

OFFICE OF THE DISTRICT ATTORNEY

November 7, 2024



REPORT ON THE APRIL 7, 2023,
SHOOTING OF CRISTIAN BALTAZAR-TORRES
BY
OXNARD POLICE DEPARTMENT
OFFICER JARROD SHEFFIELD

ERIK NASARENKO
DISTRICT ATTORNEY
COUNTY OF VENTURA

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I.
INTRODUCTION

On April 7, 2023, at approximately 6:02 p.m., Oxnard Police Department (OPD) dispatchers received multiple calls regarding a suspect threatening civilians with a knife at 2093 East Bard Road, in Oxnard. OPD Officer Daniel Casse traveled to the address with overhead patrol lights and siren activated. Officer Jarrod Sheffield mobilized separately to that location.

As the officers were responding, they received updated information from dispatch providing a description of the suspect as a Hispanic male, wearing a tan jacket and jeans. It was reported that the suspect, later identified as Cristian Baltazar-Torres, was now in the reporting party's grey Chevrolet truck parked in a carport. In fact, dispatch received multiple calls regarding Baltazar-Torres threatening neighbors with a knife.

Officer Casse drove his patrol car to the alley in the rear of the condominium complex at the scene. Two male subjects waved and pointed to a parked grey Chevrolet Silverado truck. Officer Sheffield had pulled in behind him. Both officers exited their respective patrol cars and took cover behind Officer Sheffield's car which was approximately one car length behind the grey truck.

Officer Sheffield began giving directives to Baltazar-Torres. Officer Sheffield said, "Sir, inside the vehicle, inside the grey Silverado! Roll down the window." Baltazar-Torres did not roll down the window or respond verbally. Baltazar-Torres began pushing the brake pedal inside the truck so that the brake lights activated. This conduct was concerning to the officers because it signaled noncompliance with the verbal commands and suggested Baltazar-Torres might intend to use the truck as a weapon against the officers.

Officer Sheffield continued to give loud, clear commands to Baltazar-Torres. At this time, Sergeant Todd Johnson arrived on scene and directed Officer Casse to give announcements to Baltazar-Torres. Officers Randi Vines and Kyle Hay arrived separately. Officer Casse

loudly said, “Hey person in the truck, I need you to open the door and come talk to me, it’s the Oxnard Police Department!”

Baltazar-Torres stepped on the brake again and held it there for six seconds, illuminating the brake light. The brake light went off briefly and went back on for approximately 22 seconds. Officers became increasingly concerned that he planned to drive the car forward and become a threat to the public or reverse the truck into the officers’ position. An unknown party notified officers at the scene that Baltazar-Torres did not have the keys to the truck. Officer Casse gave another command, “Step out of the vehicle, driver! I need you to open the door!” Sergeant Johnson began giving commands to open the door in Spanish, despite not being a department-certified Spanish speaker. Sergeant Johnson also requested a Spanish-speaking officer respond to the scene.

Following the commands in Spanish, Baltazar-Torres made a sound inside the truck as though he struck the windows with his fist. Approximately seven to eight minutes after Officers Casse and Sheffield arrived on scene, Baltazar-Torres opened the driver’s side door holding multiple items in his arms. He began to walk towards the officers while holding a knife despite their alternating commands in English and Spanish to put his hands up and get on the ground.

Officer Sheffield alerted other officers by saying, “He’s got a knife in his hand.” Officers repeatedly told Baltazar-Torres “Drop it, drop it.” Baltazar-Torres continued to walk towards the officers. Sergeant Johnson deployed his Conducted Electrical Weapon (CEW), commonly referred to as a taser. Sergeant Johnson struck Baltazar-Torres with the taser but Baltazar-Torres remained standing. He began jumping around but did not release the items in his hands. Baltazar-Torres was approximately 12 feet from the officers. Baltazar-Torres continued moving towards the officers, and ignored all commands.

Officer Randi Vines had taken a position west of Baltazar-Torres equipped with a less lethal shotgun. At Sergeant Johnson’s direction, Officer Vines fired the shotgun, striking Baltazar-Torres. Baltazar-Torres briefly fell to the ground. Officers gave multiple

commands in both languages directing Baltazar-Torres to stay where he was and not move. Baltazar-Torres began to rise from the ground, regaining his feet with the knife in his hand. Baltazar-Torres ignored those commands and turned west towards officers, still holding the knife. Officer Sheffield fired one round and paused but Baltazar-Torres was still on his feet moving towards other officers. Officer Sheffield fired three additional rounds and Baltazar-Torres fell to the ground.

