

**Fatal Officer Involved Shooting of Carlos Torres, Jr.  
Los Angeles Police Department**

**Officer Miguel Zendejas, #40955, Officer Adiel Herrera, #42119,  
Officer Raul Hernandez, #43361**

**J.S.I.D. File #19-0363**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**February 21, 2023**

**MEMORANDUM**

TO: CAPTAIN RICH GABALDON  
Los Angeles Police Department  
Force Investigation Division  
100 West First Street, Suite 431  
Los Angeles, California 90012

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

SUBJECT: Fatal Officer Involved Shooting of Carlos Torres Jr.  
J.S.I.D. File #19-0363  
F.I.D. File #F042-19

DATE: February 21, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 19, 2019, fatal shooting of Carlos Torres Jr. by Los Angeles Police Department (LAPD) Officers Miguel Zendejas, Adiel Herrera, and Raul Hernandez.

We have concluded the officers acted in lawful self-defense and defense of a third party when they fired their weapons, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against a deadly threat and to immediately apprehend a violent felon who posed a deadly threat if allowed to escape.

The District Attorney's Command Center was notified of this shooting on August 19, 2019, at approximately 6:00 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Lieutenant David Smith.

The following analysis is based on body worn video (BWV), surveillance footage, photographs, reports, and recorded witness interviews. The involved officers did not provide voluntary statements, and their compelled statements, if any exist, were not considered. These materials were submitted to this office by the LAPD Force Investigation Division.

**INTRODUCTION**

On August 19, 2019, at approximately 4:21 p.m., Mission Station officers Herrera and Hernandez, in uniform and marked patrol car, responded to a family disturbance call at a residence in Arleta. Dispatch informed them that the reporting party, [REDACTED], would be waiting for them outside the residence. [REDACTED]'s son, Carlos Torres, Jr., (hereinafter Torres) had locked [REDACTED] out of their house and not allowed him inside for the past several days.

Arriving at the scene, the officers walked toward the front of the residence. Torres opened the front door and stood in the threshold. [REDACTED] walked into the front yard moments later.

Herrera separated from Hernandez and spoke with ██████ out of earshot of Torres. Among other things, ██████ told Herrera that Torres may be armed.

Herrera rejoined Hernandez, who was speaking with Torres, and told Hernandez under his breath that Torres may be armed. Torres appeared to overhear. According to BWV, he immediately stepped back inside the threshold of his door and partially stood behind it. The officers asked him to exit the house. He told them that they did not have permission to enter. ██████ responded, "You have permission to enter." At that moment, Torres drew a pistol from his waistband and, BWV shows, pointed it at the officers as they quickly drew their weapons and each fired several shots at Torres in response. (It is not apparent in the footage, but other evidence, discussed below, shows that Torres fired one round at the officers around the same time they opened fire.) Torres disappeared inside the house.

The officers retreated to the curb of Ottoman Street. Herrera radioed, "Shots fired, officer needs help." ██████ ran across Ottoman Street, away from the house. A second later, Torres followed behind him, running from a side yard, pointing his pistol in front of his body in ██████' direction, perpendicular to the officers' position. Both officers fired a second volley of shots at Torres, who reached the middle of the roadway, turned away from them, and ran down the middle of the street toward Arleta Avenue. Herrera fired several shots at Torres' backside.

