guide the next generation of officers so they can develop both professionally and ethically.

Hector is also known for his honesty and truthfulness. In our work together, he has always been transparent and straightforward with both his partners and members of the community. His integrity is evident in the way he approaches every situation—with fairness, accountability, and a genuine desire to do what is right. He is deeply passionate about improving the quality of life in the City of San Bernardino. Hector has personally mentored me and has helped me understand the importance of balancing quality-of-life enforcement with proactive policing. His perspective has helped shape my own approach to the job and has made me a better officer.

In addition to his work in the field, Hector consistently demonstrates a willingness to learn and improve. He spends his own time, often off the clock, attending classes and training opportunities to strengthen his leadership skills and better prepare himself to mentor younger officers. This dedication to self-improvement reflects his commitment not just to the job, but to the long-term success of the department.Hector also brings a positive mindset and an incredible work ethic to the workplace. His attitude and passion for police work help boost morale among those around him. He genuinely makes the San Bernardino Police Department a better place to work by setting a strong example through his professionalism, dedication, and commitment to the community.

For these reasons, I can confidently say that Hector Victorio is an officer of strong character who continues to grow and positively impact both the department and the community he serves.

Respectfully,

Aaron Anaya

Brian Harris

San Bernardino Police Department

710 N. D Street

San Bernardino, CA, 92401

Date: 03/04/2026

To Whom It May Concern,

I am writing to formally address matters pertaining to Hector Victorio, currently a Community Service Officer for the San Bernardino Police Department. Mr. Victorio, a former Police Officer of the San Bernardino Police Department, is an employee I managed in the Operations Division for many years. Throughout Mr. Victorio's years of service as a Police Officer, he was a resolute Police Officer and worked diligently to impact the mission of the organization to improve public safety. He consistently strived to positively impact his peers and produce tangible results to reduce crime in San Bernardino.

During his tenure as a Police Officer, mistakes made by Mr. Victorio were thoroughly and formally investigated, and I have never witnessed him not accept responsibility for his actions. He has been honest about his faults and genuinely remorseful when confronted with investigation findings. His willingness to accept responsibility and correct behavior is something to be appreciated, not dismissed.

Please consider my remarks when determining Mr. Victorio's career aspirations as a Police Officer in the future. I believe he has learned from his mistakes, and he has accepted responsibility for his actions. Should you require further information regarding Mr. Hector Victorio's performance or conduct, please feel free to contact me. Thank you for your attention to this matter.

Sincerely,



Captain Brian Harris

To Whom it may Concern,

My name is Jonathan Davalos and I am a police officer with the San Bernardino Police Department. I have been with the department for approximately 8 years and have served in a variety of scopes. I have had the pleasure of working patrol, Field Training Officer, District Resource officer and Narcotics officer. In my tenure at the department, I have been in many critical incidents as it is no secret the City of San Bernardino has a high call volume as well as many incidents not commonly seen in other cities.

To work as a police officer in any city requires a lot of will power, grit, sacrifice and bravery. I do however, believe the City of San Bernardino requires these virtues and some extra due the violent nature of the calls for service as well as the violence many of the gangs bring into the city. Working in this city will test you to your limits however, this I believe is where the true virtue of our officer's shine. I believe a good officer does his job, handles calls, takes his paper and goes home. A great officer does the aforementioned, as well as is pro active, looks for crime, familiarizes himself with the gangs and criminals of the city but is also able to be a community service officer, community outreach and be empathetic towards the citizens. With being the pro active style of police officer you are also more likely to get into dangerous situations, put yourself at risk and heaven forbid get hurt however, this is the type of risk officers take to prevent crime instead of respond to it.

Being a pro active officer is extremely dangerous as you are putting yourself in harms way more than what is already required of you however, you do it in hopes of preventing a shooting, stabbing or other crimes all of which are unfortunately extremely common in this city. While being pro active may be rewarding you are also increasing your risk of getting into trouble and breaking policy. Now I am not justifying this for any reason however, protecting the citizens of the community while being pro active does expose an officer to the risk of getting hurt as well as getting in trouble.

I have personally been a pro active cop most of my career and have enjoyed it. I enjoyed seeing the firearms recovered and the crimes being prevented. I also learned very early on the risks' I have spoken about with exposing yourself to the extra liability that comes with being a pro active officer. I had to learn to change tactics and do things in a more tactful way as they say "verbal judo". I learned to rely on this heavily and learned I could use it to effect my arrest and deescalate the situations however, this came with experience and time on as well as mentors.

I met Officer Hector Victorio while I was working as a District resource officer. The job of this detail was to meet with the community and target any issues they were having. The side of the city I worked in had a heavy gang issue which was brought to our attention in

every community meeting we had. I met Officer Victorio as a new officer who had came to me with questions as to how to be proactive. Officer Victorio expressed interest in becoming a proactive officer with hopes to eventually make it into my position. I noticed his eagerness and decided to bring him under my wing so to speak as his mentor. He soon was working pro active enforcement with me, and I quickly noticed he had a talent for it. I observed as Officer Victorio quickly learned how to spot violations and read body language which would telegraph suspects motives. Officer Victorio also explained his experience in the Marine Corps and how serving his country made him want to serve the community he had been around growing up.

In my time with Officer Victorio I was honestly very impressed because he not only had the ability and talent to be a pro active officer but he also was very community orientated. He would give kids gifts, let them look inside his police vehicle and play with the lights as well as take photographs with them. Officer Victorio displayed the passion that I very rarely see. He was passionate with this career and did not only see it as a job but as a way to change policing. In a day and age where policing is so negatively viewed upon and scrutinized without all the facts Officer Victorio showed compassion and a love for his job. Officer Victorio quickly displayed the characteristics that an officer should have honor, bravery, ethical and honest. Officer Victorio also showed compassion, love, empathy and caring for the members of the community.

It is sometimes easy for an officer to see one side when dealing with suspects who were just moments before trying to harm them however, I've seen Officer Victorio display the exact opposite. I've personally seen Officer Victorio arrest a suspect who had just ran from him, evaded him, resisted him all while being armed with a firearm and right after Officer Victorio was asking the suspect how he was and if he was okay. Officer Victorio then proceeded to talk to the suspects with a calm tone as if the suspect had not just tried to evade him. I've also seen Officer Victorio arrest a suspect who was a known gang member for a firearm which was in the vehicle where he currently had his child. Officer Victorio could have easily thrown the handcuffs on the suspect in front of the child, told the child his father was going to jail and let that be the impression the child would forever have of law enforcement. Instead, Officer Victorio handcuffed the suspect discreetly, let him say goodbye to his father and let the child hug and kiss his father. The suspect told his child he was going to be gone for a little and would return. Officer Victorio displayed great compassion and empathy in this incident, which could have very easily turned out differently. I have seen Officer Victorio display the qualities I described time and time again however; I would be typing a novel if I wrote each example.

I am aware of the incident in which Officer Victorio was involved in a pursuit in which the suspect drove on the wrong side of the road, nearly struck pedestrians and other vehicles and resisted. I have also seen the video of the end which circulated by a citizen recording the incident. I know the incident did not look great from the video. I also do know there are many other circumstances leading up to the end of the incident. I have been in many use of force situations where the thoughts of am I going to make it home tonight, do they have a firearm or weapon, why is he running, am I violation policy, is my camera on and so many other thoughts are going through your mind in the milliseconds you are actively dealing with a suspect resisting. I can say from experience it is extremely scary not knowing if this is your final day on earth.

I know Officer Victorio personally and know after incident he took multiple POST certified classes to include use of force related classes and deescalation classes. He took these classes on his own on his own time in an effort to better himself. You see from the characteristics I mentioned earlier that an officer should display I do believe one that is important that I did not mention is Humility and Humbleness. Officer Victorio identified that there were other ways he could have handled the situation differently although the suspect was resisting and not complying there are better ways to obtain compliance. Officer Victorio displayed humility and humbleness by enlisting himself in these classes, talking to his mentors including myself and asking how he could've handled the situation better. Officer Victorio is not just another officer in this department. He is the staple of what an officer should be. He handled the situation poorly and in that there is no disagreement, however, I do believe he has learned from this incident. It takes a great person to admit their faults and wrong doings.

Officer Victorio has shown time and time again he can and has learned from his mistakes, wrong doings and is able to adapt and learn from them. Since the incident Officer Victorio has not had any questionable uses of force and has actually relied heavily on his verbal judo to deescalate situations. I have even seen situations where Officer Victorio would have been entirely justified using force to overcome the resistance however, he utilized his verbal judo and minimal force to overcome the resistance. In these situations since the incident, I have seen Officer Victorio utilize restraint and learn the meaning of just because you can, doesn't mean you should.

Officer Victorio is a great member of the department and someone I would trust to go into any dangerous situation with me. I believe he embodies what an ideal officer should be. Just because he had an incident that was not the best doesn't mean he is a bad officer. He was able to accept his mistakes, correct them and move forward. If this was not the case, he would've continued using force instead of switching his tactics.

Officer Victorio is personally loved by many in the department as well as citizens who know him by name in the city. I personally know Officer Victorio is not the same officer and person as he was when the incident occurred and that he has changed the way he handles similar situations. I know in any career the people who are the best at their roles once made a decision they look back at and decided may have been handled differently. This is what builds character and changes the person from who they were to the person they are to become. If a person refuses to change they will remain in the same situation never growing however, Officer Victorio has shown he has adapted and changed his methods and grown from this incident. I would work with Officer Victorio any day and trust him for any situation to make the correct decision.

CHARACTER LETTER – OFFICER HECTOR VICTORIO

To Whom It May Concern,

My name is Anthony Castro, and I am a Police Sergeant with the San Bernardino Police Department. I have served this department for approximately twenty years in a variety of assignments, including Patrol, Field Training Officer, Personnel and Training, and multiple specialized units. I have supervised and mentored numerous officers throughout their careers, evaluated applicants during the hiring process, and guided new officers as they transitioned into law enforcement service.

I first met Officer Hector Victorio when I was assigned to Personnel and Training and was responsible for overseeing portions of the hiring and background process. I observed him as a civilian applicant during the physical agility testing, interview phases, pre-academy preparation, and throughout the six-month police academy.

From the beginning, Officer Victorio distinguished himself through his professionalism, reliability, and leadership mindset. He was someone who honored his word and demonstrated follow-through. A defining moment occurred when his fellow trainees from our department withdrew from the academy, leaving him as the only representative of our agency. Despite the added pressure and isolation, he persevered through the physical and academic demands of the academy.

He ultimately graduated with the distinction of Class Guide-On, a leadership honor awarded by academy staff and peers. This role reflects not only performance, but character, influence, and leadership presence among recruits from multiple surrounding agencies.

As he began his career, Officer Victorio received positive feedback from training officers and senior personnel for his professionalism, proactive policing, adaptability, and composure in critical incidents. His work ethic and tactical competence led to his selection for the department's SWAT team, a position that requires rigorous evaluation, discipline, and trust.

Additionally, he later served as a District Resource Officer, where he focused on violent crime suppression and community engagement. In this role, he was involved in arrests for serious felony offenses, including firearm violations, ghost guns, homicide suspects, and armed fleeing felons. On multiple occasions, he placed himself in harm's way while pursuing dangerous suspects. These events required sound judgment, tactical awareness, and courage under pressure.

Equally important, Officer Victorio demonstrated the ability to shift from high-risk enforcement responsibilities to meaningful community interaction. He participated in Coffee with a Cop events, community meetings, city functions, and problem-solving efforts aimed at long-term neighborhood improvement rather than short-term enforcement alone. He has shown empathy, communication skills, and a genuine desire to serve the community.

I have supervised Officer Victorio in multiple capacities, during the hiring process, on the SWAT team, and within the District Resource Team. Over the course of his career, I have witnessed significant professional growth. Like any profession, especially law enforcement, experience shapes development. Active officers encounter complex situations that provide both success and learning moments. What distinguishes an officer's character is how they respond to those experiences.

In my observation, Officer Victorio possesses honesty, integrity, and a willingness to accept responsibility for past mistakes. He has demonstrated remorse and a sincere desire to improve. He is receptive to correction, motivated to grow, and committed to becoming a better officer and public servant.

Based on my direct supervisory experience and long-term observation of his development, I believe Officer Hector Victorio has the character, maturity, and integrity necessary to continue serving in law enforcement. I respectfully ask that his overall service, leadership, and demonstrated growth be considered in any final determination regarding his career and certification.

Respectfully,

Sergeant Anthony Castro
San Bernardino Police Department



Sergeant Erik Campos

710 North D Street, San Bernardino, CA 92402

Campos_Er@sbcity.org

909-889-3491

Character Letter- Officer Hector Victorio

To whom it may concern,

My name is Erik Campos, and I am a Police Sergeant with the San Bernardino Police Department. I have been employed by the department for approximately nineteen years. During my career, I have served in a variety of assignments, including Patrol, Narcotics, Special Enforcement Team, and Homicide. I have supervised and mentored many new officers who have successfully progressed in their career.