Officers located an extended folding knife near the front left tire of Sergeant Johnson's patrol car. They immediately placed Baltazar-Torres into a recovery position and began to provide medical assistance including administering CPR until fire personnel arrived at 6:24 p.m. Baltazar-Torres was transported to Ventura County Medical Center with multiple gunshot wounds. At 6:56 p.m., Baltazar-Torres was pronounced deceased.

The District Attorney's Office has a 24-hour, on-call, officer-involved shooting team available to all Ventura County law enforcement agencies to assist in the investigation of officer-involved shootings. Senior Deputy District Attorney Erin Meister and District Attorney Investigator Dan Horan responded to the shooting scene and consulted with the investigating officers.

OPD investigated the shooting, which included interviewing witnesses, collecting physical evidence, and photographing the area of the shooting. On October 18, 2023, all OPD investigation reports were submitted to the District Attorney's Office for a determination of whether the shooting of Cristian Baltazar-Torres was justified and, if not, whether criminal charges should be filed. The scope of the District Attorney's review was limited to those issues.

Senior Deputy District Attorney Meister reviewed this case. She examined approximately 500 pages of reports and other documents including interviews of police and civilian witnesses, diagrams, photographs, and records. She watched approximately 2 hours and 15 minutes of body-worn camera video and listened to approximately 3 hours of audio interviews. No compelled statements were considered.

Based on the evidence available for review, the District Attorney's independent review and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Cristian Baltazar-Torres by OPD Officer Jarrod Sheffield was justified and not a criminal act.

II.

WITNESS STATEMENTS AND VIDEO EVIDENCE

A. Witness Statements

1. Hector Gonzalez

Hector Gonzalez resided at 2093 East Bard Road. At the time of the incident he was inside his attached garage, with his wife, Yvette, their two minor sons, and another family member. His vehicle was parked in the alley, parallel to his garage unit. Gonzalez was cutting his son's hair when a neighbor drove by and advised him that there was a suspicious individual, later identified as Baltazar-Torres, in the condominium complex.

Shortly after the neighbor warned Gonzalez, Baltazar-Torres approached Gonzalez's open garage door. Gonzalez noted Baltazar-Torres had a black or dark colored bundle in his hands. Gonzalez went to the threshold of the garage door to meet Baltazar-Torres. Baltazar-Torres said something like, "Just take it. Just take care of it," referring to the dark colored bundle in his hands. While saying this, Baltazar-Torres reached into one of his pockets and produced a folding knife.

Baltazar-Torres pointed the knife at Gonzalez. Gonzalez grabbed a broom he had nearby and used the broom to try and push Baltazar-Torres back and away from the garage so that Yvette could close the garage door and keep the family safe. Gonzalez said something to Baltazar-Torres like, "Get away from here. There are kids in here." Gonzalez was able to push Baltazar-Torres back enough to allow the garage door to come down and close. Gonzalez and his family were able to safely move into their residence. Gonzalez said the incident caused his adrenaline to pump and he was focused on protecting his children and his wife.

2. Yvette Gonzalez

Yvette Gonzalez (Yvette) was the original reporting party. Yvette was inside the garage with her family as her husband was cutting their child's hair. Their family car was parked parallel outside the garage. Her youngest son and another child were playing in the alley. Once the neighbor advised Yvette and her husband that there was a suspicious person nearby, she brought the children inside the garage. Soon, the suspicious person, later identified as Baltazar-Torres, approached them carrying a bundle in his hands. Yvette could not see what was in the bundle. She said Baltazar-Torres had a knife that he pointed in her direction and pointed it at her husband.

Yvette said she was scared during the incident and felt Baltazar-Torres' behavior was unpredictable and she thought Baltazar-Torres was going to stab her husband. Yvette said her husband was using the broom to try and remove Baltazar-Torres from their garage and Yvette tried several times to close the garage door. However, Baltazar-Torres' body kept triggering the motion sensor, preventing the door from closing. Eventually, she was able to close the garage door completely. She called 9-1-1.

3. Pedro Gonzalez-Meneses

Pedro Gonzalez-Meneses was walking with his one-year-old son near his residence at 2099 East Bard Road when his nine-year-old daughter approached him and said there was a man with a knife threatening their neighbor in the alley. Gonzales-Meneses retreated into his garage. He could see the subject, later identified as Baltazar-Torres, in possession of a knife. Baltazar-Torres followed Gonzalez-Meneses into the garage. Gonzalez-Meneses attempted to manually close the door, but Baltazar-Torres prevented him from closing it by lifting it. Gonzalez-Meneses was able to close the garage door and he went into his residence with his family. He was informed by his brother that Baltazar-Torres had possibly entered his truck which was parked outside in the alley. Gonzalez-Meneses identified the truck as his.

