

**Officer Involved Shooting of Jorge Trejo  
Los Angeles Police Department**

**Officer Floyd Curry, #34967**

**J.S.I.D. File #14-0694**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**April 21, 2016**

## MEMORANDUM

TO: COMMANDER ROBERT A. LOPEZ  
Force Investigation Division  
Los Angeles Police Department  
100 W. First Street, Suite 431  
Los Angeles, California 90012

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

SUBJECT: Officer Involved Shooting of Jorge Trejo  
J.S.I.D. File #14-0694  
F.I.D. File #066-14

DATE: April 21, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 9, 2014, fatal shooting of Jorge Trejo by Los Angeles Police Department Officer Floyd Curry. It is our conclusion that Officer Curry acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on November 9, 2014, at approximately 3:10 a.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports prepared by the Los Angeles Police Department (LAPD), submitted to this office by detectives with the LAPD Force Investigation Division. Officer Curry's compelled statement was not considered as part of this analysis.

### FACTUAL ANALYSIS

On October 30, 2014, LAPD Hollenbeck Area gang detectives identified Jorge Trejo as a suspect in an assault with a deadly weapon investigation.<sup>1</sup> Detectives distributed a crime alert notification which described the allegations, Trejo's physical description and his last known vehicle, a teal Mazda pickup truck with a white camper shell.

On November 8, 2014, at approximately 11:41 p.m., uniformed officers observed Trejo driving the Mazda truck northbound on Griffin Avenue near East Avenue 33 in the City of Los Angeles. The officers requested backup and followed Trejo. Trejo stopped his vehicle at the intersection of River Street and Huron Street and let out a female passenger. The officers

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<sup>1</sup> It was alleged that Trejo pointed a sawed-off shotgun at the victim then struck him four times with a baseball bat. Trejo was previously known to the victim. Trejo was a documented gang member.

activated their emergency lights and attempted to conduct a high-risk vehicle stop. Trejo failed to yield and a vehicle pursuit ensued.

Multiple patrol cars followed Trejo during a slow speed pursuit that lasted approximately two hours.<sup>2</sup> Officers observed Trejo brandish a sawed-off shotgun on multiple occasions. At four separate locations, Trejo pointed the shotgun back toward the pursuing officers. In fear for their lives, officers fired their service weapons at Trejo. Multiple rounds struck Trejo's vehicle, but Trejo was not wounded.<sup>3</sup>

During the pursuit, Trejo stopped his vehicle in the middle of several intersections for extended periods of time. Freelance news videographers captured footage of Trejo during these pauses in the chase. The footage shows Trejo drinking a beer and throwing the can out of the window, pointing a strobing flashlight at the officers stopped behind him, displaying gang signs, extending his middle finger at the police helicopter flying overhead and smiling and laughing to himself.

Metropolitan Division, Special Weapons and Tactics (SWAT) was requested to provide armored vehicles to the pursuit in order to contain Trejo's vehicle.<sup>4</sup> An armored vehicle driven by Officer Bruce Adam was the first to arrive at the scene and moved in behind Trejo's vehicle. Officer Floyd Curry was also inside the armored vehicle. Adam conducted a Pursuit Intervention Technique (PIT maneuver) on Trejo's vehicle as it made a right turn onto Huron Street. Trejo's vehicle spun around and came to rest next to vehicles parked along the east side of the street. Four armored vehicles surrounded the truck preventing its escape.

Adam had a clear view of Trejo from a side window of his armored vehicle which came to a stop along the driver's side of the truck. Trejo remained in the driver's seat and the sawed-off shotgun was lying next to him on the passenger seat. Curry was positioned above Adam in the armored vehicle's roof hatch. Curry looked down into the driver's window of the truck and covered Trejo with a LAPD issued assault rifle. The truck's stereo was blaring loud music while Trejo revved the engine. Officer David Corbet was positioned in the hatch of one of the armored vehicles to the front of the truck. Corbet observed Trejo mouthing the words, "Just do it. Shoot me. Just do it."<sup>5</sup> Officer Dain Hurst, taking cover outside one of the armored vehicles, heard Trejo say, "I'm not going back."<sup>6</sup>

Trejo ignored multiple commands given to him over a bullhorn to show his hands and surrender. At one point, Trejo opened a can of beer and took a drink while looking around at the officers surrounding him. Trejo also injected his left arm with a syringe filled with brown

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<sup>2</sup> Trejo remained in the same general vicinity during the entire pursuit which covered a distance of nine miles.

