

**Non-Fatal Officer Involved Shooting of Javier Arellano Torres**  
**Los Angeles County Sheriff's Department**

**Deputy Adrian Ines, #613987**

**J.S.I.D. File #22-0020**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**August 1, 2023**

## **MEMORANDUM**

TO: CAPTAIN ANDREW D. MEYER  
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 Javier Arellano Torres  
J.S.I.D. File #22-0020  
L.A.S.D. File #022-01199-2178-055

DATE: August 1, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 24, 2022, non-fatal shooting of Javier Arellano Torres by Los Angeles County Sheriff's Department (LASD) Deputy Adrian Ines. We have concluded that the deputy acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 8:15 a.m. on January 24, 2022. The District Attorney Response Team (DART) responded to the location and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings, crime scene diagrams, photographic and video evidence, including body worn video, and witness statements submitted to this office by LASD Homicide Detectives Mike Davis and Joseph Valencia on December 21, 2022. Compelled statements were not considered in this review.

### **FACTUAL ANALYSIS**

#### **Initial Assault Calls**

At approximately 3:30 a.m., [REDACTED] and his mother, [REDACTED] were asleep in their home, located at [REDACTED]. [REDACTED] and [REDACTED] are a residential duplex, with [REDACTED] being a residence attached to a garage located to the rear of [REDACTED]. [REDACTED] heard what sounded like someone pacing back and forth on his roof. He went outside, checked, and did not see anything suspicious. At approximately 4:00 a.m., he heard the footsteps again, and this time, the sounds awoke [REDACTED] [REDACTED] and [REDACTED] both went outside and checked the roof, again finding nothing. Five to ten minutes later, [REDACTED] heard footsteps a third time. He went outside with a flashlight and discovered an unknown person on the roof and

yelled, "Hey, get off my roof!" The subject on the roof moved closer to [REDACTED] and pointed a black handgun at him. [REDACTED] ran inside and told his mother, who called 9-1-1. Before deputies arrived, [REDACTED] saw the subject jump from his roof to the roof of the property south of his, and out of sight.

Deputies Marina Lizarraga and Victor Rascon from the Century Sheriff's Station arrived at [REDACTED]'s residence at 4:07 a.m., and spoke with [REDACTED]. [REDACTED] told the deputies the subject had left the location prior to the deputies' arrival. The deputies left, instructing [REDACTED] to call 9-1-1 again if the subject returned.

#### Statement of [REDACTED]

After deputies left [REDACTED]'s residence, [REDACTED] was at his residence at [REDACTED] and heard noises on his roof. According to his recollection during an interview with detectives, this happened at about 5:30 a.m. He went outside with a flashlight and saw a male Hispanic in a blue shirt kicking tiles off the roof. The man on the roof pointed a gun at [REDACTED] who went back inside his house and told his mother to call 9-1-1.

#### Assault of [REDACTED] and [REDACTED]

[REDACTED] said that about 15 to 20 minutes after deputies left, he and [REDACTED] again heard noises from the roof. After inspecting the roof and initially not finding anyone, the noises occurred yet again. [REDACTED] and [REDACTED] exited the house with a flashlight and found the subject on the roof and yelled, "Get off the roof!" This time, the subject pointed the gun at [REDACTED] and fired one shot at [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] ran back inside. A fired bullet was ultimately recovered from the garage door of [REDACTED] Sale Place.

#### Additional 9-1-1 Calls

At 5:19 a.m., a 9-1-1 caller at [REDACTED] reported that there was a subject on her rooftop earlier. The subject then went to her neighbor's rooftop at [REDACTED] and fired shots. [REDACTED] and [REDACTED] are next door (to the west) to [REDACTED]. Deputies Lizarraga and Rascon responded to the location. While enroute, the calling party reported hearing gunshots. Additional deputies were dispatched to the location. Deputies Jonathan Montes and Jesus Barco arrived, heard gunshots, and broadcast their observations. A containment area was set up in the neighborhood, and additional units were summoned, including Deputy Ines and his partner, Deputy Angela Carrasco. Carrasco was assigned as a custodial officer at the Century Regional Detention Center but was a ride along with Ines on the date of this incident. An LAPD Aero Bureau helicopter was also requested. An LAPD helicopter piloted by Officer Sean Malachi, with observer Officer Joseph Stevenson in the co-pilot seat, arrived overhead.