Gonzalez-Meneses said he watched the incident with the police occur. He saw Baltazar-Torres exit the truck and refuse to comply with the officer's commands to stop and drop the knife. He saw the taser deployed and said it had no effect. He saw an officer deploy "rubber bullets" and those did not have an effect. Gonzalez-Meneses said the officers were five to six feet away from Baltazar-Torres when he was shot. Gonzalez-Meneses speaks Spanish only and said he understood the commands the officers were shouting at Baltazar-Torres. Gonzalez-Meneses was still able to see the knife as Baltazar-Torres approached the officers. Gonzales-Meneses believed the officers would not have shot Baltazar-Torres if he had dropped the knife. Gonzales-Meneses identified the subject who was shot as Baltazar-Torres.

4. Sergeant Todd Johnson

Sergeant Johnson submitted to a voluntary interview with detectives on April 8, 2023, at 1:05 a.m., approximately seven hours after the shooting. His attorney was present.

At the time of the shooting, Sergeant Johnson had been a police officer for approximately 20 years. During his tenure with the OPD, Sergeant Johnson has worked as a patrol officer, field training officer, neighborhood policing team officer, SWAT team officer, and homeless liaison officer. He has served as a firearms instructor, defensive tactics instructor, taser instructor, and peer support team coordinator for the department.

Sergeant Johnson was working an overtime shift on the date of the shooting. He was well-rested when he came to work that day. Sergeant Johnson was wearing his full department issued uniform and was wearing his body armor. He was carrying his Sig Sauer 9mm handgun and taser as force options on his duty belt. His baton was in his patrol car and not on his belt at the time of the shooting.

Sergeant Johnson was in the area of Rose Avenue and Eastman Avenue when he heard a lights and siren, "Code 3," call was dispatched requesting a Sergeant respond. Sergeant Johnson advised he would respond. Sergeant Johnson knew the call involved a report of a subject brandishing a knife. He heard other officers responding to the call. Sergeant

Johnson did not respond Code-3 but he wanted to get to the call quickly and safely in case the other officers were shorthanded due to the location of the call.

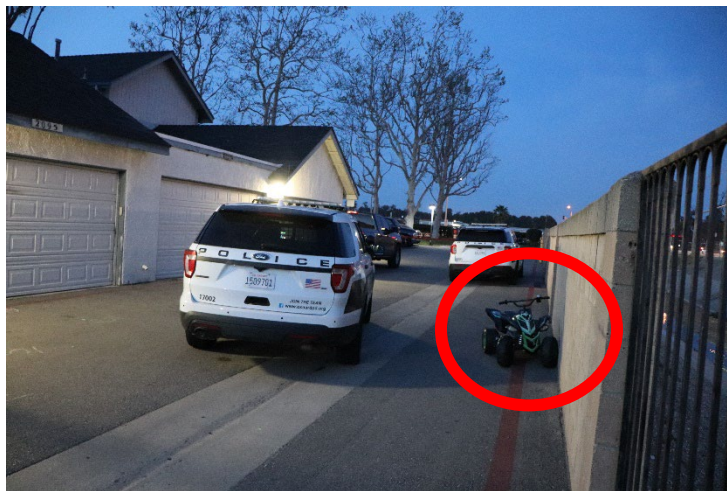
When he arrived, Sergeant Johnson saw Officers Casse and Sheffield. They were standing at the rear of a Ford Explorer police car. Sergeant Johnson saw Gonzalez-Meneses' truck parked with another police car alongside the truck. Sergeant Johnson recalled the truck being a dark color, either charcoal or green. He said the vehicle windows were tinted and he could not see inside the truck from where he was positioned due to the tint. He could not see the driver's side of the truck because of how close the truck was parked to the garage.

Sergeant Johnson saw Officer Sheffield on the right side of the patrol unit and Officer Casse on the left side of the patrol unit. He was advised they had been giving announcements to the suspect inside the truck and the suspect was not exiting. Both Officers Casse and Sheffield had their firearms drawn. Officer Vines arrived on scene and Sergeant Johnson told him to retrieve the less lethal shotgun which Officer Vines retrieved from the patrol unit they were all standing behind.

Sergeant Johnson spoke with a civilian who reported that the subject in the car, later identified as Baltazar-Torres, was armed with a knife and had chased the civilian with the knife earlier. Sergeant Johnson was advised the brake lights of the truck were activating on and off. Sergeant Johnson confirmed that the truck keys were in the possession of the owner and not inside the truck with the suspect. He noted that there was a child's Razor scooter and a four-wheeler toy near the truck, raising some alarm that there were children in the area.



