

**Non-Fatal Officer Involved Shooting of Eduardo Villasenor
Los Angeles County Sheriff's Department**

Deputy Humberto Inzunza #525754

J.S.I.D. File #23-0301



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District Attorney

Justice System Integrity Division

January 29, 2025

MEMORANDUM

TO: ACTING CAPTAIN AUTURO R. SPENCER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Eduardo Villasenor
J.S.I.D. File #23-0301
L.A.S.D. File #023-12119-0285-055

DATE: January 29, 2025

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 4, 2023, non-fatal shooting of Eduardo Villasenor (Villasenor) by Los Angeles County Sheriff's Department (LASD) Deputy Humberto Inzunza. We have concluded that Deputy Inzunza acted in lawful self-defense at the time he fired his service weapon, reasonably believing based on the totality of the circumstances that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of this non-fatal officer involved shooting on September 4, 2023, at approximately 2:00 p.m. The District Attorney Response Team responded to the location and was provided a briefing and walk-through of the scene.

The following analysis is based on reports, radio transmissions, 9-1-1 calls, recorded interviews, photographs, body-worn camera video (BWV), and surveillance video submitted to this office by LASD Homicide Bureau Detectives on July 11, 2024. Deputy Inzunza's voluntary statements were considered as part of this analysis.

INTRODUCTION

The East Los Angeles Sheriff's Station received an emergency call from a clerk at a Mobile Gas station. The caller stated that a man (Villasenor) had committed a robbery while armed with a handgun. As deputies responded to the location, one of the deputies was flagged down by [REDACTED] who said Villasenor pointed a gun at him while he was sitting in his car. [REDACTED] asked the deputy to follow him so [REDACTED] could identify Villasenor for the deputy.

[REDACTED] led the deputy to the location and identified Villasenor as the man who pointed the gun at him. When the deputy attempted to stop Villasenor, Villasenor ran. Deputy Inzunza saw Villasenor running and ordered him to stop and show his hands multiple times. As Inzunza

drove parallel to Villasenor, Villasenor raised the handgun he was holding and pointed it towards Deputy Inzunza. Deputy Inzunza fired his service weapon at Villasenor, hitting him in the abdomen. Villasenor was transported to Los Angeles County/USC Medical where he was treated for his injuries.¹

FACTUAL ANALYSIS

On September 4, 2023, at approximately 1:00 p.m., ■■■. and ■■■. were working inside a Mobile Gas station when ■■■. saw Villasenor put an ice cream and a drink inside his pockets. She alerted her coworker ■■■. ■■■. was behind the cash register when she yelled, “Hey! You need to put that back!” ■■■. told Villasenor that he needed to pay for the items in his pocket.



Figure 1: Surveillance video from inside the Mobile Gas station showing Villasenor after he removed the gun (yellow circle) from his backpack to threaten the clerks.

Villasenor walked toward the clerks at the front of the store and said, “What pockets?” while he opened his red-checked backpack and removed a handgun in a brown leather holster. Both ■■■. and ■■■. were afraid that Villasenor would harm them, so they told Villasenor to take the items and leave. (Figure 1)

Villasenor put the gun back in his backpack and grabbed a roll of duct tape as he exited out of the store. ■■■. immediately called 9-1-1. Deputies Humberto Inzunza (Inzunza), Sergio Trejo

¹ Villasenor was charged in case BA517702 with Penal Code sections 245(d)(2) assault on a peace officer, 245(b) assault with a semi-automatic firearm, 211 robbery, and 29800(A)(1) possession of a firearm by a prohibited person (i.e. prior felony conviction).

(Trejo), Erik Benitez (Benitez), Daniel Gonzalez (Gonzalez), and Ricardo Hernandez (Hernandez) responded to the call.

Approximately 450 feet from the gas station, [REDACTED] was sitting in his parked car on his phone when he looked up and saw Villasenor standing in front of his car holding a gun in a holster. [REDACTED] told investigators that he immediately put his car in gear to drive away. [REDACTED] stated as he made a right turn, he looked back at Villasenor and saw that Villasenor had removed the gun from the holster and was standing in a shooting stance pointing the gun at [REDACTED]

[REDACTED] told investigators that he fled looking for an officer to report the incident. [REDACTED] flagged down Deputy Hernandez, who was driving a patrol car. [REDACTED] told Hernandez that Villasenor pointed a gun at him and offered to show the deputy where Villasenor was walking. Hernandez followed [REDACTED] until [REDACTED] saw Villasenor and stated, "That's him! The guy with the gun!" [REDACTED] told investigators that Hernandez attempted to detain Villasenor, but Villasenor ran.