#### Arrival of LAPD Helicopter

The LAPD helicopter arrived, and Stevenson began looking for the subject, who was later identified as Torres. Information from various 9-1-1 callers about the source of gunshots being

fired was broadcast over the radio. At 5:50 a.m., a 9-1-1 caller located at [REDACTED] Sale Place reported that shots were being fired next door, possibly referring to [REDACTED] Sale Place, where two expended cartridge cases were ultimately recovered. At 6:00 a.m., approximately 15 minutes after the helicopter arrived, Stevenson broadcast that he had spotted Torres by the chimney on the roof of [REDACTED] Sale Place with a gun in his hand.

Using the helicopter's forward looking infrared (F.L.I.R.) system, which consists of a special camera that illuminates heat sources, Stevenson saw Torres on top of [REDACTED] Sale Place and reported on the radio at approximately 6:03 a.m. that Torres was running on the roof with a gun in his hand and "acting erratic." Stevenson used the F.L.I.R. and simultaneously activated the helicopter's spotlight onto Torres. Torres then turned and pointed a pistol at the helicopter and fired three times. Stevenson was able to see the muzzle flash from the handgun, as well as the expended cartridge cases being ejected from the handgun. Stevenson saw through the F.L.I.R. that the handgun appeared to be extremely hot after being fired.

Stevenson saw Torres move to the roof of [REDACTED] Sale Place. At 6:07 a.m., Stevenson broadcast, "He's on the north side of Sale... [REDACTED] I'm gonna shine him," meaning Stevenson intended to use the helicopter's spotlight to illuminate Torres' position. Torres again raised the pistol toward the helicopter, firing once. Torres fell through a patio cover but climbed back onto the northeast corner of the roof. Torres then raised the pistol toward containment deputies on Cole Place. Using the F.L.I.R., Stevenson saw an expended cartridge case eject from the handgun held by Torres, indicating Torres had fired at the containment deputies. On Ines' body worn video, this gunshot can be heard at a timestamp of 6:07:20; Ines fired one time with his rifle five seconds later. Immediately thereafter, Ines broadcast that he had fired back at Torres. After Torres appeared to crawl to the south side of the roof, Stevenson saw Torres point the handgun at their helicopter again, firing one more shot toward the aircraft. Torres then threw the firearm into the front lawn to the south of [REDACTED] Sale Place. He was taken into custody. Torres had a single gunshot wound to his buttocks.

#### Interview of [REDACTED]

[REDACTED] was interviewed on the date of the incident. She said she was present at her home at [REDACTED] as the incident unfolded. She eventually heard the footsteps of a subject on her roof, and her house started to shake. She heard six gunshots and called 9-1-1.



Figure 1: Still frame from Ines' body worn video depicting the moment Ines fires one shot at Torres, who is located on a rooftop in the distance. The flashlight mounted on Ines' rifle illuminated the muzzle flash.



Figure 2: Overhead view approximating Ines' position (A) and Torres' position (B) at the time of the deputy-involved shooting.

### Interview of Deputy Ines

Ines was interviewed by detectives eight days later on February 1, 2022. Ines said he and his partner responded to a call involving a man with a gun, and upon arrival, met with Rascon and Lizarraga, who were already at Sale Place and Santa Fe Avenue, which is a north-south street to the west of where this incident occurred. Ines said at this point, LAPD's Aero unit was requested because LASD's helicopter was unavailable. Ines was then instructed to drive to Cass

Place, one street south of Sale Place, to take a position to the rear of [REDACTED] Sale Place, where the initial assault call originated.

Once at Cass Place, Ines heard four to six gunshots that sounded “very close.” The shooting continued, but the sound grew fainter, as though the shooter was moving west towards Santa Fe Avenue. LAPD Aero then arrived and was able to locate the shooter. Ines was then advised to move to a location on Cole Place, north of Sale Place, to provide containment. While driving to Cole Place, Ines heard three to four more gunshots “sporadically going off.” An officer in the LAPD helicopter advised over the radio that the subject was shooting at cars attempting to leave their driveways or drive on the street. Ines and his partner took a position mid-block on Cole Place and heard “a couple [more] gunshots going off.” As a result, Ines’ attention was drawn to the north side of Sale Avenue, just south of Ines’ location on Cole Place. Ines described the sequence of events that followed:

...LAPD Aero advised us that [Torres] was taking a position of advantage against my partners, who were on Sale Place. And was orienting his firearm which was west towards them, and we could hear, I can hear a gunshot go off. Which then directed my attention to the roof I believe we ended up being [REDACTED] Sale Place. I then saw [Torres] with his arm fully extended west towards where my partners were. I then saw [Torres] look over in my direction and the direction of my partners, with his arm fully extended. He then looked over his shoulder and turned his body towards our position and I was able to see a muzzle flash directly at me ... the muzzle flash didn’t look like it was moving forward, but it looked like a star directly at me ... at which point then I raised my weapon ... and I placed the red dot as best at center mass as I could, and fired one round back at [Torres].