Still image of child's scooter behind the Chevrolet truck.



Still image of child's four-wheeler behind the Chevrolet truck.

Sergeant Johnson gave an announcement in Spanish ordering Baltazar-Torres to get out of the vehicle with his hands up. He gave a second announcement in Spanish. He requested a Spanish speaking officer be dispatched to the scene so that clear commands could be given and that the use of force advisement could be properly administered. Dispatch advised they would send a Spanish speaking officer when one became available. Sergeant Johnson heard a banging noise coming from within the car which caused him to be concerned that Baltazar-Torres might exit the car agitated or violent.

A short time after the announcements were given, the driver's side of the door opened. Sergeant Johnson was standing with Officer Casse to his left and Officer Sheffield to his right. Officer Vines was behind him to the left and Officer Hay was behind him.

Sergeant Johnson noted there was an unknown object in Baltazar-Torres' hands. As Baltazar-Torres walked closer, Sergeant Johnson recognized the object as a knife and observed Baltazar-Torres switching the knife between each of his hands, pointing it towards the officers. Baltazar-Torres continued advancing toward the officers, ignoring all commands to stop and discard the knife.

Sergeant Johnson observed Baltazar-Torres wearing a heavy jacket and knew, as a result of his training and experience as a taser instructor, that a taser may be ineffective due to the heavy, layered clothing. Sergeant Johnson sought an opportunity to deploy the taser to avoid a lethal confrontation. When he deployed the taser, he saw Baltazar-Torres "flinch" but soon recognized the taser was not working as he heard a "clicking" sound instead of the "humming" sound that accompanies a successful deployment.

The officers backed up at Sergeant Johnson's direction. However, Sergeant Johnson realized he and his fellow officers were backing themselves into a brick wall where the only alternative move would have caused them to fall into a funnel-like formation instead of a static line where they could provide lethal coverage for the less-lethal options. Officer Vines deployed the less lethal shotgun one time. Sergeant Johnson stated Baltazar-Torres doubled over on his knees but retained control of the knife. Sergeant Johnson stated Baltazar-Torres stood up again and started advancing towards the officers who were now standing within four to five feet of him. As Sergeant Johnson prepared to transition from the taser to his firearm due to the escalation of the incident, he heard Officer Sheffield fire his weapon.

Baltazar-Torres fell to the ground in front of Sergeant Johnson and the other officers. Sergeant Johnson ordered Baltazar-Torres to put his hands in the air. Sergeant Johnson took control of Baltazar-Torres' left hand and noted he did not have a weapon in that hand. The knife was located near the front left tire of Sergeant Johnson's patrol vehicle. Officers began to administer medical aid.

Sergeant Johnson said he believed Baltazar-Torres had an apparent intent to assault him or one of his fellow officers which would have resulted in their great bodily injury or

death. Sergeant Johnson feared Baltazar-Torres based on his aggressive behavior with the knife on the civilians as well as his behavior inside the truck. He believed because Baltazar-Torres continued to advance on the officers with a knife pointed in their direction despite the officers being armed with a taser device, a less lethal shotgun, and several firearms, and that Baltazar-Torres harbored that intent and planned to close the distance between himself and the officers and stab one of them.

5. Officer Randi Vines

Officer Vines submitted to a voluntary interview with detectives on April 8, 2023, at 3:00 a.m., approximately nine hours after the shooting. His attorney was present. At the time of the shooting, Officer Vines had been a police officer with OPD for approximately five years. He has not worked for any other police departments.

On April 7, 2023, Officer Vines was working a 12-hour, daytime patrol shift. He got approximately 9 to 10 hours of sleep prior to starting his shift. Officer Vines was wearing his full uniform that day and was driving a marked patrol vehicle. He was armed with his department-issued Sig Sauer 9mm handgun, OC Spray, a baton, and a taser. Officer Vines said he also carried a folding knife in his right pocket.

Officer Vines said he was finishing another call for service when he heard two other units dispatched to the south end of the city for a brandishing call. Officer Vines cleared the call he was on and responded to Bard Road.

Officer Vines arrived on scene at approximately the same time as Sergeant Johnson. He noted Officers Casse and Sheffield were positioned behind an OPD patrol unit indicating to Officer Vines that they were engaging in a “high risk stop,” meaning that the officers were putting a barrier between themselves and the suspect to provide some cover and better ensure the officers’ safety.