In the summer of 2022, I was assigned as a District Resource Sergeant tasked with addressing quality of life issues for residents in the Western District of the city. While assigned to that detail, I met Officer Hecto Victorio who was assigned to dayshift patrol working the weekends. Officer Victorio stood out amongst his peers because of his exceptional work ethic and interest in making a difference in the community. Due to his exceptional work, I gave him the opportunity to assist my team during community functions which required engaging with community members of all ages. These engagements were key in allowing him to understand that effective policing goes hand in hand with building trust and meaningful connections. Officer Victorio proved to be a positive and approachable presence within the community.

Officer Victorio was also given the opportunity to participate in Project Safe Neighborhood (PSN) which is an initiative utilized by law enforcement to identify the most pressing violent crime problems in a community and develop comprehensive solutions to address them. During this time, Officer Victorio was able to make many arrests of violent individuals who were causing harm and fear in the community. Because of his hard work and commitment, the program was successful in reducing violent crime in the city.

I have also had the opportunity to interact with Officer Victorio when he is off duty. In his personal life, he shows kindness, responsibility, and humility. These qualities always keep him grounded and are important for his growth in continuing to become a great man. Officer Victorio has learned from his experiences and is striving to become better. Even

through difficult times, he listens to others and has continued to develop personally and professionally by enrolling in college courses.

In conclusion, Officer Victorio has not only shown dedication, kindness, responsibility, and humility, but the willingness to change. Allowing him the opportunity to continue to serve can show that people are capable of learning, improving, and making a positive contribution to their community. I have no doubt that Officer Victorio will embrace the opportunity and will use that opportunity to grow, learn and become an even better officer.

Sincerely,

Erik Campos

Sergeant Erik Campos

Re: Character Reference for Officer Hector Victorio

To Whom it May Concern,

My name is Lieutenant Eddie Flores, and I have proudly served with the San Bernardino Police Department for 21 years. Throughout my career, I have held various assignments but I'm currently the Investigations Lieutenant. I continue to mentor, train, and guide officers within our organization, helping them develop professionally and providing a roadmap to success based on their individual strengths and interests.

I have personally known Officer Hector Victorio for nearly four years. He is a decorated United States Marine Corps veteran who honorably served our country before continuing his commitment to public service as a police officer. His decision to transition from military service to law enforcement was rooted in a genuine desire to serve and protect his community.

In 2022–2023, I managed a grant from the United States Department of Justice, Bureau of Justice Assistance known as Project Safe Neighborhoods. This initiative is designed to foster safer neighborhoods through the sustained reduction of violent crime, including but not limited to addressing criminal gangs and the felonious possession of firearms.

At the time, Officer Victorio was a rookie officer. Despite his limited tenure, I saw significant potential in him and personally handpicked him to assist with this grant. He was selected over several officers who had more time on the department. His involvement was on an overtime basis, entirely voluntary, yet he consistently demonstrated a positive attitude and never declined an opportunity to work.

Officer Victorio played a meaningful role in the success of that initiative. During that period, our city experienced measurable reductions in violent crime, record numbers of firearms were recovered, and homicides were reduced as part of the coordinated efforts under the grant. His work ethic, productivity, and commitment to the mission were evident early in his career and reflected his dedication to public safety.

I am writing in strong support of Officer Victorio as the Commission considers his certification status. I am familiar with the use-of-force incident currently under review. Having knowledge of the case, I can state that Officer Victorio accepted responsibility for his actions and received significant and appropriate discipline. Importantly, from the outset of the investigation, he was honest and truthful about his conduct. He did not attempt to deflect blame, minimize his actions, or provide misleading information. His candor during a difficult and consequential process demonstrated integrity, which is a foundational trait for any peace officer.

Integrity is the cornerstone of this profession. Without honesty and truthfulness, public trust erodes and the legitimacy of our work suffers. In this instance, Officer Victorio's willingness to be forthright, even when it subjected him to discipline and career consequences, spoke volumes about his character. What stands out most to me is not the mistake itself, but the growth and integrity that followed.

Throughout this process, Officer Victorio remained accountable, positive, and focused on self-improvement despite the profound professional setback. In my conversations with him during this ordeal, it was evident that he was not defensive or dismissive. Instead, he demonstrated remorse, reflection, and a sincere commitment to becoming not only a better officer, but a better person.

Since the incident, Officer Victorio has taken meaningful corrective action. He completed remedial training in the areas of Use of Force, Liability and Litigation, Force Encounters Analysis, and Fundamentals of Realistic De-Escalation. He approached this training with humility and intent, not as a requirement to check a box, but as an opportunity to truly internalize the lessons and improve his judgment.

After serving his discipline, he returned to full duty with a positive and professional attitude. In my experience, many officers who face discipline return disengaged or resentful. Officer Victorio returned focused and determined to prove through action that he had learned from his mistake.

Since that time, he has been involved in numerous high-risk encounters involving armed gang members and violent offenders known to impact community safety. In each instance, he demonstrated composure, sound judgment, and restraint. He successfully took armed suspects into custody without further incident, clearly reflecting maturity and the effectiveness of the remedial training he completed. His conduct since the incident has reinforced my confidence not only in his tactical ability, but in his ethical decision-making.

What is equally important is how Officer Victorio has chosen to use his experience to positively influence others. He openly speaks with both newer and seasoned officers about his mistake and the consequences that followed. He does not speak about it as a badge of honor, nor does he minimize it. In fact, he speaks about it from a place of embarrassment and humility. His intent is not self-promotion, but prevention. He wants others to learn from his missteps so they do not repeat them.

This level of transparency is rare and valuable within our profession. By candidly sharing his experience, he reinforces the importance of sound decision-making, emotional control, adherence to policy, and the critical role integrity plays in policing. I have personally witnessed younger officers benefit from these conversations, gaining perspective that is often more

impactful than classroom instruction alone. His willingness to be vulnerable in order to help others demonstrates genuine growth, accountability, and character.

In my 21 years with this department, Officer Victorio ranks among the most capable street officers I have encountered. His knowledge of repeat offenders and criminal networks within our city has proven invaluable to the Detective Bureau. My detectives routinely seek his assistance in identifying suspects in violent crimes, and on many occasions his insights have directly led to cases being solved. Without his expertise, some offenders may have remained unidentified, leaving victims without justice and placing the community at continued risk.

Currently assigned to the front desk, Officer Victorio continues to serve the community with professionalism and compassion. He is approachable, charismatic, and bilingual, an asset that strengthens relationships with members of our diverse community. His interactions are respectful and service-oriented, reflecting the officer we expect our community to see.

Additionally, Officer Victorio has enrolled in college and currently maintains a 4.0 GPA, further demonstrating his commitment to self-improvement and professional development.

As a leader, I routinely check in on Officer Victorio because I understand what is at stake, not only for his career, but for officer wellness and growth. I know firsthand that he is remorseful for his past mistake and that he has taken concrete, measurable steps to ensure it is not repeated. His growth is genuine, observable, sustained over time, and grounded in integrity.

Based on my professional experience, my direct knowledge of this officer, and my 21 years of service to this department, I confidently stand behind Officer Hector Victorio. I am willing to place my professional reputation and position within this organization in support of him because I believe he has demonstrated accountability, honesty, and meaningful growth.

I respectfully ask the Commission to consider not only the incident itself, but the totality of his service, character, integrity, and demonstrated transformation. In my professional judgment, Officer Victorio remains an asset to this department and to the community we serve.

Respectfully,

Lieutenant Eddie Flores
San Bernardino Police Department

To Whom It May Concern:

The purpose of this letter it to provide some input on the personal character of Hector Victorio from the perspective of a senior officer, SWAT member, co-worker and fellow military veteran. My name is Francisco Ayala, I have been a member of the San Bernardino Police Department for 9 years, a member of the SWAT team for 6 years, Sniper Team Leader for 3 years, I have served as a Task Force Officer for the U.S. Marshals and have several years of patrol experience. Prior to becoming a police officer I earned my Bachelor of Science Degree in Mechanical Engineering and worked as a Construction Engineer, concurrently serving as a commissioned officer in the California Army National Guard for eight years, where I volunteered to deploy to the middle east on two separate occasions. During this time, I had the privilege of leading military service members in combat environments across three different countries, mentoring and guiding them through their professional growth and helping them navigate some of the more stressful moments of their lives.

Hector Victorio has been with the San Bernardino Police Department for about 4 years; his locker is directly across from mine which has given me the opportunity to cross paths with him before and after work since day one. My first impression of Hector was a positive one, he had a composed and joyful demeanor, he greeted me respectfully and has always referred to me respectfully as “sir.” Hector exemplified all the characteristics you expect to see in a military veteran. After some time, I watched as Hector began to grow and experience new things as an officer, and with those new experiences came some questions from Hector about police work. Hector was eager to learn and sought advice from senior officers.

I’ve seen officers come and go in the department, there are few who are memorable, most however, are not. Hector was (and is) one of the memorable ones. Hector is an honest person who has demonstrated and uncanny willingness to learn and grow, but he is not without fault, as none of us are. Like any other officer, including myself, mistakes are part of learning, either by our own mistakes or that of others. A true testament of a person’s character is how we react and move forward after a mistake, regardless of the severity. Some people try to deflect responsibility, while others are honest with themselves and have the integrity to accept the circumstances as they truly are. As I watched Hector learn on the job, and as our friendship started to grow my advice to him became sterner and more direct, not in a punitive manner, but rather more reflective of a big brother or mentor. While I praised Hector for his good qualities, I pointed out areas where he needed to make corrections or where I disagreed on certain actions he may have taken during an

investigation or while contacting a dangerous person, and I did so because I genuinely want hector to be successful. What struck me the most about Hector in these situations, was his acceptance of my input, even when it was harsh. Hector was truthful with himself in these situations and was not persuaded by hubris, rather he recognized his mistakes and made conscious efforts to get better.

I watched Hector develop into an exceptional officer, his willingness to learn and grow as an officer by seeking advice and criticism from those more seasoned than him, and his acceptance of the truth, even if it wasn't always favorable to him. Most importantly, Hector showed remorse for his mistakes, and his genuine desire to be better was evident, and is to this day. Because of these qualities, when hector approached me inquiring about his desire to be a part of the SWAT team, he had my full support. I knew Hector was (and is) a responsible and mature person with a solid professional and interpersonal foundation, a fellow officer and partner whom I can entrust my life to without any hesitation.

I'm aware of the circumstances that necessitate this letter to be written, and despite these circumstances I stand by what I've said about Hector. The life of a Police Officer is a difficult one to navigate; there are extremely high expectations of officers to be perfect at all times, and those high expectations come with very little acceptance of any measurable margin of error. The reality is no one is infallible, regardless of who we are, in this dangerous career where situations unfold in a blink of an eye mistakes will be made. Our job is to be humble and learn from our mistakes, as I believe Hector has done. I know hector to be an honest man whom I can trust, he is accepting of the truth and employs that acceptance to learn and grow as a person and officer, I have seen his genuine remorse mistakes not just in the words he says but in the physical response to his emotions. Hector is one of the few officers in our department who is from San Bernardino, and is proud to serve the community he grew up in. He shares a similar "less fortunate" up bringing as many in the community, and he is a great example of what anyone in the community can accomplish with the right mindset. Hector is an outstanding officer, a trustworthy and honest person, and someone I wholeheartedly trust.

Respectfully,

Francisco Ayala

To Whom it may Concern,

My name is Jonathan Davalos and I am a police officer with the San Bernardino Police Department. I have been with the department for approximately 8 years and have served in a variety of scopes. I have had the pleasure of working patrol, Field Training Officer, District Resource officer and Narcotics officer. In my tenure at the department, I have been in many critical incidents as it is no secret the City of San Bernardino has a high call volume as well as many incidents not commonly seen in other cities.

To work as a police officer in any city requires a lot of will power, grit, sacrifice and bravery. I do however, believe the City of San Bernardino requires these virtues and some extra due the violent nature of the calls for service as well as the violence many of the gangs bring into the city. Working in this city will test you to your limits however, this I believe is where the true virtue of our officer's shine. I believe a good officer does his job, handles calls, takes his paper and goes home. A great officer does the aforementioned, as well as is pro active, looks for crime, familiarizes himself with the gangs and criminals of the city but is also able to be a community service officer, community outreach and be empathetic towards the citizens. With being the pro active style of police officer you are also more likely to get into dangerous situations, put yourself at risk and heaven forbid get hurt however, this is the type of risk officers take to prevent crime instead of respond to it.

Being a pro active officer is extremely dangerous as you are putting yourself in harms way more than what is already required of you however, you do it in hopes of preventing a shooting, stabbing or other crimes all of which are unfortunately extremely common in this city. While being pro active may be rewarding you are also increasing your risk of getting into trouble and breaking policy. Now I am not justifying this for any reason however, protecting the citizens of the community while being pro active does expose an officer to the risk of getting hurt as well as getting in trouble.

I have personally been a pro active cop most of my career and have enjoyed it. I enjoyed seeing the firearms recovered and the crimes being prevented. I also learned very early on the risks' I have spoken about with exposing yourself to the extra liability that comes with being a pro active officer. I had to learn to change tactics and do things in a more tactful way as they say "verbal judo". I learned to rely on this heavily and learned I could use it to effect my arrest and deescalate the situations however, this came with experience and time on as well as mentors.

