


**BRADENTON POLICE DEPARTMENT  
INTER-OFFICE MEMORANDUM**

COPY

**Date:** September 13, 2021

**To:** Paul McWade, Assistant Chief of Police  
Operations Division

**From:** Brian Thiers, Captain   
Operations Division

**Subject:** Officer Nicholas Zotto

Officer Nicholas Zotto has been employed as a Bradenton Police Officer since October 25, 2020. Recent issues have arisen, causing heightened concern from fellow officers and supervisors. The following issues are highlights of several brought to my attention:

- Case #2021-003926. This incident occurred on May 6, 2021, at 2:31 AM in the downtown area. Officer Zotto and several other officers were actively investigating a shooting incident and in the process of apprehending a suspect when he pointed his firearm at two other officers. This incident was documented, and Officer Zotto was provided remedial training with the Training Division.
- Case #2021-007028. This incident occurred on August 6, 2021, at 11:03 PM at an apartment in the 300 block of 26<sup>th</sup> Ave W. Officer Zotto and two other officers were dispatched for a subject in the apartment with an out-of-state firearm-related warrant. The backup officer arrives and finds Officer Zotto alone in the apartment with the suspect. When Officer Zotto sees backup arriving, he turns his back to the suspect and walks towards the other officer. The suspect then retreats into his bedroom and shuts the door. Officers are able to get the suspect to come out of the bedroom. However, when he does, Officer Zotto does not take physical control of him. The backup officers must intervene and control the suspect and verbally command Officer Zotto to handcuff him. This incident was documented, and Officer Zotto was placed with a Field Training Officer for four weeks, emphasizing officer safety and defensive tactics.
- On August 23, 2021, a complaint came into BPD regarding the off-duty conduct of Officer Zotto. A person who lives in his neighborhood brought documentation to our attention showing he utilizes his title as a Bradenton Police Officer to solicit his business and make complaints against this individual at their place of employment. In almost every post or email, Officer Zotto identifies himself as a police officer with Bradenton PD. A review of Officer Zotto's social media accounts and website for his business identify him as a Bradenton Police Officer. Although he is listed as the "founder and co-owner," he has not completed off-duty employment paperwork or received approval to have secondary employment.
- On September 8, 2021, a subject came to the BPD station to retrieve a debit card seized during an arrest made by Officer Zotto. Lt. Ramdath made all attempts to locate the debit card, and after watching the BWC footage of the arrest, determined Officer Zotto placed it in a bag in the trunk of his vehicle. When he arrived for duty later in the day, Officer Zotto located the debit card in

the exact location and placed the card in property. The owner of the card was able to retrieve it later in the day.

- Based on the incident mentioned above, Lt. Ramdath inspected Officer Zotto's issued patrol vehicle on August 9, 2021. During the inspection, Lt. Ramdath located a driver's license in the passenger door related to a vehicle crash in April of 2021. This crash had no citations issued, and it is unknown as to why the license was seized. He also located a brown paper bag with a pair of slides in it. The slides were seized from a burglary investigation by Officer Zotto the day before and were alleged to be the suspects.

On this day, I met with Officer Zotto to discuss these issues. At the end of the meeting, he tendered his immediate resignation from Bradenton PD.

APPROVED	DISAPPROVED	ACK	DATE	NAME	TITLE
( )	( )	✓	Sept-13	Ramdath	Asst Chief
( )	( )	( )	_____	_____	_____
( )	( )	( )	_____	_____	_____
( )	( )	( )	_____	_____	_____

# Bradenton Police Department

## Inter-office Memorandum

**DATE:** 5/16/2022

**TO:** Paul McWade,  
Operations Division Assistant Chief

**FROM:** Anthony Rodriguez  
Charlie Squad Nights Sergeant

**SUBJECT:** Use of Force review, case 2021-003926

On Thursday, May 6, 2021, I was assigned a use of force review applied by Officer Nicholas Zotto, Charlie Squad Nights. I reviewed the use of force form, which only involved the pointing of the firearm at a suspect and the supplemental report. I did not find any discrepancies. I then reviewed the Body Worn Camera assigned to Officer Zotto. During the review, I found a serious concern regarding the pointing and muzzle control of his department issued firearm during an incident while in close proximity to other officers. Although a high stress situation may occur at any given time during a members tour of duty, a member must remain in full control of themselves, assigned duty gear / weapons, and those around them according to Procedural General Order 911 - Use of Force.

Time line: 05/02/2021 at 0231 hours

02:31:24 hours: Officer's Mano Laurent, Enzo Rovira, and Nicholas Zotto are on the sidewalk across the street from The Paddy Wagon Bar, 320 12th St W

02:31:36 hours: All three Officers hear the gun shots and begin running northbound on the sidewalk towards the Bamboozier Bar.