Officer Vines was advised that announcements had been given to the suspect in the Chevy Silverado truck, later identified as Baltazar-Torres, and there had been some

movement inside the truck. Officer Vines was able to see the truck from his position but could not see inside the truck due to the darkly tinted windows. Officer Vines did see some movement of the truck itself, described as shaking or rocking, indicating someone was inside. He also saw the brake lights activated as if someone was pressing on the brake pedals. The brake lights were concerning to Officer Vines because he thought Baltazar-Torres might try and start the truck and attempt to flee or back the truck into the officers.

Sergeant Johnson directed Officer Vines to retrieve the less lethal shotgun and Officer Vines complied by getting the less lethal shotgun from Officer Sheffield's patrol vehicle. The less lethal shotgun was not loaded so he loaded it with four bean bag rounds in the magazine and one in the chamber of the shotgun. Officer Vines heard Sergeant Johnson make several announcements in Spanish. He heard banging noises coming from within the truck. He next heard Officer Casse say Baltazar-Torres stepped out of the vehicle. Officer Vines repositioned himself to get a better view of Baltazar-Torres. Officer Vines saw Baltazar-Torres advance towards the officers. Officer Hay advised officers that Baltazar-Torres had a knife in his hand. Officer Vines saw the knife in Baltazar-Torres' left hand. He described the knife as silver with a four to five-inch blade. Baltazar-Torres continued to walk toward the officers.

Officer Vines said Sergeant Johnson fired the taser on Baltazar-Torres and it was not effective because Baltazar-Torres continued to advance toward the officers and refused to comply with verbal commands. Officer Vines said he fired the less lethal shotgun. Officer Vines aimed at Baltazar-Torres' abdominal area in accordance with his training. He said aiming for the abdomen can achieve pain compliance without damaging any vital organs. Officer Vines said Baltazar-Torres clenched his body and fell to the ground. Once Baltazar-Torres was on the ground, officers took a few steps toward him to try and detain him. Vines stated at that time, Baltazar-Torres stood up. Baltazar-Torres was still armed with the knife when he stood. Officer Vines was unable to transition from the less lethal shotgun to his firearm. He expressed feeling like he was at a "standstill" trying to determine whether he should deploy a second bean bag round. While he was considering his options, he heard four to five rounds being fired from a firearm.

Officer Vines said he believed Baltazar-Torres was going to advance on the officers on scene and “hurt them with a knife,” and could cause great bodily injury or death to the officers on scene.

B. Body-Worn Camera Video of Incident

1. Officer Jarrod Sheffield Body-Worn Camera Video

Officer Sheffield’s body-worn camera activated at approximately 6:02 p.m. as he was in en route to assist Officer Casse in the 2000 block of East Bard Road in Oxnard. At 6:09 p.m. he arrived in the alley and parked approximately 30 feet behind Officer Casse’s patrol car. Officer Sheffield took cover behind the rear passenger side of his patrol car. He had his handgun out of its holster. At 6:10 p.m., Officer Sheffield called out to Baltazar-Torres in a clear, loud voice and said, “Sir inside the vehicle, inside the grey Silverado, roll the window down.” When he did not receive a response, Officer Sheffield continued giving commands and said, “Sir, it's the Oxnard Police Department, I see you inside the driver’s seat.” At 6:11 p.m., Officer Sheffield motioned to a passerby on the far end of the alley to clear the area. He made a third announcement and said, “Sir in the grey truck.”

At 6:15 p.m., Officer Sheffield raised his firearm out in front of him as Baltazar-Torres emerged from the truck and started walking towards the officers. Officer Sheffield walked to the right of Officer Casse with his firearm raised. Sergeant Johnson had a taser in his right hand. Multiple officers were telling Baltazar-Torres to drop the knife. At 6:16 p.m., the taser was fired and subsequently the less-lethal shotgun but both failed to immobilize Baltazar-Torres. Officer Sheffield took approximately four steps toward Baltazar-Torres after the less-lethal shotgun round was fired and Baltazar-Torres was on the ground. Sergeant Johnson moved towards Baltazar-Torres while he was on the ground and told him, “Don’t move,” and, “No te muevas, no te muevas” in Spanish, which translates to “Do not move.” Officer Sheffield also told Baltazar-Torres in English, “Drop it,” and, “Don’t move.”

Baltazar-Torres was on the ground for approximately two seconds when he rolled to his left towards Officer Sheffield and Sergeant Johnson. While doing this, Baltazar-Torres rolled over both of his hands, concealing them from the view of Officer Sheffield's body camera. Baltazar-Torres started to stand up so that the front of his body was facing Officer Vines.