<sup>3</sup> A number of officers and civilian witnesses stated that not only did Trejo point the shotgun back at the officers, but that he fired at them as well. Investigators did not recover any ballistic evidence at the four shooting scenes or in the Mazda truck indicating that Trejo fired the shotgun. It is likely that the officers and witnesses mistakenly assumed that the police gunfire was coming from Trejo's shotgun while it was pointed back at the officers.

<sup>4</sup> Responding SWAT officers were advised that Trejo was wanted for an assault with a deadly weapon, armed with a shotgun and had fired at officers multiple times during the pursuit.

<sup>5</sup> Corbet opined that Trejo was speaking the words out loud, but he was unable to hear them over the loud music.

<sup>6</sup> Trejo was sentenced to prison for robbery in 2004, vehicle theft in 2011 and assault with a deadly weapon in 2013.

liquid.<sup>7</sup> Trejo eventually reached for the shotgun lying next to him. Trejo raised the sawed-off barrel of the shotgun toward his face with his right hand on the pistol grip. Trejo then moved the barrel past his face and pointed it toward Curry, who was directly above Trejo in the opened hatch. Curry responded and fired seven rounds at Trejo.

An arrest team was formed by SWAT officers who approached and removed Trejo from the vehicle and placed him into custody. The shotgun was recovered from the truck.<sup>8</sup> Personnel from the Los Angeles Fire Department responded and pronounced Trejo dead at the scene. An autopsy conducted on November 11, 2014, ascribed Trejo's death to multiple gunshot wounds to the chest. The toxicology report revealed that at the time of his death, Trejo's blood tested positive for alcohol and methamphetamine.

## LEGAL ANALYSIS

California law provides that the use of deadly force in self-defense or in defense of others is justifiable if the person claiming the right of self-defense or the defense of others honestly believes that he or others were in imminent danger of great bodily injury or death, and a reasonable person in the same circumstances would also deem it necessary to use deadly force in order to protect themselves or others from the deadly peril. Cal. Penal Code § 197; *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 1073, 1082; *see also* CALCRIM No. 505.

Actual danger is not necessary to justify the use of force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon these circumstances. The right to self defense is the same whether the danger is real or apparent. *People v. Toledo* (1948) 85 Cal.App. 2d 577, 580.

“If the defendant acted from reasonable and honest convictions he cannot be held criminally responsible for a mistake in the actual extent of the danger, when other reasonable men would alike have been mistaken.” *People v. Jackson* (1965) 233 Cal.App. 2d 639, 642.

## CONCLUSION

The evidence examined shows that Trejo was wanted for an assault with a shotgun and baseball bat. Trejo refused to stop his vehicle when officers attempted to conduct a felony traffic stop. Instead, he led officers on a two hour slow-speed chase. Trejo repeatedly pointed a sawed-off shotgun at the pursuing officers. Four officer involved shootings transpired, but Trejo was not struck. The pursuit finally came to an end when a SWAT armored vehicle conducted a PIT maneuver on Trejo's vehicle. While pinned in by multiple SWAT vehicles, Trejo continued to show his unwillingness to surrender. Trejo did not want to go back to prison and asked the police to shoot him. After taking a drink of beer and injecting himself with methamphetamine, Trejo picked up the shotgun. Trejo pointed the shotgun up to his face

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<sup>7</sup> A syringe was located in the street near Trejo's truck. The contents were analyzed and determined to contain methamphetamine.

<sup>8</sup> Trejo was armed with a Bioto 12-gauge shotgun. The shotgun was unloaded.

then moved it toward Officer Curry. Trejo's actions placed Curry in reasonable fear of imminent death and great bodily injury and he responded with reasonable deadly force. We conclude that Officer Curry acted in lawful self-defense and defense of others when he used deadly force against Jorge Trejo. We are therefore closing our file and will take no further action in this manner.