02:31:58 hours: Officer's Laurent and Zotto turn to run Eastbound through the Bradenton Herald parking lot. Officer Zotto is seen momentarily pointing his firearm in the direction of Officer Laurent's back. The Officer's continue running Eastbound and then turn southbound in the alley between the Bamboozier Bar and the Bradenton Herald building. Officer Zotto then scans the parking lot with his firearm on the southside of the Bamboozier bar with Officer Rovira. He then turns his attention toward the outdoor drinking area of the Bamboozier bar (southside of the building) and approaches it.

02:32:23 hours: Officer Zotto points his firearm in the direction of Detective Nasheka Craddock's and Officer Laurent's back side, his firearm light is clearly illuminating their uniform.

02:32:31 hours: Officer Zotto points his firearm directly in the back of Officer Laurent, clearly illuminating in the back of his uniform. At this point, the suspects two hands are visible and a threat no longer appears to the officers. At this time, Officer Zotto should have re-holstered his firearm.

02:32:32 hours: Officer Zotto moves his firearm away from Officer Laurent, but now in the direction of Detective Craddock.

# Bradenton Police Department

## Inter-office Memorandum

My recommendation to you is that Officer Zotto receive extensive firearm's training through the Training Division with a well-experienced Department firearm's instructor. My recommendation would also include a re-training of Procedural General Order 911, as well as, firearm based scenarios.

APPROVED	DISAPPROVED	ACK	DATE	NAME	TITLE
( )	( )	(X)	MAY 17 2021		CAPTAIN
( )	( )	(✓)	5-17		Asst Chief
( )	( )	( )			
( )	( )	( )			
( )	( )	(✓)	5-18-21	A. Meridian	Training

RECOMMEND FORWARD TO TRAINING & PROCEED w/ REMEDIAL TRAINING. - CAPTAIN THIEBS

\* Remedial Training assigned & completed by Firearms Instructor B. Smolary. June 24, 21



## BRADENTON POLICE DEPARTMENT

### LESSON PLAN

<b>Subject: Safe Weapons Handling Remedial</b>		<b>Prepared by:</b>	<b>Ofc. Brandon Smolarz</b>
<b>Date:</b> June 24, 2021	<b>Instructor Actions</b>		<b>Course Length:</b> 2 hours
<b>Objectives</b> Improve officers handling of firearms around others to limit muzzle flagging.	Train and improve officer weapon handling through discussion and hands on drills.		<b>Training Materials Needed</b> <ul style="list-style-type: none"><li>• Computer</li><li>• Sim Pistol</li><li>• Sim ammo</li><li>• Targets</li></ul>
<b>Content</b> (Necessary information)	1.) Axon Body Camera footage		<b>Other Resources</b> <ul style="list-style-type: none"><li>• None</li></ul>
<b>Instructional Techniques</b>	<ul style="list-style-type: none"><li>• Lecture based, verbal instruction</li><li>• Physical demonstrations</li><li>• Training with Sim Pistol</li></ul>		
<b>Lesson Plan Format</b>	<ol style="list-style-type: none"><li>1. Practical demonstration</li><li>2. Drill based repetitions</li><li>3. Discussion</li></ol>		
<b>Testing of Knowledge</b> Discussion / verbal testing	None.		<b>Additional Notes.</b>

*ATM*  
*Training Card*

*Supervisor/Manager*



**DATE:** : 07/11/2021  
**TO:** : Training Division  
**FROM:** : Brandon Smolarz  
**SUBJECT:** : Ofc. Zotto Weapons handling remedial training

On Friday June 24 I conducted remedial training with Ofc. Zotto after a safety issue was identified. I was made aware of an incident (21-3926) and provided with the memorandum from Sgt. Rodriguez detailing the issues. I then watched Ofc. Zotto's body worn camera. I then planned a short block of training to conduct with Ofc. Zotto at our D2 Substation.

I first sat and reviewed the body camera footage of the incident and went through it and discussed the issue of Ofc. Zotto having incredibly poor muzzle discipline. I explained to Ofc. Zotto that it is imperative for Officers to maintain self control and discipline, even in periods of heightened stress, and handle their weapons safely.

I then conducted weapons handling training using simunitions pistols and targets. I had Ofc. Zotto practice drawing and handling his "weapon" (simunitions pistol) with me in very close proximity. I after this was practiced and he maintained his handling of the "weapon" safely I had him progress to drawing and moving around me to engage targets with simunitions. I also had Ofc. Zotto perform a 180 degree turn after facing away from a series of targets, while I stood between him and the targets, and had him safely move and manipulate his "weapon" without muzzle flagging me and shoot a specific target.

During these drills, Ofc. Zotto maintained and operated his weapon in a safe manner. He did not flag me during the training and took care to ensure he and his weapon was maneuvered around me and did not muzzle flag me.

Once I concluded the weapons handling I again discussed with Ofc. Zotto the importance of safe weapons handling at all times.

*\*Ack - Training Div.  
Hem*