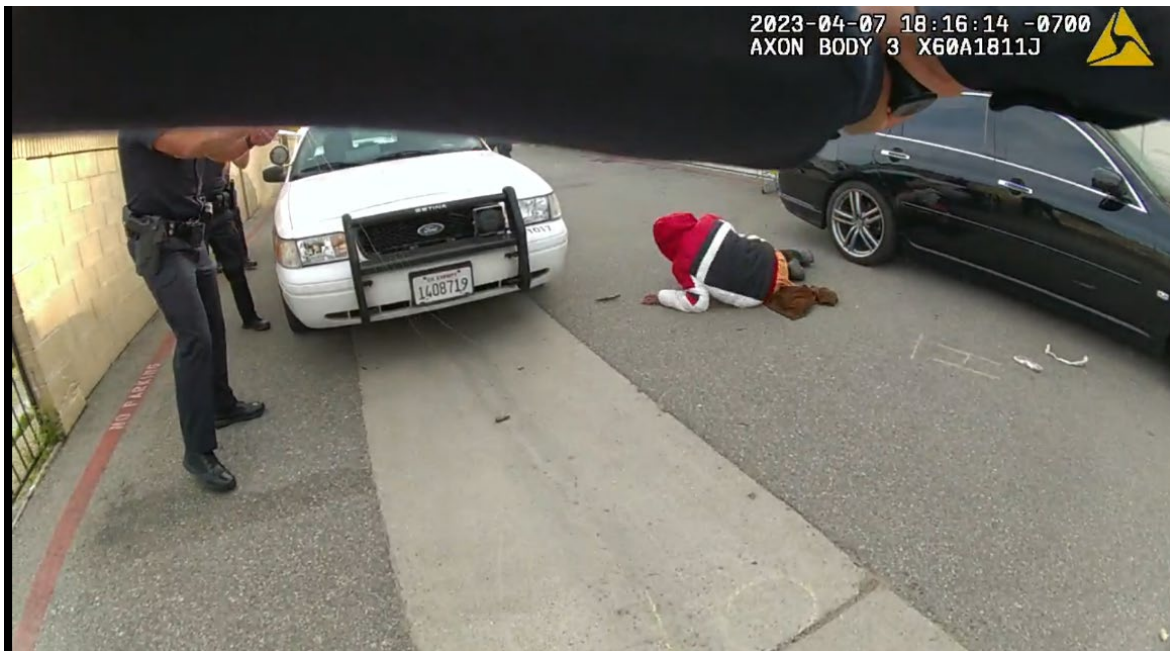
As Baltazar-Torres started to stand up and turn towards Officer Vines, Officer Sheffield fired his service weapon at Baltazar-Torres. The first shot is heard at 6:16:12 p.m. After the first round was fired, Baltazar-Torres stood up, jumped, and turned away from Officer Sheffield. Officer Sheffield fired his service weapon again. Baltazar-Torres turned around facing Officer Sheffield. Officer Sheffield fired his service weapon again. Baltazar-Torres began to fall to the ground on his left side. Officer Sheffield fired his weapon again as Baltazar-Torres fell onto the ground. Baltazar-Torres did not release the knife until his left hand touched the ground. At 6:16:35 p.m., Sergeant Johnson ordered Officer Vines to advise dispatch the suspect was down, and officers were Code-4, scene safe. Officer Sheffield began to render medical aid along with the other officers before leaving the immediate crime scene at 6:27 p.m.



Still image from Officer Sheffield's body-worn camera shows Baltazar-Torres facing towards Officer Vines still armed with a knife after being shot with the less-lethal shotgun.



Still image from Officer Sheffield's body-worn camera shows Baltazar-Torres falling to the ground after being shot with the knife protruding from his left hand. 1 = Sergeant Johnson with Taser, 2 = Officer Casse with lethal cover, 3 = Officer Vines with less-lethal shotgun.



Still image from Officer Sheffield's body-worn camera shows Baltazar-Torres dropping the knife from his left hand as he falls to the ground after being shot.

2. Officer Daniel Casse Body-Worn Camera Video

Officer Casse's body-worn camera activated at approximately 6:01 p.m. as he was en route to the call in the 2000 block of East Bard Road, in Oxnard. He arrived on scene at 6:09 p.m. In the video, Officer Casse parked directly next to the grey Chevrolet Silverado on the passenger side. He exited his car and retreated to where Officer Sheffield had parked. Both officers had their handguns out of their holsters. Officer Sheffield took cover on the passenger side of his patrol car and Officer Casse took cover behind the driver's side rear panel of Officer Sheffield's patrol car. Officer Sheffield and Officer Casse gave commands in English, each in a loud, clear voice. At 6:13 p.m., the brake lights on the truck began lighting on and off. Officer Casse inquired of Sergeant Johnson if there are any Spanish speakers available. Off camera, Sergeant Johnson responded that there were no Spanish speakers. Sergeant Johnson began giving commands in limited Spanish to open the car door. At 6:14 p.m., Baltazar-Torres made sounds from inside the truck like he was striking the window.