Officer Humberto Inzunza

Inzunza told investigators that he was in his patrol car when he heard the broadcast call of a man displaying a gun at a gas station.² Inzunza stated that as he responded to the call, he was updated that the suspect was seen running "with a gun in his right pocket." Inzunza activated the emergency lights on his patrol car and drove down Atlantic Boulevard, where he spotted Villasenor running.



Figure 2: Inzunza's BWV before Villasenor raised the gun and pointed it in Inzunza's direction.³

² All the responding officers were dressed in LASD uniforms with badges and nameplates and driving marked black and white patrol cars with LASD insignia on the doors.

³ Inzunza's BWV was blocked by the steering wheel when Villasenor raised his weapon.

Inzunza told investigators that he heard his partner broadcast that the suspect (Villasenor) had a pistol in his right front pants pocket. Inzunza stated he gave orders to Villasenor to stop and show his hands. BWV showed Inzunza driving parallel to Villasenor and yelling, “Stop now! Show me your hands! Show me your fucking hands!” Inzunza yelled approximately nine times at Villasenor. (Figure 2)



Figure 3: Surveillance video from the car dealership captured Villasenor as he ran down the street and raised the gun in his right hand (yellow circle) at Inzunza.

As they neared a car dealership, Inzunza stated he saw Villasenor pulling something out of his pocket. When Inzunza recognized that Villasenor was holding a gun, Inzunza tried to cut off Villasenor’s forward momentum with the patrol car. (Figure 3)

Inzunza told investigators that he immediately recognized that the weapon was a semi-automatic [pistol] and believed that the make was a Beretta. Inzunza saw Villasenor hold the gun in his right hand and grab the holster with his left hand. Inzunza stated he was staring right at Villasenor when Villasenor pointed the pistol at him. Inzunza believed that Villasenor was going to use the firearm against him. Inzunza stated, “I seriously thought [Villasenor] was going to try to shoot me.” That is when Inzunza fired his service weapon at Villasenor.

Inzunza fired through the front windshield of the patrol car six times at Villasenor. Villasenor was hit in the left lower quadrant of his body and fell to the ground. Inzunza and the other deputies exited their patrol cars. As the other deputies arrived, Inzunza saw Gonzalez kick the gun and holster away from Villasenor.

FORENSIC EVIDENCE

Firearm Analysis

The handgun that Villasenor displayed during the robbery at the gas station, pointed at G.H., and pointed at Inzunza was a loaded Berretta 9mm semiautomatic pistol.⁴ The handgun had a round in the chamber and contained a loaded magazine. The gun Villasenor displayed and the property found in Villasenor's backpack were stolen from a personal vehicle belonging to an LASD deputy on September 4, 2023. The sheriff's vehicle was parked and locked in a LASD parking structure.

Deputy Inzunza fired six shots through the front windscreen of his patrol vehicle from approximately 10 feet away from Villasenor.⁵

The Backpack

Forensic investigators searched Villasenor's red and black checked backpack and found a black leather wallet containing a Los Angeles County Sheriff's badge, an LASD identification card, the deputy's California Driver's license, and medical and credit cards.⁶

LEGAL ANALYSIS

A peace officer is justified in using deadly force when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or another person; or (2) 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. Penal Code section 835a(c)(1)(A) &(B).

Deadly force shall be used "only when necessary, in defense of human life," and officers "shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(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. 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." Penal Code section 835a(e)(2).

⁴ Villasenor was identified in the robbery of the gas station by surveillance photos and matching clothing (including the black and red checked backpack) described by [REDACTED] and [REDACTED] and found with Villasenor after the shooting.

⁵ Distance was estimated by Detective C. Bell who was present at the scene during the collection of evidence.

⁶ These items belonged to a LASD deputy who previously filed a police report stating that they were stolen from his locked vehicle.

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) and (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

Villasenor displayed the loaded gun at the gas station to instill fear in ■■■ and ■■■, and to prevent them from trying to stop him from taking property from the store. After Villasenor left the gas station, he pointed the loaded gun at ■■■.

Deputies responding to the robbery of the gas station and the assault on ■■■, were advised that Villasenor had a gun. When they tried to detain him, Villasenor ran with the gun. Insunza stated when he saw Villasenor point the pistol at him he believed that Villasenor was going to use the firearm against him. Insunza stated, "I seriously thought [Villasenor] was going to try to shoot me." Despite being given multiple commands to stop and drop the gun, Villasenor raised the gun and pointed at Insunza, who fired his service weapon in response.

Based on the totality of the circumstances, Deputy Insunza reasonably believed that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to himself or others.

CONCLUSION

For the foregoing reasons, we find that Deputy Insunza acted lawfully in self-defense when he used deadly force against Eduardo Villasenor.