I met Officer Hector Victorio while I was working as a District resource officer. The job of this detail was to meet with the community and target any issues they were having. The side of the city I worked in had a heavy gang issue which was brought to our attention in

every community meeting we had. I met Officer Victorio as a new officer who had came to me with questions as to how to be proactive. Officer Victorio expressed interest in becoming a proactive officer with hopes to eventually make it into my position. I noticed his eagerness and decided to bring him under my wing so to speak as his mentor. He soon was working pro active enforcement with me, and I quickly noticed he had a talent for it. I observed as Officer Victorio quickly learned how to spot violations and read body language which would telegraph suspects motives. Officer Victorio also explained his experience in the Marine Corps and how serving his country made him want to serve the community he had been around growing up.

In my time with Officer Victorio I was honestly very impressed because he not only had the ability and talent to be a pro active officer but he also was very community orientated. He would give kids gifts, let them look inside his police vehicle and play with the lights as well as take photographs with them. Officer Victorio displayed the passion that I very rarely see. He was passionate with this career and did not only see it as a job but as a way to change policing. In a day and age where policing is so negatively viewed upon and scrutinized without all the facts Officer Victorio showed compassion and a love for his job. Officer Victorio quickly displayed the characteristics that an officer should have honor, bravery, ethical and honest. Officer Victorio also showed compassion, love, empathy and caring for the members of the community.

It is sometimes easy for an officer to see one side when dealing with suspects who were just moments before trying to harm them however, I've seen Officer Victorio display the exact opposite. I've personally seen Officer Victorio arrest a suspect who had just ran from him, evaded him, resisted him all while being armed with a firearm and right after Officer Victorio was asking the suspect how he was and if he was okay. Officer Victorio then proceeded to talk to the suspects with a calm tone as if the suspect had not just tried to evade him. I've also seen Officer Victorio arrest a suspect who was a known gang member for a firearm which was in the vehicle where he currently had his child. Officer Victorio could have easily thrown the handcuffs on the suspect in front of the child, told the child his father was going to jail and let that be the impression the child would forever have of law enforcement. Instead, Officer Victorio handcuffed the suspect discreetly, let him say goodbye to his father and let the child hug and kiss his father. The suspect told his child he was going to be gone for a little and would return. Officer Victorio displayed great compassion and empathy in this incident, which could have very easily turned out differently. I have seen Officer Victorio display the qualities I described time and time again however; I would be typing a novel if I wrote each example.

I am aware of the incident in which Officer Victorio was involved in a pursuit in which the suspect drove on the wrong side of the road, nearly struck pedestrians and other vehicles and resisted. I have also seen the video of the end which circulated by a citizen recording the incident. I know the incident did not look great from the video. I also do know there are many other circumstances leading up to the end of the incident. I have been in many use of force situations where the thoughts of am I going to make it home tonight, do they have a firearm or weapon, why is he running, am I violation policy, is my camera on and so many other thoughts are going through your mind in the milliseconds you are actively dealing with a suspect resisting. I can say from experience it is extremely scary not knowing if this is your final day on earth.

I know Officer Victorio personally and know after incident he took multiple POST certified classes to include use of force related classes and deescalation classes. He took these classes on his own on his own time in an effort to better himself. You see from the characteristics I mentioned earlier that an officer should display I do believe one that is important that I did not mention is Humility and Humbleness. Officer Victorio identified that there were other ways he could have handled the situation differently although the suspect was resisting and not complying there are better ways to obtain compliance. Officer Victorio displayed humility and humbleness by enlisting himself in these classes, talking to his mentors including myself and asking how he could've handled the situation better. Officer Victorio is not just another officer in this department. He is the staple of what an officer should be. He handled the situation poorly and in that there is no disagreement, however, I do believe he has learned from this incident. It takes a great person to admit their faults and wrong doings.

Officer Victorio has shown time and time again he can and has learned from his mistakes, wrong doings and is able to adapt and learn from them. Since the incident Officer Victorio has not had any questionable uses of force and has actually relied heavily on his verbal judo to deescalate situations. I have even seen situations where Officer Victorio would have been entirely justified using force to overcome the resistance however, he utilized his verbal judo and minimal force to overcome the resistance. In these situations since the incident, I have seen Officer Victorio utilize restraint and learn the meaning of just because you can, doesn't mean you should.

Officer Victorio is a great member of the department and someone I would trust to go into any dangerous situation with me. I believe he embodies what an ideal officer should be. Just because he had an incident that was not the best doesn't mean he is a bad officer. He was able to accept his mistakes, correct them and move forward. If this was not the case, he would've continued using force instead of switching his tactics.

Officer Victorio is personally loved by many in the department as well as citizens who know him by name in the city. I personally know Officer Victorio is not the same officer and person as he was when the incident occurred and that he has changed the way he handles similar situations. I know in any career the people who are the best at their roles once made a decision they look back at and decided may have been handled differently. This is what builds character and changes the person from who they were to the person they are to become. If a person refuses to change they will remain in the same situation never growing however, Officer Victorio has shown he has adapted and changed his methods and grown from this incident. I would work with Officer Victorio any day and trust him for any situation to make the correct decision.

CHARACTER LETTER – OFFICER HECTOR VICTORIO

To Whom It May Concern,

My name is Diego Diaz I am a Police Officer with the city of San Bernardino Police Department. I am currently going on my 5th year as a Police Officer with the city. I have worked numerous assignments, including Patrol, Field Training Officer, District Resource Officer, Special Investigations Unit Officer and actively a current member of our SWAT team.

I've known Hector going on almost 5 years now as he was in the San Bernardino County Basic Law Enforcement Academy at the same time I was. He was in class 225 as I was in class 224. The first time I met Hector he was super approachable and very respectful. As being in his senior class, he always had questions to better prepare himself for the obstacles and challenges to come. The one thing about Hector is he is not an individual, he is a team player and always looked out for his team, he did not only want to better himself but wanted to better the people he surrounded himself with as well.

As Hector was my direct partner as Northern District Resource Officers as well as my partner on the SWAT team, over time, has demonstrated remarkable personal growth and maturity. Through reflection and experience, he has developed exceptional character marked by honesty, integrity, and accountability. He consistently speaks truthfully and takes responsibility for both his successes and his past mistakes. Rather than allowing setbacks to define him, he has shown genuine remorse where necessary and used those moments as opportunities to learn and improve.

His willingness to grow is evident in his openness to feedback and his commitment to becoming a better version of himself each day. He actively seeks knowledge, embraces challenges, and approaches new opportunities with humility and determination. This dedication to self-improvement reflects a deep understanding that growth is a lifelong process.

Beyond his personal development, he has demonstrated a sincere desire to give back to his community. He takes pride in helping others, offering support where needed, and contributing positively to those around him. His actions show that he values service, connection, and making a meaningful difference. Overall, his journey reflects resilience, integrity, and a heartfelt commitment to becoming not only a better individual, but a positive force within his community.

Sincerely,

Diego Diaz

To Whom It May Concern,

My name is Raymond Ledezma, and I have been a police officer for approximately eight years. I am writing this letter on behalf of Hector Victorio to speak to his character, work ethic, and dedication to law enforcement.

I had the opportunity to work alongside Hector Victorio as his partner on the SWAT team for approximately two years. During that time, I found him to be a trustworthy and dependable officer who consistently demonstrated a strong willingness to learn and improve. He took the responsibilities of the position seriously and was committed to performing his duties at the highest level.

While working patrol, Hector Victorio made a deliberate effort to learn who the violent offenders were within the community in order to better protect the citizens of San Bernardino. His proactive approach to policing showed both initiative and a genuine commitment to public safety.

Throughout the time I have known him, I have personally witnessed Hector Victorio grow in maturity and professionalism. Even after experiencing a demotion, he has maintained a positive attitude and continues to contribute to the department. He regularly helps younger officers by sharing the knowledge and experience he has gained during his career.

In my eight years in law enforcement, Hector Victorio stands out as one of the best officers I have had the privilege of working with. I believe he possesses the character, integrity, and dedication necessary to continue serving effectively in law enforcement.

I respectfully offer my support for Officer Victorio and hope this letter assists in providing insight into the type of officer and person he is.

Sincerely,
Raymond Ledezma
Police Officer assigned to the Multiple Enforcement Team / SWAT Operator
San Bernardino Police Department

To Whom It May Concern,

It is my privilege to write this letter on behalf of Officer Hector Victorio. I am currently employed as a law enforcement officer for San Bernardino County and previously worked for the Department of Homeland Security as on officer for the United States District Courts. I have had the opportunity to work alongside Officer Victorio for approximately two years and I can confidently say that he is an exceptional law enforcement professional whose dedication, integrity, and work ethic consistently exceeds expectations. His passion for gangs and taking guns off the streets of San Bernardino is second to none.

Officer Victorio is always willing to step up whenever needed, regardless of the circumstances or short notice. A recent example of his commitment occurred when he volunteered to assist at a last-minute career fair at San Andreas High School in Highland, CA. Without hesitation, he rearranged his schedule to ensure students had the opportunity to engage with law enforcement professionals and learn about career pathways. His presence made a meaningful impact, as he represented the profession with professionalism, approachability, and genuine care for the youth in attendance.

In addition to his community involvement, Officer Victorio consistently demonstrates strong communication skills, and a team-oriented mindset. He is dependable, proactive, and always willing to assist my agency to ensure the job is done safely and effectively. His positive attitude and willingness to help others make him a tremendous asset to the San Bernardino Police department, surrounding agencies and the community he serves. Officer Victorio brings another level of gang knowledge to the city that is unmatched and seemingly irreplaceable. He is a very skilled officer and I have learned so much working side by side with Hector.

Hector Victorio exemplifies the qualities we strive to see in public service professionals. I strongly support him and have no doubt he will continue to represent the department with honor and distinction.

Please feel free to contact me should you require any additional information.

Respectfully,

Raul Castro Jr

To Whom It May Concern,

I am writing to provide a character reference for Hector Victorio. I have had the opportunity to supervise and work alongside Hector Victorio, including during his assignment as a member of our SWAT team.

Throughout my time working with Hector Victorio, he has consistently demonstrated a strong work ethic, high morale, and a willingness to learn and improve. Hector Victorio has always been receptive to feedback and direction, and he approaches his duties with professionalism and dedication. During his time assigned to SWAT, Hector Victorio was considered a trusted operator and someone I relied upon to make sound, mature decisions in high-stress environments.

Following the incident that led to his demotion, Hector Victorio took full accountability for his actions. Rather than making excuses, he used the experience as an opportunity to learn and grow. I have personally observed Hector Victorio take time to mentor younger officers, sharing what he learned so they can avoid making similar mistakes. That level of accountability and willingness to help others improve speaks strongly to his character.

Since being reassigned to a non-sworn position at the front desk of the police department, Hector Victorio has continued to maintain a positive attitude and strong work ethic. Despite the circumstances, Hector Victorio has never displayed dissatisfaction or resentment. Instead, he remains professional, approachable, and eager to assist members of the public who come into the station. In my opinion, this situation has served as a true test of character. Many individuals might respond differently when faced with similar adversity, but Hector Victorio has handled it with humility and professionalism.

In all of my interactions with Hector Victorio, I have consistently seen him make thoughtful and responsible decisions. The incident in question appeared to be an anomaly when compared to the conduct and judgment I have observed from Hector Victorio throughout his career.

I would recommend Hector Victorio for reinstatement as a sworn police officer. I would also welcome the opportunity to have him serve on my team again and would not hesitate to supervise him in the future. I have served as a SWAT Sergeant for seven years and have been a sworn member of this profession for over twenty-one years. During that time, I have had the opportunity to supervise and work alongside many officers throughout my career. I am selective when it comes to offering my recommendation for individuals, but I have no reservations putting my name behind Hector Victorio and supporting his return to duty.

Respectfully,

Sergeant Imran Ahmed

San Bernardino Police Department

Special Weapons & Tactics Team Leader

Hector Victorio

This letter is a character letter for Hector Victorio. I have known Hector Victorio since March 2021, when he joined the San Bernardino Police Department as a Police Officer.
Hector was a proactive officer and became very well-versed in San Bernardino, Inland Empire, and Southern California gangs. He was very knowledgeable and recovered multiple firearms. The firearm recoveries not only assisted with solving shootings and murders but also prevented additional shootings and murders in the City of San Bernardino. Hector assisted the San Bernardino Police Department's Detective Bureau and specialized units in locating wanted suspects.
Hector joined the San Bernardino Police Department Special Weapons and Tactics Team (SWAT) in 2023, where he received bi-monthly advanced training.
In January of 2025, Hector was assigned to Platoon 1, Shift 3, graveyard shift, in the City and County of San Bernardino. Hector was assigned to the Western District, where I was assigned as his direct supervisor. Hector was a hard worker, professional, honest, and had integrity. Hector was a pleasure to supervise while working for me in my assigned area. During that time, Hector was involved in numerous quality investigations and assisted with locating numerous suspects involved in a variety of crimes.
In May of 2025, Hector made the District Resource Officer (DRO) Team and was assigned to the Northern District. Hector transferred to the DRO Team.
Hector was involved in an Internal Affairs process that ultimately led to his demotion to Community Services Officer (CSO) in November of 2025. As stressful as this was for Hector, I saw him grow as a person and as an Officer. Hector has always had an honest character, is truthful, is willing to learn and get better, is remorseful for his past mistakes, and has always been willing to help the community.
Hector has matured and is ready to return as a Police Officer for the San Bernardino Police Department. I have no doubt that Hector will not fall back and make any future mistakes.