At 6:15 p.m., Baltazar-Torres exited from the driver's seat of the truck. Multiple officers said "hands up" in Spanish and English. Baltazar-Torres exited carrying assorted items in his hands and walked towards Officer Sheffield's patrol vehicle where four officers were positioned. Officer Sheffield advised that Baltazar-Torres had a knife in his hand and Officer Casse repeated, "Knife in his hand."

At 6:16 p.m., Baltazar-Torres was hit with the taser. Baltazar-Torres continued to walk toward a black Nissan that was parked in the alley and toward the officers. Officers Casse and Sheffield stepped backward as Baltazar-Torres advanced. Baltazar-Torres was next hit with the less-lethal shotgun, and he dropped to the ground near the front passenger tire of the black Nissan. Officers Sheffield and Casse began to walk toward Baltazar-Torres as he was on the ground following the less-lethal shotgun round, bringing them within 8 to 10 feet of Baltazar-Torres. Officers commanded, "Don't move," and, "No te mueves (don't move)." Baltazar-Torres purposefully regained his feet and turned west towards officer Vines. Officer Sheffield fired what sounded like four shots. Officer Casse and Sergeant Johnson moved towards Baltazar-Torres to secure his hands. Officer Casse

removed Baltazar-Torres' jacket and sweatshirt to better render medical aid. Officer Hay began assisting Officer Casse with medical aid and CPR.

Fire personnel arrived at 6:23 p.m. and began administering medical aid and preparing Baltazar-Torres for transport. At 6:26 p.m., Officer Casse lifted Baltazar-Torres' jacket off the ground and found an extended, silver folding knife on the ground, directly in front of Sergeant Johnson's driver's side front tire.

3. Additional Body-Worn Camera Video

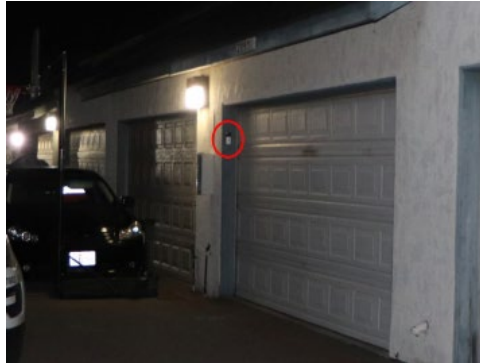
Body-worn camera video was captured from Sergeant Johnson, Officer Vines and Officer Hay. The relevant information that was gathered from that footage indicated that Sergeant Johnson's body-worn camera was activated at approximately 6:11 p.m. when he arrived to assist Officers Casse and Sheffield in the alley at East Bard Road in Oxnard. Officer Casse and Officer Sheffield were positioned at the rear of their police vehicles. Officer Vines retrieved the less lethal shotgun from the back of Officer Sheffield's patrol car, loaded the shotgun, and assumed a position in front of Baltazar-Torres.

Sergeant Johnson contacted civilians on the opposite end of the alley from where Baltazar-Torres and the truck were. One of those civilians advised Sergeant Johnson that Baltazar-Torres did not have the keys to the truck. By this time, Officer Hay arrived on scene. At 6:14 p.m., Sergeant Johnson began yelling commands in Spanish in a loud, clear voice advising Baltazar-Torres to open the door and put his hands up. Sergeant Johnson commanded Officer Vines to use the less-lethal shotgun after the taser failed to subdue Baltazar-Torres. Officer Hay alerted the other officers that Baltazar-Torres was still armed with a knife in his hand. Once Officer Sheffield fired his handgun and Baltazar-Torres fell to the ground, Sergeant Johnson moved in to help handcuff Baltazar-Torres and render aid.

At 6:18 p.m., Sergeant Johnson and Officer Hay confirmed the grey Silverado truck was clear and there were no other occupants inside. The officers converged on Baltazar-Torres and provided medical assistance.