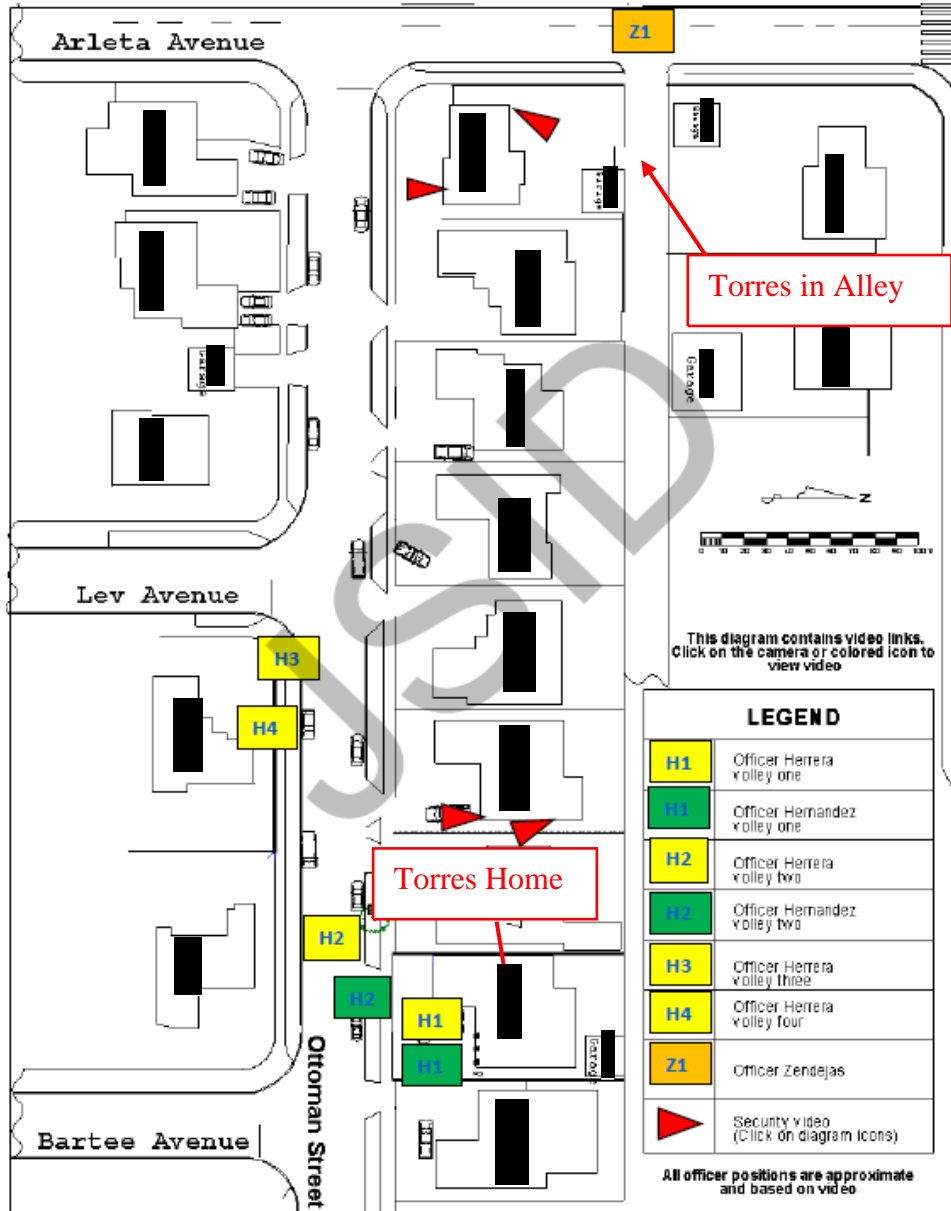
The officers ran after Torres. According to BWV, Herrera ran several dozen feet then abruptly stopped near Lev Avenue, where Torres stood pointing his pistol at him from across the street. Herrera fired at Torres a third volley of shots. Torres turned and continued running toward Arleta Avenue, out of sight.

Torres ran into the front door of a residence near the corner of Ottoman Street and Arleta Avenue. He encountered several individuals inside. According to their statements, Torres asked them to hide him from the police. Two male individuals armed themselves with a pistol and a shotgun, respectively, and forced Torres into their backyard and over a fence, into an alley near Arleta Avenue. Torres stood in the alley and pointed his pistol toward Arleta Avenue, surveillance footage shows, while the two armed individuals remained in their backyard watching him.

About this time, Officer Jose Organista was driving past the alley in a marked patrol car with Officer Miguel Zendejas riding passenger. They spotted Torres standing in the alley holding the gun. According BWV, Organista quickly stopped the patrol car. Zendejas stated, "He has a gun," exited the car, drew his service pistol, and fired one round at Torres, who immediately fell to the ground.

Moments after Torres fell to the ground, BWV captured him lying on his back in the alley, reaching for the pistol a short distance away. Multiple officers commanded him to stop reaching. Eventually, he grew still. The pistol was a .22 caliber semiautomatic loaded with 10 rounds and one expended casing in the chamber. Torres was pronounced dead at the scene after sustaining a fatal gunshot wound to the chest and three nonfatal wounds to the left arm.

Investigators found a fired bullet on Torres' front porch, which ballistic analysis determined had been fired from Torres' pistol. Torres' hands contained gunshot residue. No latent prints were found on the pistol, and it was not tested for the presence of Torres' DNA.



## FACTUAL ANALYSIS

### Video Evidence and Witness Statements

Herrera and Hernandez's BWVs show them walk toward Torres' front door. Torres opens the door before they reach it and stands in the threshold, slightly outside the door.

He is wearing a dark, loose fitting sweatshirt and gray sweatpants. The officers ask him who lives at the house and whether he called the police. Torres tells them that he did not call the police but thinks the alarm “called” them. He explains that he lives there with his father and mother, who are not home. ██████ walks into the front yard of the residence as the officers are speaking with Torres. Herrera speaks with ██████ near the street, at the edge of the yard and out of Torres’ immediate presence, as Hernandez stays with Torres near the front door.