Ines fired one shot at Torres, striking Torres in the buttocks. Torres went down on the roof. A couple seconds later, Torres put his hands up, but then began popping his head up, “possibly looking for us.” According to Ines, the LAPD Aero officer said over the radio that Torres had rearmed himself. Ines heard one more gunshot come from Torres’ location, but Ines could no longer see Torres. The LAPD Aero officer then advised that Torres had tossed his weapon into the yard of [REDACTED] Sale Place, and Torres ultimately surrendered.

Ines said during the interview that at the time he fired a shot at Torres, he feared for the life of his partner Carrasco, and generally feared that there would be a loss of life due to Torres’ actions.

## Interview of Torres

LASD detectives interviewed Torres on January 27, 2022.<sup>1</sup>

On February 4, 2022, a felony complaint was filed against Torres in case VA157674. The complaint alleges two counts of attempted murder, six counts of assault on a peace officer with a semiautomatic firearm, two counts of assault with a semiautomatic firearm, and two counts of shooting at an occupied vehicle or dwelling. As of the time of the writing of this memorandum, the preliminary hearing in Torres' case was pending.

## Recovery of Evidence

A 9mm semiautomatic pistol was recovered from the front lawn of [REDACTED] Sale Place. Seven total 9mm expended cartridge cases were located across multiple properties, including one from the rooftop of [REDACTED] Sale Place, where Ines observed Torres firing his gun prior to the deputy-involved shooting. One live 9mm round, and an empty high-capacity handgun magazine capable of holding 17 cartridges, were also located on the rooftop of [REDACTED] Sale Place.

Additional expended 9mm cartridge cases were located and recovered from [REDACTED] [REDACTED] and [REDACTED] Sale Place. Below is a table listing the evidence related to the 9mm handgun recovered from each location, along with a legend showing where the locations are depicted in Figure 3.

Location	Evidence Recovered	Legend (Fig. 3)
[REDACTED] Sale Place	Two expended cartridge cases	1
[REDACTED] Sale Place	One expended cartridge case; one unfired cartridge; Empty magazine; unloaded 9mm handgun	2
[REDACTED] Sale Place	Four expended cartridge cases; one unfired cartridge	3
[REDACTED] Sale Place	One fired bullet	4

Table 1: List of firearm-related evidence recovered from various addresses on Sale Place.

According to Stevenson's interview, when the LAPD helicopter arrived, Torres was first spotted on the roof of [REDACTED] Sale Place, one house to the west of [REDACTED] Torres shot three times at the helicopter from [REDACTED] Sale Place; however, no expended cartridge cases were recovered at that address. Two expended cartridge cases were recovered from [REDACTED] Sale Place, three houses to

<sup>1</sup> Torres' criminal case is pending at the time of this writing. Statements by him not yet part of the public record are redacted herein prior to publication. See Cal. Rules of Prof. Conduct 3.6; Legal Policies Manual § 25.03.03.

the west of [REDACTED] Sale Place. After Torres moved to the roof of [REDACTED] he shot once at the helicopter, then shot at Ines, and then, after he was hit by return fire by Ines, he turned the gun back to the helicopter and fired one more time, according to Stevenson. Only one expended cartridge case was recovered from [REDACTED] Sale Place. Based on the statements of Stevenson regarding how many times the helicopter was shot at, and from what locations, two expended cartridge cases from [REDACTED] Sale Place and three from [REDACTED] Sale Place were never located and booked into evidence.