Sergeant Brian Karmann

San Bernardino Police Department

(626) 862-1721 - Cell

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

April 15, 2026
AGENDA
9:00 AM

Meeting Location: CA Commission on POST Headquarters, 860 Stillwater Road - Training Rooms A/B, West Sacramento, CA 95605.

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing (916) 866-9583 and following the prompts provided.

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's

facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member
Vacant - Senate Rules Appointee - Public Member
Vacant - Governor Appointee - Public Member

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on February 05, 2026.

a. Approval of Meeting Transcript from the February 05, 2026 Hearing

If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meetings.

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

VI. NEW BUSINESS

a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for information only. No action is required.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernadino Police Department (Current)

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- July 15-16, 2026 - POST HQ, West Sacramento
- October 14-15, 2026 - POST HQ, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2322062 - HECTOR VICTORIO (POST ID: C87-Q51)
**LAST EMPLOYING AGENCY: SAN BERNADINO POLICE DEPARTMENT (CURRENT) **

REPORT PROFILE

MEETING DATE 04/15/2026	**BUREAU SUBMITTING THE REPORT** Professional Conduct Southern Bureau	
RESEARCHED BY Michael Marshall	**REVIEWED BY** Christine Ford	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

The Respondent began his employment with the San Bernardino Police Department on 3/14/2022, as a full-time Police Officer. This position is defined as a peace officer under Penal Code section 830.1(a). At the time of these events, the Respondent was employed as a Peace Officer with the San Bernardino Police Department. The Respondent is not currently employed as a peace officer in the state of California.

At the time of this incident, the Respondent held a peace officer position as defined under California Penal Code 830.1(a) and was required to be certified pursuant to California Penal Code 13510.1(a).

On November 27, 2023, the Respondent was involved in a vehicle pursuit of a suspect. Upon completion of the vehicle pursuit, the suspect exited his patrol vehicle, laid face down on the ground with his hand extended above his head and his palm face down on the pavement. The Respondent approached the suspect and struck the suspect at least six times in the head with a closed fist and struck him four times in the head with his knee. As a result to the assault, the suspect sustained a fractured orbital socket, abrasions to his face, and

broken teeth.

The Respondent was investigated by the DA's Office but not charged with a crime. The Respondent was later demoted to a Community Service Officer for other policy violations.

Video Evidence Links:

- **BR05 POST2322062 Victorio Attachment B Pursuit BWC**
- **BR06 POST2322062 Victorio Attachment C Witness Video**
- **BR07 POST2322062 Attachment I Victorio 10 08 25 POST Respondent Interview**
- **BR08 POST2322062 Attachment J Victorio 10 07 25 POST Rodriguez Interview**
- **BR09 POST2322062 Victorio Attachment O BWC Burglary**

ANALYSIS:

The Division determined that there was clear and convincing evidence that Respondent engaged in serious misconduct as defined in California Penal Code §13510.8(b)(3) and Commission Regulation 1205(a)(3), physical abuse, including the use of excessive or unreasonable force. Specifically, the Division determined that Respondent engaged in excessive force when the Respondent physically assaulted the Victim, whom he was trying to take under arrest following a vehicle pursuit. The Division determined there was clear and convincing evidence that the Respondent's use of force was unreasonable and excessive.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01_POST2322062_Victorio_Hector_ISF_Final.pdf
BR02_POST2322062_Executive_Review_Division_Recommendation.pdf
BR03_POST23022062_EDI_Profile_Victorio (1).pdf
BR04_POST2322062_Attachments_A_D_E_F_G_H_K_L_M_N_P_Q_R_S_T.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Hector Victorio, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Notice of Determination Report and accompanying Notice of Intent to Revoke Certification notifying Respondent the Division found reasonable grounds for revocation of Respondent's POST certification on February 18, 2026. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on February 26, 2026, and the Board scheduled the case for a hearing which was held on April 15, 2026. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☐ Intermediate
- ☐ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings, and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 4/15/26

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

WEDNESDAY, APRIL 15, 2026

9:00 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061, RPR

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

ROBERT DOYLE
Marin County Sheriff (Retired)
Vice Chairperson

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

---o0o---

PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

---o0o---

A P P E A R A N C E S C O N T I N U E D

POST STAFF

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

RICHARD COLLINS
Law Enforcement Consultant
Professional Conduct Northern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

BRIAN HOFFMAN
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Analyst II
Executive Office

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

DAVE SIEBER
Law Enforcement Consultant
Professional Conduct Southern Bureau

SARAH WALLACE
Bureau Chief
Intake and Disposition Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

---o0o---

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT

KASEY CASTILLO
Counsel for
Hector Victorio, POST ID: C87-Q51

JOSEPH HOFFMAN
Counsel for
Matt White, POST ID: A68-U16

LESLIE WILCOX
Counsel for
Jose Zavala, POST ID C28-A48
and
Julio Quintanilla, POST ID: C58-G04

MICHAEL MARSHALL
Law Enforcement Consultant
Professional Conduct Southern Bureau

HECTOR VICTORIO
POST ID: C87-Q51

MATT WHITE
POST ID: A68-U16

---o0o---

PUBLIC SPEAKERS

KEYAN BLISS

AARON BLUEFORD

BEATRICE JOHNSON

WANDA JOHNSON

ADDIE KITCHEN

ARLETA NANCE

A P P E A R A N C E S C O N T I N U E D

PUBLIC SPEAKERS

KATHRYN WADE

MORGAN WHITE

LANCE WILSON

---o0o---

I N D E X

PROCEEDINGS	PAGE
I. CALL TO ORDER	8
II. ROLL CALL OF POSAAB MEMBERS	8
III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA	9
IV. APPROVAL OF MEETING TRANSCRIPTS	18
Approval of Meeting Transcript from the February 5, 2026, Hearing	
V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS	19
VI. NEW BUSINESS	
a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes	20
VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION	
a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)	32
b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)	32
c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)	94
d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)	135
e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department	188

I N D E X C O N T I N U E D

PROCEEDINGS	PAGE
VIII. CLOSED SESSION	
(Transcripts prepared and bound under separate cover)	
a. POST2311370 - Jose Zavala (POST ID: C28-A48) Last Employing Agency: Los Angeles Police Department (Current)	91
b. POST2311373 - Julio Quintanilla (POST ID: C58-G04) Last Employing Agency: Los Angeles Police Department (Current)	91
c. POST2507337 - Matt White (POST ID: A68-U16) Last Employing Agency: Sacramento County Sheriff's Department (Current)	127
d. POST2322062 - Hector Victorio (POST ID: C87-Q51) Last Employing Agency: San Bernardino Police Department (Current)	187
e. POST2302397 - Armando Avena (POST ID: C63-K48) Last Employing Agency: Los Angeles Police Department	--
IX. FUTURE BOARD MEETING DATES	--
July 15-16, 2026 - POST, West Sacramento October 14-15, 2026 - POST, West Sacramento	
ADJOURNMENT	204
CERTIFICATE OF REPORTER	205
ERRATA SHEET	206

---o0o---

Wednesday, April 15, 2026, 9:05 a.m.

West Sacramento, California

---o0o---

VICE CHAIRPERSON DOYLE: Today is April 15th, 2026. And the time is 9:05.

Thank you for all attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that the hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When speaking, they will go live. With this, you will need to watch cross-talk.

We will now call the role of board members.

MR. KNAPP: Thank you, Vice Chair Doyle.

Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Doyle.

VICE CHAIRPERSON DOYLE: Present.

MR. KNAPP: Dudley.

(No response.)

MR. KNAPP: Johnson.

MEMBER JOHNSON: Present.

MR. KNAPP: Lara.

(No response.)

MR. KNAPP: And Pena.

MEMBER PENA: Present.

VICE CHAIRPERSON DOYLE: Thank you.

A quorum has been established.

On my left is POST Counsel Chris Beatty. And on my right is POST Assistant Executive Director Annemarie Del Mugnaio.

First item is public comment. This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the Board's jurisdiction.

Public comment on matters on the agenda will be heard after each item is presented. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each matter.

Is there anyone present in the audience or remotely who would like to address the Board in public comment?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. Please be advised that the Board cannot take action on items not on the agenda and may discuss those matters only to the extent necessary to determine whether any matter should be made an agenda item at a future meeting, to respond briefly

to statements or questions posed, to request clarification, or to refer the item to staff.

Please remember that this meeting is being transcribed so -- so I may politely interrupt and ask you to repeat or speak slowly and clearly so your comments can be correctly captured in the transcript.

As the Board's Vice Chair, I may ask members of the public to limit their remarks to no more than three minutes pursuant to existing board policy. I may conclude the public comment period if -- I may conclude the public comment period if multiple speakers are voicing repetitive or similar statements and that the 15-minute public comment period has expired.

You will be given two minutes to speak. And the lime limits will be exactly enforced -- strictly enforced, so please ensure that you complete your thoughts within the allotted time.

Before I open public comment on matters not on the agenda, please note that if you wish to comment on disciplinary matters scheduled to be heard today by the Board, you must wait until that matter is called to offer public comment.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing

agency. POST staff will assist you in that regard.

I would like to remind individuals making comments not to discuss pending complaints or pending disciplinary actions that may later come before the Board -- before the Board for a recommendation.

If the opportunity to address the Board at the time allows these rules is necessary to comply with the law and to avoid complementing -- compromising board mission (as stated). When it is your turn, you may -- you may state your name and organization.

So we'll open it up to public comment.

Anyone in the audience who wishes to address the Board?

Please.

MS. KITCHEN: My name is Addie Kitchen.

My name is Addie Kitchen. I'm the grandmother of Steven Taylor, who was murdered in April of 2020 in San Leandro. He was in a mental health crisis at the time.

And my question is, how do I start to apply for a decertification from the officer? How do I know that the officer is still certified? And is there someone here that could help me to start the process?

MS. DEL MUGNAIO: Yes. Thank you so much. We have members of our complaint intake team who can help you to file that complaint, register your case with the -- with

our division. That would be investigated and we would be in contact with you.

So as you go back to your seat, a member of the team will come up and get your information and help you with that process.

MS. KITH: And can you tell me how long is that process?

THE WITNESS: It depends on how long the investigation takes. It depends on the complexity of it. How long it takes for us to get records from the agency can take anywhere from six months to a year.

MS. KITCHEN: Okay. Thank you. I think that's the only questions I have.

MS. DEL MUGNAIO: Thank you so much.

VICE CHAIRPERSON DOYLE: Thank you.

MS. NANCE: Good morning. My name is Arleta Nance. And I am the mother of Tahmon Wilson and Thomas Wilson, Jr.

On August 18th, 2023, my son Tahmon was shot in the back of the head and killed by the Martinez, California, Police Department. And my son Thomas was shot twice in the back and survived. After being shot, my son Thomas was also assaulted by officers.

Internal Affairs conducted an investigation into this case and found misconduct serious enough to warrant

the termination of multiple officers. The findings included excessive force, failure to report misconduct, and conduct that reflects abuse of authority.

These are not minor violations. These are categories that fall directly under POST's definition of "serious misconduct."

In November of 2025, I filed multiple complaints with POST and received confirmation that they were accepted. Those complaint numbers are PUBLIC-25-001465, 001466, 001467, 001468, and 001469.

I have not received any meaningful update shortly after filing those complaints.

So my question is simple: If these findings meet POST's own categories for serious misconduct, what is the status of these cases? And are they being reviewed for decertification? And did the agency meet its obligation? Which -- Martinez agency, they were obligated to report the misconduct to POST within ten days.

Impacted families deserve to know whether this process is working. And if somebody could help me with information. I have sent emails, follow-ups, and I have heard nothing back. Left messages on the recorder, because you can't talk to anybody when you call. And it's been since November. So...

MS. DEL MUGNAIO: Certainly. Thank you for your comments. And we will have someone get in touch with you. There's members here that can reach out to you and give you the status of those complaints.

MS. NANCE: Okay. Thank you.

MS. DEL MUGNAIO: You are welcome.

VICE CHAIRPERSON DOYLE: Thank you.

MS. WADE: Good morning, everyone. My name is Kathryn Wade. I'm the mother of the late Malad Raynal (phonetic) Baldwin. My son was assaulted many years from Antioch Police Department.

And in 2023, the FBI and the district attorney performed a -- an investigation in that department, and they text about the sexual assault that happened to -- that they -- that happened to my son.

I'm here today because I have submitted many complaints over the years. And I just found out about POST, and I would like to get it -- see if I can get an investigation and get some help of what they did to my son. He never got a chance to tell his side of the story, of the stories of the things that was happening to him.

And I have a question too.

Do you accept complaints of the sheriffs who are the acting coroners?

MS. DEL MUGNAIO: Yes. So POST has jurisdiction over any certified peace officer, so that would include sheriff coroners as well. Yes, ma'am.

MS. WADE: Okay. Well, I'm here today because I need some help on getting this information to you all that I have, to see if I can get some help. And an investigation on the things that was done to my son and even the admission in the text messages that they text about him.