██████ tells Herrera that his son threatened him and his wife, will not allow them to enter their house, and is carrying a gun. Elaborating, ██████ says that he does not know if Torres currently is armed but knows he owns a gun, which he carries “all the time.” Torres has pointed it at him in the past. ██████ also tells him that Torres had served 15 years in prison for attempted murder.

After speaking with ██████, Herrera rejoins Hernandez near the front door, where Torres is still standing. Under his breath, Herrera tells Hernandez that Torres may be armed. Torres looks their direction as though he overhears. He immediately steps back through the doorway threshold into the house. Hernandez says, “██████, wait, wait, ██████ [referring to Torres].” Immediately after ██████ tells the officers, “You have permission to enter,” Torres draws a pistol from his waistband and, standing behind the door, points the pistol at the officers. Both officers draw their weapons and open fire. Torres closes the door and disappears inside the house. It is not apparent from the footage that Torres fired at the officers.



*Figure 1: BWV still showing Torres draw a pistol from his waistband.*



*Figure 2: BWV still showing Torres point his pistol at the officers.*

The officers reposition onto Ottoman Street. [REDACTED] runs across Ottoman Street, to the curb opposite his house. BWV captures Torres yell “Pa” and run from the side of the residence into the middle of the road, pointing the pistol in front of him, in [REDACTED]’s direction. Herrera and Hernandez fire several rapid shots at Torres who runs, first, perpendicular to Herrera, then turns and sprints away from him. Herrera continues firing a slower sequence, at Torres’ backside, until his gun goes empty and Torres falls to the ground. Hernandez, positioned several yards behind Herrera, fires no more rounds. Torres regains his footing and continues running away.



*Figure 3: BWV still showing Torres running while pointing the gun.*

Herrera runs after Torres but abruptly stops near Lev Avenue. Torres is seen on BWV across the street, first standing still, then pointing his gun at Herrera. Herrera stops, backpedals, and fires several rounds at Torres, who turns and continues running toward Arleta Avenue. A witness located a few houses west on Ottoman Street told investigators that he saw Torres fire three to four rounds at the officers who were chasing him. (There is no physical evidence that Torres fired at that time.) [REDACTED] also stated that Torres fired at officers on Ottoman Street.



*Figure 4: BWV still appearing to show Torres pointing his gun at Herrera.*



After Torres ran out of site, Herrera runs to the southeast corner of Ottoman and Arleta, joined shortly by Hernandez, where both remain until back up units arrive.

Meanwhile, unknown to the officers, Torres entered a residence near the corner of Ottoman and Arleta through an unlocked front door. The home was occupied by a family. According to their statements to investigators, Torres entered holding a gun and asked them to hide him because the police were chasing him. Two male residents retrieved firearms and ordered Torres from the house at gunpoint.

Video footage from the backyard of the residence captures the two armed men pointing their weapons at Torres as he appears to speak with them, gun in hand, then climb over their backyard wall leading to the alley. Torres stands in the alley facing the men and appears to continue to speak with them. He is visible from the shoulders up. He points his pistol, with his arm fully extended out from his side (perpendicular to the direction he is facing) toward the location where Zendejas and Organista stopped their patrol car. Torres lowers the pistol out of view. Three seconds later, he falls out of view as the men in the backyard flinch and duck (apparently reacting to Zendejas' gunshot). The footage contains no audio.

Officers Miguel Zendejas and Jose Organista responded to the scene after a "shots fired" broadcast. They were in uniform and a marked patrol car. Organista was driving and Zendejas was passenger. They heard an airship broadcast that Torres was in the alley. According to Organista's statement, he was driving by the alley when he looked to his left and saw Torres pointing a gun in their direction. Zendejas is heard on BWV saying "He has a gun" as the patrol car stops at the mouth of the alley. Zendejas exits the passenger side of the car and fires one shot at Torres, who immediately falls to the ground. Zendejas' BWV captures Torres at the moment he fired, but the footage is partially obstructed and grainy; Torres' actions are not discernable. According to Organista's statement, he was maneuvering and parking the patrol car at the time Zendejas fired, and Torres had fallen to the ground by the time he exited the car. Organista's BWV does not capture Zendejas' shot.