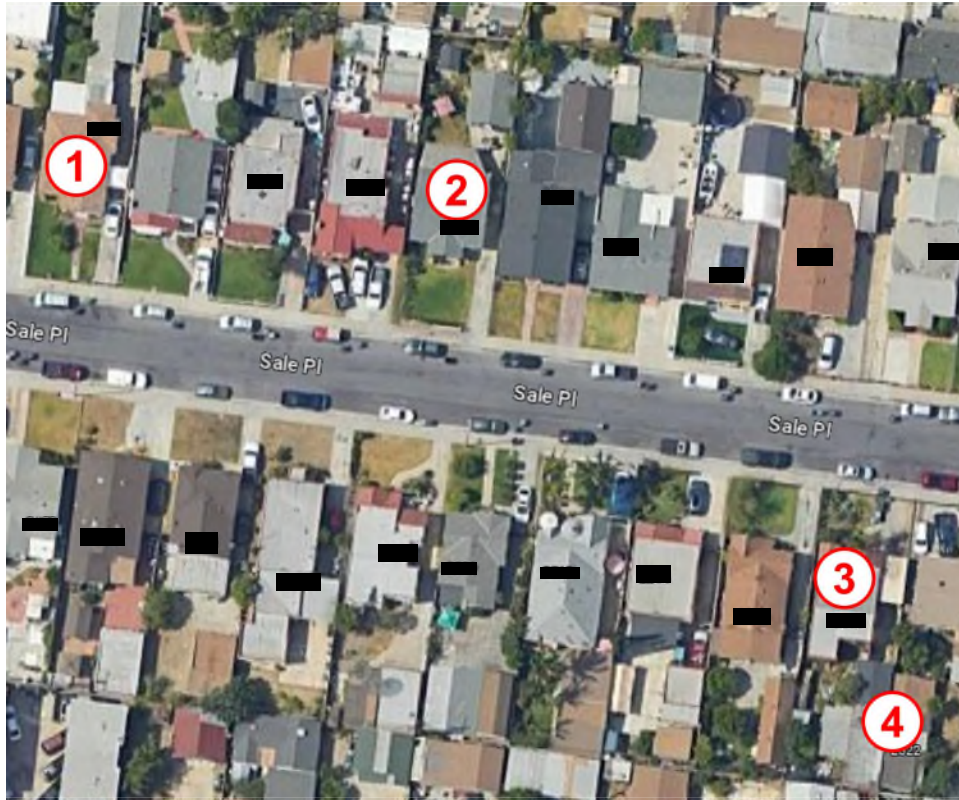


Figure 3: Overhead map showing (1) [REDACTED] (2) [REDACTED] (3) [REDACTED] and (4) [REDACTED] Sale Place.



Figure 4: 9mm handgun recovered from front yard of [REDACTED] Sale Place.



Figure 5: Extended magazine recovered from roof of [REDACTED] Sale Place; close-up depicted in red insert.

### DNA Analysis

The 9mm semiautomatic firearm was processed for DNA. Two swabs were used to collect potential DNA from the firearm. One sample was taken from the trigger and trigger guard, and another sample was taken from the slide and grip. Both samples were found to contain two DNA profiles. Torres' DNA was included as a contributor to each sample.

## Ballistics Analysis

The magazine, expended cartridge cases, unfired cartridges, and fired bullet recovered from various addresses along Sale Place, as detailed in Table 1 above, were submitted for ballistic comparison with the 9mm firearm recovered from the front yard of [REDACTED] Sale Place. All seven expended cartridge cases were determined to have been fired by the 9mm handgun, as was the fired bullet recovered from the garage at [REDACTED] Sale Place. The two unexpended cartridges were determined to have been cycled through the 9mm handgun.

## **LEGAL ANALYSIS**

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

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. Penal Code § 835a(e)(2).

In assessing 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 § 835a(a)(4) & (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 § 835a(a)(4).

The evidence shows that Torres shot at two civilians and brandished his weapon toward one other in the hours leading up to the deputy involved shooting. After LASD deputies and LAPD's helicopter arrived, Torres fired his handgun at least five times at the helicopter orbiting overhead. There is evidence suggesting Torres also fired at civilians attempting to depart their residences. Five seconds before Deputy Ines fired at Torres, Torres used his handgun to fire toward Ines. After Ines returned fire at Torres, Torres shot once more at the LAPD helicopter. Ines said during his interview that throughout the incident, he heard gunshots coming from Torres' position and feared for his own life and the lives of his fellow deputies. His statements are corroborated by other witnesses, and the physical evidence that was recovered and analyzed. Torres posed an ongoing threat to police officers and civilians at the time the deputy-involved shooting occurred.

Under these circumstances, an objectively reasonable peace officer could fairly conclude that Torres had the present ability, opportunity, and intent to cause immediate death or serious bodily injury to the peace officers at the scene. Accordingly, it was reasonable for Ines to believe that it was necessary to use deadly force.

## **CONCLUSION**

We find that Deputy Ines acted in lawful self-defense and defense of others when he used deadly force against Torres.