Thank you.

MS. DEL MUGNAIO: I can have someone reach out to you here today that will help you with the process. Okay?

MS. WADE: Okay.

MS. DEL MUGNAIO: Thank you so much.

MR. BLUEFORD: Good morning.

VICE CHAIRPERSON DOYLE: Good morning.

MS. DEL MUGNAIO: Sir. Can you hold on one second?

I'm sorry. I just want the record to reflect that Board Member Charles Lara joined the quorum so that we have that on record.

Thank you, sir. Go ahead.

MR. BLUEFORD: Yes, ma'am. Thank you.

My name is Aaron Blueford. I'm Alan Blueford's brother, from the Alan Blueford Foundation. My mother

is Jeralynn Blueford. And I'm here to speak on the impact it had on me and my family's life. I didn't know we couldn't use the speech that I had, but...

But on May 6th, my younger brother, Alan Dwayne Blueford, at 18 years old, had two weeks to graduate.

And before we could see that milestone and have that -- have that whole feeling of seeing your son and your brother, your family member, go and graduate high school, he was killed by an officer that had other -- had did other things and were sent from another state. Had violations out there. Did something to my little brother. He passed away, tragically. It tore apart my family. And he was able to again go and do something else to somebody else. And this is on record.

At 18 years old, Alan Blueford was killed. After that, his mother went through health problems. Father went through health problems. Lost my grandmother. Lost my aunties. It just was so traumatic to my family, and each family that experienced something like this, who had to face identifying a son or a brother and living with that and seeing that for the rest of their life.

My mother's been speaking. She's been at D.C. We've been pushing forward with the Alan Blueford Foundation.

And I wrote something. You know, I wrote a little something that I think everybody could value in here because we all have a family. We all have people that we love. And this should be understanding and heartfelt. So before time runs out.

As tears wear our eyes, while families endure a pain that doesn't subside. When hearts have spoken, let their voices be heard. As the faith in each name stands in God's glory and mother's love and nature of her -- of our nourishment. Let each word be heard. Every life, every testimony, for each hour of each day facing a reality with memories of tragedies. Living in one nation under God, let their voices be heard as we stand in solidarity. Let their voices give clarity and by their possibilities, as the light of our eyes first came from the love of a family.

I'm here representing the Alan Blueford Foundation. And I just want to make sure that everybody has heard that, in this situation, we can make for a brighter future, more possibilities where this doesn't have to keep continue happening. Mothers don't have to keep appearing in front of you in tears. We could work together. What we have in front of us, we're here in solidarity.

And I thank you guys for this time.

Alan Blueford was such a pivotal person to my family. And when I lost my brother, I lost so much more. And it doesn't -- it doesn't subside. And if we can communicate and agree that we could have a better future for how this is looked at and gone about, I think that's a part of that dream that everybody has been speaking for the last 50 years.

I thank you for your time and your service. God bless.

VICE CHAIRPERSON DOYLE: Thank you.

Is there anyone else in the audience that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Seeing none, is there anybody attending remotely that would like to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: No? Okay.

Next item is approval of the meeting transcripts from February 5th, 2026.

Is there any discussion?

(No response.)

VICE CHAIRPERSON DOYLE: If there's anyone present or appearing remotely or by phone who would like to address the Board regarding the approval of the

select among the standard, as well as the optional terms if they wanted to, in the recommendation; or perhaps this board wishes to abstain from those types of recommendations.

But I wanted, for context, to make clear that those guidelines exist and are available to this board should they wish to select the terms and conditions of probation.

VICE CHAIRPERSON DOYLE: I think when we discussed this, it was intended to leave it up to POST staff to determine the length of the suspension.

MR. HENLEY: Thank you, Mr. Vice Chair. I appreciate that.

VICE CHAIRPERSON DOYLE: Okay. We'll move on. All right.

MS. DEL MUGNAIO: Thank you.

VICE CHAIRPERSON DOYLE: Okay. Thank you.

Next up is POST2322062, Hector Victorio. Last employing agency was San Bernardino Police Department. And I think he's still employed as a community service officer.

At this time, I will call upon Consultant Michael Marshall, Professional Conduct Southern Bureau, and Carrie Woolley, Attorney, Legal Affairs Bureau, to provide a report on POST2322062, Hector Victorio, who at

the time of the events issued in the case was and still is employed by San Bernardino Police Department.

Okay.

MR. MARSHALL: Good afternoon, Chair, Members of the Board. My name is Michael Marshall. I am a law enforcement consultant assigned to the Professional Conduct Southern Bureau and the Peace Officer Standard Accountability Division. With me today is Carrie Woolley, an attorney with our Legal Affairs Bureau.

I am here today to present POST number -- sorry. Case number POST2322062 involving Hector Victorio with the San Bernardino Police Department.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Hector Victorio committed an act of serious misconduct as set forth in Penal Code section 13510.8 on November 27th, 2023.

Specifically, the Division has determined that Hector Victorio committed the following act of serious misconduct: Physical abuse to include excessive or unreasonable use of force.

In this presentation, I will present a brief outline of the Division's findings of investigation in this matter.

Hector Victorio began his career with the San

Bernardino Police Department on September 16th, 2021, as a trainee.

On March 14th, 2022, he was sworn in as a peace officer. The position is defined as a peace officer under Penal Code section 830.1(a).

On November 5th, 2025, Hector Victorio was demoted to the position of community service officer.

Hector Victorio holds the following POST certification: POST Basic Certificate, which was issued March 22nd, 2023.

The respondent has not been the subject of any other Internal Affairs investigations regarding the use of force, nor does he have any prior history of allegations of unreasonable use of force being filed against him.

However, on February 22nd, 2024, the San Bernardino Police Department received a complaint from the San Bernardino District Attorney's Office about an incident that occurred on October 28th, 2023, concerning Officer Victorio's discourteous treatment of an arrestee during a burglary investigation.

In addition, in May 2025, the San Bernardino Police Department received a complaint that was submitted by mistake to the San Bernardino Sheriff's Department about a vehicle stop and a residential search that occurred on

April 28th, 2025.

As a result of these incidents, Officer Victorio agreed to a demotion to a nonpeace officer position as a community service officer on November 5th, 2025.

California Penal Code 13510.8(b)(3) and California Regulation 1205(A)(3) defines as "serious misconduct" physical abuse, including but not limited to the excessive or unreasonable use of force.

On November 27th, 2023, San Bernardino Police Department Officer Hector Victorio and his partner were assigned a two-man proactive patrol in a marked unit in the City of San Bernardino.

Officer Victorio was the driver while his partner was the front passenger. Officer Victorio attempted a traffic stop on a Kia without a front license plate. The vehicle failed to yield and a pursuit was initiated.

The pursuit lasted in excess of six minutes and reached speeds of over a hundred miles per hour, passed through a school zone, crossed into oncoming traffic, and went through intersections without yielding the right of way. The pursuit ended with the Kia crashed into a utility pole.

The suspect driving the stolen vehicle -- hereafter referred as to "victim" -- immediately exited the vehicle and laid face down on the ground with his arms

above his head, palms down, on the ground in the prone position.

The victim had a cell phone and a cash bill in his right hand.

Show a picture.

So here is a picture from body-worn camera as Officer Victorio approached.

Officer Victorio ran towards the victim while yelling, quote, "Get the fuck on the ground," end quote.

The victim responded, quote, "I'm on the ground. I'm on the ground, bro. I'm not resisting," end quote.

As Officer Victorio approached the victim, he immediately began striking the victim in the head with multiple knee strikes, after only telling the victim to, quote, "Get the fuck on the ground," end quote.

On 3/24/2026, the San Bernardino Police Department submitted -- submitted additional evidence, which included a video of a sergeant's administrative interview with the victim shortly after his arrest.

The victim told the sergeant, quote, "I got out of the car and I instantly got on the ground. I knew that I was running from the police and I knew that I crashed into a pole. And I -- the next step was to get on the ground and they -- I -- I got on the ground, and the first thing they did was come up and knee me."

This statement from the victim was never documented in the IA. The statement is consistent with the initial reaction by the victim when approached by Officer Victorio. The victim is heard grunting in pain and moved his hands from the ground above his head to protect his face.

Officer Victorio followed the knee strikes with multiple punches and more knee strikes to the back -- to the back of the victim's head and neck.

Officer Victorio's partner was on the victim's back trying to gain control of the victim's hands in order to apply handcuffs.

The victim keep moving -- kept moving his hands to protect his face from being struck by Officer Victorio.

The entire encounter lasted approximately 19 seconds from the time Officer Victorio reached the victim until Officer Victorio's partner was able to apply handcuffs.

During this time, Officer Victorio delivered at least six punches and at least six knee strikes to the victim's face, head, and neck.

One of the knee strikes was delivered to the victim's face while Officer Victorio placed his hands on the victim's head to pin it to the ground.

At one point during the encounter, Officer

Victorio's partner used his hand to block a punch from Officer Victorio and then moved his body as a shield between Officer Victorio and the victim.

The assault ended as the supervisor arrived on scene, and they were able to take the victim into custody.

There were two different videos of the incident: One video was Officer Victorio's body camera; and the second video was a witness filing from a cell phone.

On the body-worn camera, you can hear the officer and his partner telling the victim to stop, give me your hands, and quit resisting multiple times.

The victim responded by saying, "I'm done and I'm sorry."

Go to the next. We'll show the first video.

MS. DEL MUGNAIO: Just before we show the video, Mr. Marshall, if you will, just as a general caution, you may be seeing things here that are disturbing, sensitive, violent. Just cautionary if you do not care to watch.

Thank you.

(Video played.)

MR. MARSHALL: So that's the video from the body camera.

The next video will be from the witness's cell

phone.

(Video played.)

MR. MARSHALL: So the last video is going to be this video zoomed in a little bit.

(Video played.)

MR. MARSHALL: Before I move on, if anyone needed to see a video again, let us know.

(No response.)

MR. MARSHALL: The victim sustained a close fracture to his left orbital socket, confusions to the left side of his face and forehead, lacerations to his lips, abrasions to the right side of his face, and a few chipped teeth.

Pictures.

The left orbital eye.

Next picture: Abrasion to the right side of his face and his lips.

Last picture: The chipped teeth.

I also learned from additional videos, submitted late, that the victim was questioned about the airbag being deployed during the accident, damaging his face.

The victim said that the airbag did not hit his face because he saw he was going to hit a pole in front of him and he braced for impact. This statement was also not included in the IA.

The San Bernardino Police Department determined, at the conclusion of the administrative interview, that Officer Victorio's use of force violated policy section 300.3, use of force.

Officer Victorio received a 40-hour suspension with 20 hours held in abeyance, upon completion of 40 hours of de-escalation techniques and use of force training within one year of the date of the signed settlement agreement, which was completed.

On January 17th, 2024, the San Bernardino District Attorney's Office declined to prosecute Officer Victorio for violation of Penal Code section 149 due to lack of sufficient evidence to prove beyond a reasonable doubt.

On July 2nd, 2024, the victim signed a settlement agreement with the City of San Bernardino in the amount of $450,000.

The settlement agreement compensated the victim for injuries he sustained during the November 27th, 2023, incident.

The facts I just recited support the Division's findings that Hector Victorio was involved in serious misconduct, specifically physical abuse. For purpose of the Division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing so long as there is a high probability that the charge is

true. The evidence not need -- need not be established a fact beyond a reasonable doubt.

The Division's recommendation is that Hector Victorio's POST certificate be revoked or suspended. The Division's recommendation is based on the following:

Officer Victorio's actions constituted physical abuse when he used excessive force against a victim who was lying flat on the ground, surrendering, striking him at least six times with a closed fist and at least six times with his knee;

Officer Victorio justified his use of force by stating that the victim was resisting arrest;

The subject sustained abrasions to his face, chipped teeth, and a broken orbital eye socket during the incident.

Officer Victorio completed his field training program approximately 14 months prior to the incident.

Officer Victorio has been the subject of two other IAs, neither which involved the use of force and were not reported to POST, including the allegations of serious misconduct.

The Division believes an aggregating factor in this investigation is approximately one month prior to the use of force incident, on October 28th, 2023, Officer Victoria was heard on a body camera, telling another

victim who ran from him, quote, "You are so fucking lucky there's people here. I would beat the fuck out of you for taking away from me," end quote.

And can we play that video, please.

(Video played.)

MR. MARSHALL: Did anyone need to hear it again? Are we good to move?

(No response.)

MR. MARSHALL: During that incident, Officer Victorio threw away the victim's backpack instead of booking it into safekeeping. Inside the backpack was the victim's personal property, two cell phones, suspected drugs, along with headphones in a box matching that of what was stolen during the commercial burglary.

The backpack could have potentially contained physical evidence in the incident, but Officer Victorio chose to discard the personal property of the victim and not properly investigate the headphones or determine whether it was related to a commercial burglary.

One month later, a victim ran from Officer Victorio, and Officer Victorio began punching and kneeing the victim as he lay flat on the ground, which led us to where we are today.

Approximately one year and five months after the use of force incident, on April 28th, 2025, Officer

Victorio conducted a lawful traffic stop. During this traffic stop, it was determined that the driver had a suspended driver's license and she had previous firearms-related offenses.