*Figure 5: Video still showing Torres point his gun toward Zendejas' position.*



*Figure 6: Zendejas' BWV still frame showing the moment he fired his weapon.*



*Figure 7: BWV showing Torres lying on the ground and reaching for his gun.*

Physical Evidence



*Figure 8: Torres' gun.*

A .22 caliber semiautomatic pistol was recovered in the alley a short distance from Torres' body. Its chamber was jammed with an expended casing, rendering it inoperable in that condition. The pistol was loaded with ten live rounds. Investigators recovered a fired bullet from Torres' porch. Ballistics testing confirmed it had been fired from Torres' pistol. Gunshot residue was found on both of Torres' hands. No fingerprints were found on the pistol, and it was not tested for the presence of DNA.

Herrera, Hernandez, and Zendejas were armed with department-issued 9mm pistols. Based on an examination of their weapons after the incident, casings recovered at the scene, and BWV, Herrera likely fired 26 rounds during the incident; Hernandez seven; and Zendejas one. Herrera fired his weapon empty and reloaded once during the incident. Hernandez conducted one (tactical) reload.

In total investigators recovered thirty-four 9mm casings, from locations consistent with the three officers' firing positions, based on BWV: eleven casings lay in Torres' front yard; twenty-two along Ottoman Street; and one on Arleta Avenue, near the alley where Zendejas fired at Torres.

### Injuries

Torres was pronounced dead at the scene by fire personnel. Doctor Ajay Panchal of the Los Angeles County Coroner's Office performed an autopsy and ascribed the cause of death to a gunshot wound to the chest. The bullet entered the right side of Torres' chest and traveled right to left, front to back. Additionally, Torres suffered three nonfatal gunshot wounds to his left arm. Toxicology testing revealed the presence of Methamphetamine in Torres' blood.

### **THE LAW**

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 to 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. 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 section 835a(e)(2).

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) & (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).

## ANALYSIS

Shortly after contacting Torres on his front porch, Herrera and Hernandez learned from ██████ that Torres was likely armed. Torres had pointed a gun at ██████ in the past and had previously been to prison for attempted murder. There is circumstantial evidence that after ██████ permitted the officers to enter his residence, Torres immediately pulled a pistol from his waistband, pointed and fired at the officers. They each fired several shots at Torres, just as he pointed his pistol at them. Although it is not apparent who shot first, it is clear from the BWV that Torres drew his pistol and pointed it before the officers opened fire. A fired bullet found near the front door and matched to Torres's pistol and an expended casing in the chamber prove that Torres not only pointed but also fired the pistol.

Seconds after the first volley, Herrera and Hernandez repositioned on the street in front of the Torres residence. ██████ ran from his front yard across the street. A moment later, Torres followed behind him. BWV shows Torres yelled "Pa!" and ran while pointing his pistol in ██████'s direction. The officers immediately opened fire at Torres, who then turned away from them and ran down the middle of the street. Herrera fired several more rounds at Torres' backside.

Regarding the second volley of shots, given the circumstances, including Torres' shot at the front door seconds prior, it was reasonable for the officers to believe that Torres still posed a deadly threat when he was pointing his pistol at ██████. Likewise, as Torres ran away while still holding the pistol, despite having his back to Herrera, it was reasonable to believe that deadly force was necessary to apprehend a fleeing person who had just committed a violent felony and who—running armed through a neighborhood—posed an ongoing threat of death or serious bodily injury to another if allowed to escape.

Regarding Herrera's final volley, BWV shows that he opened fire as Torres stood across the street pointing his gun at him as though waiting to ambush Herrera.

Zendejas and Organista responded to the scene after hearing broadcasts of "shots fired." Organista heard an airship broadcast Torres' location in the alley. Organista spotted Torres as he was driving by the alley. He stated that Torres was pointing a gun in their direction. Organista did not state and was not asked whether he observed Torres at the moment Zendejas fired. BWV captures Zendejas say "He has a gun" just before he exited his car and fired at Torres. Additionally, surveillance footage shows Torres pointing his pistol in the officers' direction a few seconds before he appears to fall out of view. Although Zendejas' BWV captures Torres at the time he fired, it is obstructed and too grainy to determine what Torres is doing. Based on the available video footage, it is clear that Torres was, at minimum, pointing his pistol in the officers' direction seconds before Zendejas fired his weapon.

Considering the totality of the circumstances known to the officers at the time, including those leading up to the incident, it was reasonable for the officers to believe that deadly force was necessary to defend against an imminent deadly threat and to immediately apprehend a fleeing person who had committed a violent felony and posed an ongoing deadly threat. The officers acted reasonably based on the facts perceived by them at the time, and this conclusion is not altered by the hindsight knowledge that Torres' pistol jammed after his first shot and was likely inoperable thereafter.

## **CONCLUSION**

For the foregoing reasons, we find that Officers Zendejas, Herrera, and Hernandez acted lawfully in self-defense, defense of a third party, and in immediately apprehending a violent felon who was fleeing and posed an ongoing deadly threat.