Officer Victorio searched the vehicle and told the driver he would not tow or -- tow her vehicle or arrest her if she let him search her house. The driver advised she had ammunition in a drawer in the bedroom. The driver gave permission to search the house but was left handcuffed in the back of the patrol vehicle while the house was searched.

Officer Victoria recovered the ammunition from the house. The driver later filed a complaint against Officer Victorio, at which time the department learned the ammunition was never booked into evidence.

During the administrative investigation, Officer Victorio informed the agency that the bullets were in his beat bag, and he booked them into evidence.

Based on these incidents, Officer Victorio was demoted to a community service officer, pursuant to a settlement agreement, following the misconduct investigation involving violations of policy.

With that, I'm happy to answer questions the Board may have.

VICE CHAIRPERSON DOYLE: Board Members?

(No response.)

VICE CHAIRPERSON DOYLE: Seeing none, I believe deputy -- or excuse me, Officer Victorio and his attorney, Kasey Castillo are here.

Please come forward. You will each be given five minutes to speak, and the time limits will be strictly enforced, so please ensure you complete your comments within the allotted time.

While commencing, keep in mind that the Board will only consider the facts as presented by the Division today and not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate high probability that serious misconduct, as defined in Penal Code section 13510.8 and Commission Regulation 1205 occurred?

Welcome.

MR. VICTORIO: Good afternoon, Members of the Board. My name is Hector Victorio of the San Bernardino Police Department.

I have dedicated four years of service, public service, in the state of California. I am currently working in the role as a community service officer and

recently was assigned as a training officer for new community service officers as I await the outcome of this process.

Before joining the police department, I served seven years in the United States Marine Corps and deployed four times overseas, and then got discharged with an honorable discharge.

During my police tenure, I have served in patrol operations, the SWAT team, and as a district resource officer for the City of San Bernardino.

During my career, I have received commendations for good police work, including recovering more than 30 illegal firearms in just three months.

But it is important for me that you know that I realize and feel that my good deeds and hard work are overshadowed and diminished when my behavior doesn't meet the high standards of excellence the community and the profession deserves.

Regarding the matter currently under review, I want to provide professional context based on the training I received during the academy and now my agency as well as throughout my career. I understood that my responsibilities prioritize safety and respond appropriately to what I perceived at the time.

The situation was rapidly evolving, and I was

required to make a decision based on the facts as I perceived them at the time. At the time I believed I was working too quickly and efficiently to effect an arrest.

The internal review of this -- of this matter by my department led to the disciplinary action in form of a suspension, which I accepted without objection.

I also have undergone 40 hours of de-escalation training.

After reflecting on the use of force incident, along with additional training I have received, I realize I could have reacted differently, communicated more clearly with my partner, and slowed down the situation.

I understand the seriousness of the allegations as I respect the Board's duty to maintain the standards of our profession. I accept and understand that my force was deemed unreasonable on this day. I will perform better in the future and I have -- and I have performed better since then.

Being a police officer is more than a job. It is my career, my commitment to the community. I have matured as person and as an officer since that day almost three years ago.

I am not the same person or one-year police officer

in the matter before you -- before your consideration. I have continued my education and I am currently attending the DeVry University in Ontario, California. I currently hold a 4.0 GPA, made it on to the Dean's List, and was nominated for the National Society for Leadership and Success. I graduate with my associate's in Applied Sciences in July, God willing.

Because of this incident and the additional training I have received, I have learned to approach these high-stress situations a lot better. I have done this by slowing down, analyzing the situation as best as possible, with the limited information that I have at the time and allowing ample time for resources to arrive.

Since this event, I have spent an additional two years on patrol and was put in similar situations, if not worse, and was able to resolve the situation with little or no -- little to no force at all. And that is something that I am proud of.

I commit to serving not only my community itself, but internally as a role model and an example to other officers and my peers. Self-reflection and review can be a humbling experience and one I am grateful for.

Thank you for your time and the opportunity to speak to you today. I believe I can always do better to

improve. I am strongly committed to continuing to serve with the high standards expected of a California police officer.

Thank you.

VICE CHAIRPERSON DOYLE: Ms. Castillo.

MS. CASTILLO: Thank you. Good afternoon, Members of the Board. My name is Kasey Castillo of KC Law Group. We represent Officer Victorio and oppose the recommendation to move formal proceedings for decertification.

Here, moving this matter forward would be premature for an individual without a history of force-related incidents before or after the matter for your consideration.

I believe that the legal standard of clear and convincing evidence has not been met. Decertification requires clear and convincing evidence of serious misconduct, and that is a high bar. In excessive force cases, the question is whether the force was objectively reasonable under the totality of the circumstances, not whether it appears unfavorable in hindsight or in a slowed-down replay.

The record before you does not rise to the level of clear and convincing evidence proof required to justify the most severe consequence POST can impose. I believe

that the force should be assessed and not in a vacuum.

At the time of the incident, this officer had one year and three months on the job, and his subjective perception, where he prioritized a swift and efficient outcome, reflected the level of training, experience, and judgment he had at that stage of his career.

To the extent the recommendation relies on a zero to 6030 -- or 60 theory, suggesting that the officer should have escalated more slowly or chosen a different sequence of options, that framing improperly demands perfection in a split-second, high-stress encounter.

The suspect had engaged in a dangerous and reckless six-minute pursuit, often in opposite lanes of traffic during a school day. The vehicle was stolen. The suspect only stopped when he crashed into a pole, and, even then, he exited the vehicle without being directed to.

Officer Victorio admittedly did not recognize that the suspect was in the process of surrendering.

At that time, he believed his actions were appropriate to gain and maintain control, protect the officer and others, and safely resolve that situation.

The objective reasonableness standard does not require absolute perfection or best option in hindsight. SB 2 does not authorize moving toward decertification

simply because a use of force is criticized after the fact. It requires that that showing was unreasonable under the circumstances at the time.

And while Officer Victorio believed there was a blunt object in the suspect's hand, his partner additionally joined him and had to assist in the handcuffing. Admittedly, their communication could have been better.

Officer Victorio continued commands and personal weapons for strikes when he was unable to secure the suspect. And although it was perceived by the investigator that Officer Rodriguez was using his hands and body to block, Officer Rodriguez denied that was the case.

The San Bernardino County District Attorney's Office thoroughly reviewed this matter and determined that no criminal filing was appropriate. His agency determined that improper tactics and inexperience led to this unreasonable use of force, and he was suspended and sent to 40 hours of de-escalation training.

The findings note a statement attributed to Officer Victorio in an unrelated non-use-of-force incident, which occurred a month before the events at issue but resolved after this case.

De-escalation training was subsequently received by

Officer Victorio. Similarly referenced was another policy violation, which was also not one related to force, but searching months after the matter at hand.

Officer Victorio put himself through additional search and seizure training at his own expense. These instances should not be used to bolster these proceedings and justify movement to formal proceedings.

Decertification is not the only option. Hector Victorio told investigators that as he acted, he believed his force was reasonable at the time. But he has also readily accepted and embraced discipline without protest, as well as training -- both issued and self-sponsored -- to correct behavior deemed inappropriate.

His missteps took place within a six-month snapshot of his career, when he had just over a little of a year on the job.

Before you is an individual willing to learn, adjust, and perform to the highest standards. Please refer to the almost 20 letters of public comment from members of his department: Specifically a captain, two lieutenants, four sergeants, and multiple peers who attest to his witnessed growth as an officer and as a person since the event before you.

They have seen him absolutely humbled but continue

to believe in him as a contributing sworn peace officer. And he is endeavoring every day to prove that he is deserving of that title.

For these reasons, we respectfully request that the Board find there are no grounds for further action, decline to move forward toward formal proceedings, and close this matter.

The Board has a high bar to meet and satisfy to reach clear and convincing evidence, even in an unreasonable use of force case, and it has not been met. And should the Board determine that action is appropriate, please consider an alternative to revocation.

Thank you.

VICE CHAIRPERSON DOYLE: Okay. Thank you.

Does the Board have any questions of Ms. Castillo or Officer Victorio?

MEMBER CLAVO: You were an officer for four years?

MR. VICTORIO: No, ma'am. I served a total of four years for the department. I received my demotion back in November of last year.

MEMBER CLAVO: November of 2025.

MR. VICTORIO: Yes, ma'am.

MEMBER CLAVO: And so your actual -- how long were you actually an officer?

MR. VICTORIO: I would say approximately three years.

MEMBER CLAVO: And then at the time of the incident, it was three years?

MR. VICTORIO: At the time of the incident, I was just over a year. A year and three months, around there.

MEMBER CLAVO: And then -- I'm not for sure. But maybe -- so I'm going to ask for clarity.

I heard, since the event, there were similar situations in which you acted differently.

MR. VICTORIO: Yes, ma'am.

MEMBER CLAVO: Was that in the capacity of a CSO?

MR. VICTORIO: No, ma'am. So after the incident, I was assigned to the records department for approximately five months, which is behind a desk, doing all the administrative paperwork for the department. And then after that I was allowed to go back into the field. So I was probably back in the field for about a year and a half before getting demoted to a CSO.

MEMBER CLAVO: Okay. Thank you.

MR. VICTORIO: Yes, ma'am.

VICE CHAIRPERSON DOYLE: Mr. Lara.

MEMBER LARA: Yeah. I got a couple of questions.

So although your attorney says that the other

incident that took place prior to the matter that is at hand before us is not illustrative of your behavior and your patterns of conduct, I wanted to point something out.

The argument is made that you -- during the vehicle pursuit, rapidly unfolding and driving against traffic, stolen vehicle, that that is a critical incident that is very dynamic. And I -- having been in pursuits, I understand that.

However, the other incident, which your counsel makes the argument that it is unrelated, that is an incident where the incident is not rapidly unfolding. The suspect is essentially already in custody, is completely -- from all appearances -- compliant.

And in a clear head, because it is, to your attorney's estimation, not a rapidly unfolding event, you make this statement, "You are so fucking lucky that there are people here. Otherwise, I would beat the fuck out of you."

How do you, in a situation, where there's no criticality or exigency in that moment, which is comparable to the stolen vehicle that is at issue here, how do you swear that as not being relevant to your -- to our decision here?

MS. CASTILLO: Is that question for me or for

Officer Victorio?

MEMBER LARA: Yes.

MS. CASTILLO: For me?

MEMBER LARA: Both of you.

MS. CASTILLO: Oh, for me. Oh, well, I will start. Thank you for your question.

I believe that it's important to note that that statement was made, and the record reflects from the Internal Affairs incident, that was used to essentially dissuade that individual from making movements that would cause a use of force.

Admittedly, Officer Victorio, in that interview, explained his behavior but also explained the rationale behind that.

Subsequent to that statement, as well as the incident before you, he received de-escalation training, and since then, he utilized those tools to better himself in the field and not make those mistakes again.

MR. VICTORIO: Yes, sir. So there's no excuse as to what I said that day, on that time.

Prior to that, he did have -- he had fled from me. He was -- he ended up being the suspect in a commercial burglary. Again, that doesn't -- that's not an excuse for my actions. I understand now, and like I did then, that that was wrong, which is why I accepted the

discipline.

And like Kasey said, ever since then, you know, all I can do is better myself and be the best version of myself. And I think that's what I have strived to become.

MS. WOOLLEY: Vice Chair, if I may --

VICE CHAIRPERSON DOYLE: Sure.

MS. WOOLLEY: -- address some comments that were just made. I need to correct the record.

Actually, the statements that were made in October of 2023, they were not found to be made to dissuade that arrestee from taking off further. That's incorrect. That's an incorrect statement of the record.

MS. CASTILLO: My statement was what his explanation was in the interview.

MS. WOOLLEY: That's not my understanding of the record, but it is part of the exhibits.

VICE CHAIRPERSON DOYLE: Crawford.

MEMBER HATCHER-CRAWFORD: So I -- to reiterate the purpose of SB 2 and I'm sure you have read the law and understand the law. And I think, while emotionally during the chase, things escalate and things happen.

But just as -- is it okay if I call you Captain? --

MEMBER LARA: Charles.

MEMBER HATCHER-CRAWFORD: -- Charles stated in

another incident, where it wasn't the adrenaline of the chase, the victim, in this case, was handcuffed. He then went on to make a statement.

Again, I'm not an attorney. But we kind of learn that those type of statements can be used in a court of law as a threat and to -- to downplay it as, I just wanted him to understand not to even try to run.

I'm a community member, and as a community member, hearing that was disturbing because that's my expectation of an officer.

So given that you went through the training, you learned to change some things, I just -- my question to you -- and now I'm speaking to the attorney -- is -- and belief -- do you believe that that statement -- because you are an attorney and you have learned those type of statements can be sometimes criminal in a torts law or in some type of law when you make a threat towards a person. That it's considered...

MS. CASTILLO: I didn't mean to interrupt you. I apologize.

MEMBER HATCHER-CRAWFORD: No, no, no.

MS. CASTILLO: I don't believe that was an unconditional threat. I don't believe that that rose to the level of what would be considered a criminal threat under Penal Code section 422.

And, again, the purpose in, I believe it being presented, but as well as us addressing it at this time, is to show that Officer Victorio, as a young, immature cop, when one year into his career made mistakes, those which are obviously serious in nature, but, nonetheless, ones that he has grown from and has received training subsequent to.

I -- I personally believe that Officer Victorio is absolutely not the same person that I met three years ago. And I have seen how the discipline and the additional training and the fact of his demotion has changed the person he is.

I do not believe that while serious revocation is appropriate in this matter because this is someone who is capable of remediation.

MEMBER HATCHER-CRAWFORD: I guess for me -- like I say, as a community member -- this is what people see. And children see this. And I don't know your background, your upbringing, at any time -- and I hope POST is not training officers or the academies are training officers to believe, at any time, that that type of behavior would be acceptable.

And so I -- I did read the whole report. And I know this is a question, but I don't see where the difference of how much change could probably be in the

training.

So you talked about the training. What exactly -- what type of training could change what his belief of what an officer should do a year ago versus now and moving forward? What type of training are we talking about?

MS. CASTILLO: Sure. Hector, can you discuss your de-escalation training? And then, additionally, you had touched on the fact that you had since been confronted with other situations or similar situations and you had made alternative choices.

Can you elaborate on that?

MR. VICTORIO: Yes, ma'am.

So I attended multiple classes. The first one being an eight-hour force science decision-making course. And it talks about the science behind how fast you can perceive something; how fast you can react after you perceive what's going on; you know, the fight or flight mentality; different options to utilize other than, you know, your -- you are then forced, right? You can use your words -- we use our words to try to de-escalate the situation. And then, you know, it preaches on utilizing your tools, whether that's a taser, a baton, or, you know, a less -- any other less lethal pepper spray. And then utilizing, you know, the

appropriate amount of force for the situation.

But it also goes into -- for somebody like me that didn't have that much experience at the time, it helps being in a classroom filled with officers that have been on for 5 years, 10 years, 15 years. Because the course that I attended, that was just the part one.

I went to a three-day advanced force science class, which is more for supervisors. And having all that experience, all that wealth of knowledge in that room, helped somebody like me -- that didn't have that much time on, at the time -- understand it from, you know, the eyes of a 20-year cop. And it just -- it helps open my eyes and broaden my perspective and approach things differently.

And those classes were done -- definitely beneficial. And I think it's -- I proved that in the year and a half that I was on patrol prior to my demotion, because I had no incidents in -- when it came to use of force.

MEMBER HATCHER-CRAWFORD: Counselor, a question.

MS. WOOLLEY: Yes.

MEMBER HATCHER-CRAWFORD: In the POST training, is that part of the curriculum? Because I'm thinking forward. Because he says that -- excuse me. As part of that training is something that he had to take after the

incident; is it part of the training in POST?

MS. WOOLLEY: So Mr. Marshall would probably be better to answer this. But de-escalation training is part of the Regular Basic Course. So that would be something that Respondent would have been trained in as part of his Regular Basic training before he even began his position as a police officer.

But Mr. Marshall would be better -- in the better position to answer fully.

MR. MARSHALL: So there are classes sponsored by POST, continuing education, throughout the officer's career, that there's numerous de-escalation, use of force training. Just because you took it in the academy maybe 20 years ago, an officer that wants to better himself will be taking training regularly. If it is not a department mandate, it is the officer's ability to go do the training on his own, either through POST or private instructors throughout.

MEMBER HATCHER-CRAWFORD: So within the first year of leaving your basic POST training, an officer would have had this?

MR. MARSHALL: They would have de-escalation training in the academy. It is possible, during his FTO on the in-house training, they might cover something. And I'm not sure. You know, every agency is specific.

There are agencies out there where if the officer doesn't want to better himself, they are not going to complete much training through their career.

MS. WOOLLEY: I will point out just looking at -- excuse me.

Just looking at Mr. Victorio or Officer Victorio's EDI profile, that in addition to his basic course, he also took additional training courses after he became an officer.

So he became a police officer on March 14th, 2022. In addition, he took an arrest and control, which would have included some of this.

He also took use of force. That was on April 6, 2022.

He took additional training courses that would have included some of this stuff.

And then -- and then after this incident, he took the de-escalation training on February 7th.

But he also took things like special weapons tactics courses on October 20th, 2023.

So all of that would have included some elements of de-escalation in that since any sort of use of force would have had some elements of de-escalation.

So yes. There would have been some of that.

MS. DEL MUGNAIO: If I may add to the question in

kind of more specific terms. Learning Domain 20 has eight hours of de-escalation training in the Basic Academy; and then every two years thereafter, there's four hours of required de-escalation training.

VICE CHAIRPERSON DOYLE: Johnson.

MEMBER JOHNSON: I guess my question. When he crashed into the pole and you came out the car, I would like to know if you had seen him laying facedown, hands stretched out, and not moving? So when you came out the car, did you see that? Or did you see something else?

MR. VICTORIO: No, sir. Like I said, initially, when I first came out of the car, or prior to coming out of the car, I saw the door swing open. So my initial thought was that he was going to continue to flee on foot since he had crashed the vehicle.

When I came around my door is when I realized he was on the ground, but that's not what I perceived at the time. At the time I perceived he stumbled out of the car, because he just got into a car accident; he's going to continue to flee.

Like I said before, I understand that I was moving too fast. And I think that was my -- my shortfall, my shortcoming here. If I would have just remained by more door and done a felony traffic stop and slowed down and just taken in all information, I could have made a

better decision at that point in time.

MEMBER JOHNSON: The second part of my question is, so there was six punches and four knees. So when you realized that he was facedown, hands stretched out, saying, "I'm not resisting," you still delivered six punches and four knees.

Was that part of your training? Even though you have a victim that is not resisting, what caused those six punches to be thrown, in your view, and those knees to be given?

MR. VICTORIO: Yes, sir. So, again, at that time, I perceived that he was resisting. You know, it is inexperience. There's no excuse to my actions. I perceived that he was resisting. You know, when I would strike him and he wouldn't bring his arms to his lower back, I perceived it as resisting at the time.

Obviously I didn't take into consideration that my blows were causing pain to him, you know, which is why probably he kept his hands above his head and not brought them down to his lower back in order for us to effect an arrest.

At the time, I perceived he was resisting. But looking back at it now, through all the training that I have received, I understand now that I could have done things differently.

MEMBER JOHNSON: Was that your first encounter physically?

MR. VICTORIO: Are you asking if that's like my first use of force?

MEMBER JOHNSON: Yes.

MR. VICTORIO: No, sir. I wouldn't be able to tell you how many I had prior to then, though.

VICE CHAIRPERSON DOYLE: Any more questions?

Go ahead, Ms. Pena.

MEMBER PENA: So on the incident that we were just talking about, the November 27th, 2023, incident, so your reasoning for why that occurred was that you were acting too quickly.

Is that what you are telling us?

THE WITNESS: That's not the only reason. But I mean, I think I -- all that could have been avoided if I would have just slowed down.

MEMBER PENA: Okay. And then the -- on the second incident, when you made a threat to the person who was not resisting, was just standing by a wall, you say you made the threat because you were concerned he would run?

MR. VICTORIO: I didn't say I made a threat, ma'am. I made a statement that I understand that wasn't the best thing to make. He had just "fleed." There's 100 percent a thousand things I could have said that

would have been better to prevent him from continuing to flee, because he had already done it once.

But I understand that I was in the wrong and I accepted discipline for it.

MEMBER PENA: Okay. Because at that point he -- the situation had been de-escalated, right?

MR. VICTORIO: Yes, ma'am.

MEMBER PENA: So you made mention of you had de-escalation training after that time.

MR. VICTORIO: No. So that incident happened before the November incident. It just came -- the investigation came afterwards.

MEMBER PENA: Okay.

MR. VICTORIO: Yes, ma'am.

MEMBER PENA: Okay. Because that situation had already been de-escalated when you made that remark, which I would consider threatening. But -- right?

MR. VICTORIO: Yes, ma'am.

MEMBER PENA: Okay. Thank you.

VICE CHAIRPERSON DOYLE: Ms. Clavo.

MEMBER CLAVO: In watching the video, you said -- in your statement just now, you said he had "fleed."

And then I recall the gentleman stating that he was hard of hearing.

Did -- you were in your police vehicle at the time?

MR. VICTORIO: Yes, ma'am. What you saw was just the ending of the entire interaction.

MEMBER CLAVO: I get it. I get it. I got another part of my question.

Did you turn your lights on? Did you use your speaker to try to gain his attention? Was he in front of you? On the side of you? Can you paint that picture for me?

MR. VICTORIO: Yes, ma'am. Of course.

So I was driving southbound. So let's just say I'm driving towards the monitor there. And he was on the sidewalk off to my right-hand side.

I wasn't even dispatched to the call initially. I was on my way to the hospital to relieve one of my partners, but I was monitoring the radio. And I understood that there was an active burglary in progress and that there was two individuals outstanding.

They broadcasted the description of one of them. As I'm driving southbound, I spot somebody who matches that description. I get out of my car. I park it. Throw my lights on. Stand by the driver's side door. And I yell out to him. He looks back in my direction. And then when I say, "Police, come here," he continues to drive away off on the scooter.

And at that point is when I broadcasted it to my

partners over the radio that I had one matching, and it is when my partner, that was driving northbound, was able to intercept him.

MEMBER CLAVO: Okay. Is it normal practice to throw evidence in the trash?

MR. VICTORIO: No, ma'am.

MEMBER CLAVO: Is it normal -- normal practice not to log in evidence?

MR. VICTORIO: No, ma'am.

MEMBER CLAVO: But in two of these cases, you did both: The one with the young lady and -- that you pulled over, asked could you search her house, and then you found bullets.

And then with this gentleman and his backpack.

MR. VICTORIO: Yes, ma'am.

So for the first incident, which is the commercial burglary, I mentioned in my Internal Affairs interview that the reason why the backpack was disposed was because there's things that -- in there that we can't tag. And I also mentioned during that interview that the only thing that I knew at that point in time, during that investigation, was that the scooter was -- that he fled in was the victim's from the commercial burglary.

And the only reason I knew that was because the victim came on to the scene and identified that as his

scooter.

The victim never spoke to me directly because I wasn't the investigating officer. I understand that I should have spoken to the victim myself to see if any of the contents within the backpack belonged to him, but I didn't. And the reason that I threw away a lot of the stuff, which I mentioned during my interview, was because the backpack was soiled, and we're not allowed to tag in soiled property. By "soiled," I mean, there was -- I think there was like a BuzzBall in there and it had leaked. And a bunch of, you know, hygiene products and stuff that we can't tag.

The second one, I openly said during my interview that it was a mistake. I totally forgot to tag it. I didn't dispose of it. I had it when the interview was brought up. I mentioned it to Kasey. She gave me guidance to hold onto it until the day of the interview, which is when I mentioned it to the investigators. And we tagged it into the property then.

MEMBER CLAVO: Thank you.

MS. CASTILLO: Do you mind if he addresses remediation that has taken place as to those two topics?

VICE CHAIRPERSON DOYLE: Sure.

MR. VICTORIO: Yes. So in my new position, as a community service officer, and even the year and a half

afterwards, I took a different approach to tag it in property or disposing of property. Anything in relation to property or evidence. Instead of waiting towards the end of my shift and then tagging everything into property evidence then, I -- I pretty much skipped that entire thing.

And as soon as I -- as long as time allowed and calls for service allowed, I would go straight to the police department and tag in the property or evidence at that point in time.

That way, at the end of my shift, I wouldn't have -- you know, I wouldn't forget it.

MS. WOOLLEY: And --

MR. VICTORIO: I'm sorry if I -- and pretty much to conclude on that topic, in my current position as a community service officer, I still do handle evidence and property on a day-to-day basis.

So I -- like, again, there -- there hasn't been any issues in -- as it comes to property or evidence in that aspect.

Thank you.

MEMBER CLAVO: Thank you.

MS. WOOLLEY: Vice Chair Dudley [sic], if I may address the record.

So just to give a little bit more context as to

that stop in October of 2023, when that Officer Victorio pulled over that individual, or attempted to pull over that individual, it was a light rail station. There were several other individuals present. He did call out to that individual. However, like I said, there were several other individuals present. There was also announcements being made at the light rail station.

So when the individual then says to the other officer present, and then Officer Victorio that, you know, "I'm hard of hearing" and stuff like that, that is relevant to this -- this incident.

He is quite a few feet away. So if you see on the body-worn camera footage, you can see that that individual is quite a distance away. And so then Officer Victorio is calling out to him, "Hey, you, come here," and then that individual just keeps going on the scooter.

And then Respondent says to the other officer, who is the one who eventually ends up getting to the arrestee and putting him in cuffs, you know, "I'm going to go this way. You go this way," essentially. And then that's -- the other officer is the one who finds him.

So that's how that ends up coming out, just to finish that up. And that is documented fully in the

attachments for that -- that incident.

As to the other incident for the destruction of the backpack, these statements, which, again, are further documented fully in the investigation, basically that backpack was -- Officer Victorio did say that he destroyed the backpack because it was icky; that there was some sort of liquid that had been spilled. However, he did book another item into evidence, a shirt that the individual had over his shoulder that apparently he used to cover his face. So it wasn't just the scooter. There was a shirt as well. So it wasn't just the scooter that was thought of as evidence.

And there was some suspected narcotics that were found on the person's -- on that individual's person that was put in the backpack for safekeeping. But were never tested to see if there were narcotics.

MEMBER HATCHER-CRAWFORD: I have a question.

VICE CHAIRPERSON DOYLE: Crawford.

MEMBER HATCHER-CRAWFORD: In the incident -- and either/or can fill it in for me. An incident where we stop the individual -- I don't know if it's a female or not. And I was confused about that part. And then somehow the officer goes to her home, searched her home --

MS. WOOLLEY: Yes.

MEMBER HATCHER-CRAWFORD: -- and finds four bullets.

I -- I couldn't wrap my mind on, was there a stop that led to -- from that place to going to her home? And what was -- what was -- what was the reasoning?

I couldn't find it in the report of why.

MR. MARSHALL: He did conduct a legal vehicle stop on a -- on the Dodge Charger -- Challenger.

MEMBER HATCHER-CRAWFORD: It was a Challenger.

MR. MARSHALL: He did conduct a legal stop and then discovered she did not have a valid driver's license.

MEMBER HATCHER-CRAWFORD: So how did the home --

MR. MARSHALL: He got consent from her. He'd probably know better. But he had gotten consent to search her vehicle and then her home.

MEMBER CLAVO: Before you answer, in case you decide to, let me add to her question.

Was she on searchable parole, probation, or any of those things, that would have led you to just ask Jane Doe, "Can I go to your house and search it?" I think that was --

MEMBER HATCHER-CRAWFORD: Yeah. That's kind of where I'm going. I couldn't find it in the report.

MR. VICTORIO: No. And I'm sorry.

No. So I -- every time I conduct a traffic stop,

there's about -- a couple things that I ask: "Hey, this is why I pulled you over. Are you on probation or parole? Have you ever been arrested?" It is just kind of how I do my thing.

She had told me that she had prior weapons violations in LA County. So then I had her step out of the car because her vehicle was suspended. And then I'm a very -- I take a very proactive approach. Like I mentioned before, I recovered 30 firearms within three months, and that's kind of the approach that I had on that day.

She told me that she had ammunition at her home. I asked her if she can -- if I can search her residence, in which she said yes.

I took that ammunition and that's -- again I waited until the end of my shift to tag it in and that's -- that's where my mistake was.

MEMBER HATCHER-CRAWFORD: But you did -- was she arrested or not?

MR. VICTORIO: She received a citation for driving without a license.

MEMBER HATCHER-CRAWFORD: And she was on probation or parole?

MR. VICTORIO: She was not on probation or parole.

MEMBER CLAVO: So is that normal policy and

procedure to ask individuals that you do a traffic stop on whether they -- you can search their home?

MR. VICTORIO: Well, it was a question, ma'am. She could have denied it. It's not --

MEMBER CLAVO: Is it policy or procedure?

MR. VICTORIO: No. There's nothing -- there's nothing asking -- there's nothing on policy stating whether I can ask somebody or not for consent.

MEMBER CLAVO: To search their home for no reason? Just because you stopped them for something else and then that leads to you asking them.

So if I walk outside today and West Sac PD -- if West Sac PD pulls me over, if Chief Strange pulls Nicole Clavo over and says, you know, can I -- "I'm pulling you over because you were doing 75 in a 55, and, by the way, can I search your home?"

MR. VICTORIO: I -- again, ma'am, I asked that because she had told me that she had prior weapons violations, which is why I asked the question.

MEMBER CLAVO: But she didn't have any weapons on her currently.

MR. VICTORIO: Correct.

MEMBER HATCHER-CRAWFORD: And there was nothing ran to verify that she did, in fact, have a probation or parole. Is there any way of doing it? Like I said, I

read the report, and that was a big dark hole for me.

MR. VICTORIO: So I conducted my own records check on her. Because her arrests were in LA County, it wouldn't show on our local hits.

MEMBER HATCHER-CRAWFORD: Okay.

MR. VICTORIO: So I wouldn't -- so no. I did not receive a probation or parole screen when I ran her information.

MEMBER JOHNSON: Johnson.

VICE CHAIRPERSON DOYLE: Mr. Johnson.

MEMBER JOHNSON: Yes.

What was the date of that incident?

MS. WOOLLEY: That's April 28th, 2025.

MEMBER JOHNSON: Now, I had asked a question earlier about was that your first physical incident. And you had stated "No."

So I'm curious to when were the other physical incidents?

MR. VICTORIO: Are you speaking about -- are you talking about the pursuit, sir, that happened in '23?

MEMBER JOHNSON: Yeah. The pursuit on November 23rd, correct?

MR. VICTORIO: Yes, sir.

MR. MARSHALL: 27th.

MEMBER JOHNSON: 27th.

MR. VICTORIO: 2023.

MEMBER JOHNSON: Oh, okay. 2023.

MS. WOOLLEY: I'm sorry. Mr. Johnson, the search was April 28th, 2025. The search -- or the use of force is November 27th, 2023.

MEMBER JOHNSON: Okay. '25. '23.

And then the incident where the young man was on the scooter was October 2023.

MR. MARSHALL: October 28th, 2023. Correct.

MEMBER JOHNSON: Okay. And -- but you were in other physical incidents. Were they prior to October 23 -- October 2023 or after October 2023?

MR. VICTORIO: Are you talking about from the time that I received training or --

MEMBER JOHNSON: From the time that you -- from the time that you began patrolling.

MR. VICTORIO: So before the use of force incident that we're here for, I did have use of force incidents. But, again, I wouldn't be able to tell you how many or when they took place.

MEMBER JOHNSON: You don't remember how many incidents you've been in?

MR. VICTORIO: No, sir.

MEMBER JOHNSON: I have no further questions.

VICE CHAIRPERSON DOYLE: Okay. Thank you.

MEMBER HATCHER-CRAWFORD: I think I'm still stuck on the black hole.

VICE CHAIRPERSON DOYLE: Okay. One more question, Ms. Crawford.

Go ahead.

MEMBER HATCHER-CRAWFORD: And I'm sorry. Again, I read it and read it and read it.

And so would you say that although that's not a policy of San Bernardino, it's not a policy opposed to ask a person who you are not really sure is on probation or parole because you don't have access to the database of LA County, other than what she tells you, to go to their home and search their home.

And I understand that you said, you know, your career high is that you pulled over guns. I mean, attained guns and everything else.

I'm just trying to understand, is that a pattern that you would normally do in the -- one of your stops? Is ask a person, "Are you on probation or parole?" Then if they say yes or no, whether it is in that county or not in that county. Then ask to search their home. Is that a pattern?

MR. VICTORIO: No. I wouldn't say it is a pattern. I would say it is based off of the information that they provide to me and the information that I receive after

running their -- their name in our database.

Again, I had a proactive approach, and my mentality was, I'm going to get a gun off the street today. And when she told me she had prior weapons violations and that she had ammunition at her house, then that's when I asked her. I was like, "Can I go back to your house and take the ammunition from you?"

And she said yes.

MEMBER HATCHER-CRAWFORD: Okay. And so there's no search warrant. Just -- she can just say "yes" and you can go do that?

MR. MARSHALL: If she agrees and gives consent.

MEMBER HATCHER-CRAWFORD: Thank you.

VICE CHAIRPERSON DOYLE: Mr. Lara.

MEMBER LARA: Just a point of clarification, as an instructor for search and seizure.

It is not illegal to make the ask.

VICE CHAIRPERSON DOYLE: Exactly.

MEMBER LARA: My concerns grow out of -- are you familiar, Officer, with the concept of duress? I can elaborate if you need me to.

MR. VICTORIO: If you could, please.

MEMBER LARA: Okay. So generally speaking, consent, if it is to be given, has to be given freely and voluntarily, with no threats of enforcement or

promises of leniency. And I believe -- so now I will ask you: Are you familiar with the concept of duress?

MR. VICTORIO: Yes, sir.

MEMBER LARA: Do you believe this woman freely and voluntarily gave you permission to search her home?

MR. VICTORIO: I do.

MEMBER LARA: Thank you.

VICE CHAIRPERSON DOYLE: Thank you very much.

MS. CASTILLO: Can I make a final comment?

VICE CHAIRPERSON DOYLE: Sure. Briefly, please.

MS. CASTILLO: I understand that these incidents that have additionally been presented to the Board for review and understanding are significant, and I appreciate your thoughtful questions.

I do want to reiterate that Officer Victorio has taken affirmative steps to continue to grow in search and seizure, to continue to grow in de-escalation training. And the matter that we're here before the Board for, the allegation related to physical abuse and excessive force, is taken very seriously by Officer Victorio.

And we would ask that although there have been missteps in his young career, we feel that this is one of those instances where an alternative to revocation would be appropriate.

VICE CHAIRPERSON DOYLE: Thank you.

Is there anybody from the public who would like to address -- is there anybody from the public who would like to address the Board at this time?

Yes?

You may state your name and organization if you wish. You will be given three minutes to speak, and the time limits will be strictly enforced, so please ensure that you complete your comments within the allotted time.

MS. B. JOHNSON: Okay. I am Beatrice Johnson. I'm the only community person here. I feel like I do need to say something.

Good afternoon. My name is Beatrice Johnson.

I am here again because I -- what I witnessed in this case is deeply disturbing to me, not just as a community member, but as someone who has spent years advocating for accountability. And also with this bill, Senate 2 -- laws that officers who abuse their authority can be decertified.

We watched the video. We saw the suspect exit from the vehicle after crashing, lay on the ground, and say that he surrendered.

At that point, there was no threat. There was no active threat. There was compliance. The suspect was

defenseless.

But despite that, the officer chose to act on what was perceived instead of what was clearly happening in front of him, reality. And that is where this becomes dangerous.

Because when perception overrules reality, especially in policing, people get hurt. The officer immediately began kicking and punching the suspect while yelling "stop resisting," even though the suspect was already on the ground, surrendering and defenseless.

That disturbs me deeply.

We have seen this pattern before, where the words stop resisting, stop resisting, are used to justify force even when compliance is visible.

And too often those words are spoken right before someone loses their life.

That is not just a phrase. It is a warning sign. When an officer continues to use force on someone who has already surrendered and is defenseless, that is not policing. That is punishment. And what is equally concerning is what we are hearing here today. The officer and his attorney have made light of this, in my opinion.

This is a problem because when the serious conduct is minimized instead of acknowledged, it shows a lack of

accountability. And where there is no accountability, there is no reason to believe the behavior will change.

It is also deeply concerning that the officer told the suspect -- you know when he said the bad word, "Lucky people aren't around or I would do something else to you" -- that is not law enforcement language. That is not de-escalation. That is not professionalism.

That is a statement of intent, held back only by witnesses, and that should concern everyone. That is exactly why Senate Bill 2 exists.

For situations where an officer demonstrates conduct, that is excessive, dangerous, and it should be held accountable and he should be decertified because that's how people get killed.

VICE CHAIRPERSON DOYLE: Thank you.

MEMBER JOHNSON: Thank you.

VICE CHAIRPERSON DOYLE: Does anyone else from the public wish we -- wishes to address the Board?

(No response.)

VICE CHAIRPERSON DOYLE: Okay. At this time, does the Board want to adjourn into private session?

MEMBER LARA: Yes, please.

VICE CHAIRPERSON DOYLE: Okay. All right. The meeting will be adjourned and we'll go into closed session for deliberation and will be back shortly.

(Time noted: 2:39 p.m.)

---o0o---

(Closed session was held: 2:50 p.m. to 2:55 p.m.)

---o0o---

(Time noted: 2:58 p.m.)

---o0o---

VICE CHAIRPERSON DOYLE: We will now reconvene in our regular session to take a vote on the Board's recommendation in the matter of Case POST2322062, Hector Victorio.

Is there a motion?

MEMBER JOHNSON: I make a motion to decertify.

VICE CHAIRPERSON DOYLE: Is there a second?

MEMBER CLAVO: Second.

VICE CHAIRPERSON DOYLE: We have a motion by Johnson. A second by Clavo.

Roll call.

MR. KNAPP: Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Doyle.

VICE CHAIRPERSON DOYLE: Aye.
MR. KNAPP: Doyle, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
And Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
All in favor.
VICE CHAIRPERSON DOYLE: Motion -- motion passes.
Okay. Thank you.
Next item. POST2302397, Armando Avena. Last employing agency: Los Angeles Police Department.
At this time I will call upon Law Enforcement Consultant David Sieber and Brian Hoffman, Attorney with Legal Affairs Bureau, to provide the report on case POST2302397, Armando Avena, who at -- who at the time was employed by Los Angeles Police Department.
Mr. Sieber.
MR. SIEBER: Good afternoon, Chair and Members of the Board. My name is Dave Sieber, and I'm one of the law enforcement consultants assigned to POST

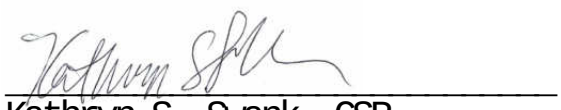
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May 2026.



Kathryn S. Swank, CSR
Certified Shorthand Reporter
License No. 13061