C. Residential Video Camera Footage

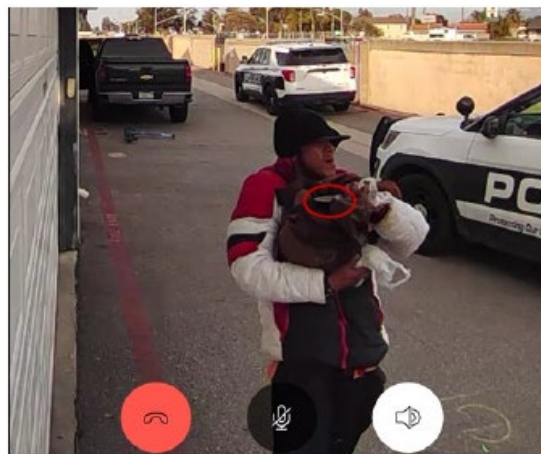
Ileana and Nelissa Pulido live at 2095 Bard Road with a Ring camera mounted on their garage door, facing the alley where the shooting occurred. The Pulidos permitted police to review their Ring camera footage.



Still image depicting the Ring camera in the alley.

The footage captured Baltazar-Torres lurking around the garage doors and the Chevy Silverado before entering the truck. The footage captured the police officers arriving in the alley and much of what was documented in the officers' body-worn camera and their statements.

Baltazar-Torres is clearly seen in the Ring camera footage carrying bulky items in his hands along with a silver knife. The photo below depicts Baltazar-Torres as he walks toward the officers, with the knife in his left hand, before being tased by Sergeant Johnson.



Still image from the Pulido Ring camera depicting Baltazar-Torres holding the knife in his left hand and view of the cinderblock wall on the south side of the alley.

III.
PHYSICAL EVIDENCE

A. Incident Scene

Baltazar-Torres accosted residents in the garages and alley behind the apartments located in the 2000 block of East Bard Road in Oxnard. East Bard Road is to the north of the alley and the alley runs parallel to East Pleasant Valley Road to the south. The alley has an approximate five-and-a-half-foot tall cinder block wall with wrought-iron sections approximately 10 feet across that are as tall as the cinder block sections. The incident occurred with the garage doors of the apartments to the north and the cinder block wall to the south.

At the time of the shooting, Officer Casse's patrol car was parked next to Gonzalez-Meneses' Chevy Silverado with Baltazar-Torres inside. Officer Sheffield's patrol car was parked behind Officer Casse's patrol car at an angle. The other responding officers continued to park behind each other in the alley.

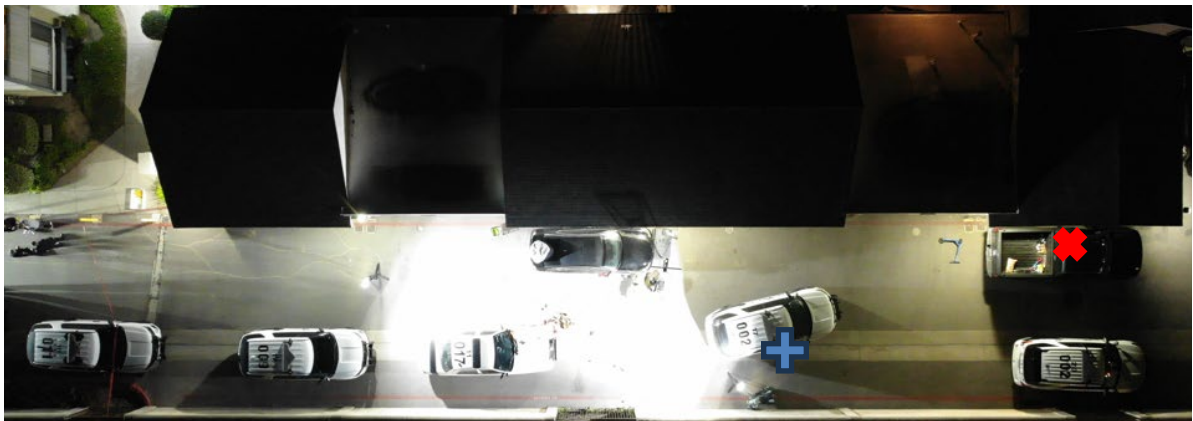


Image taken by an unmanned aerial vehicle, looking down on the alley behind the apartments in the 2000 block of Bard Road. The truck on the right corner is where Baltazar-Torres was when the officers arrived and is marked with a red "x." Officer Casse's patrol car is next to it. Officer Sheffield's patrol car is marked with a blue "+." Followed by Sergeant Johnson's, Officer Hay's, and Officer Vines' patrol cars.

The shooting occurred during daylight hours. The weather conditions were mild: approximately 56 degrees Fahrenheit with clear conditions.

Various items of physical evidence were located at the scene, numerically marked for photographs, and collected. These items included the knife Baltazar-Torres held during the incident, spent shell casings, a taser with an expended cartridge, spent less lethal shot shell, a spent bullet, a crystal-like substance weighing 4.2 grams wrapped in a one dollar bill, and an apparent narcotics smoking device.

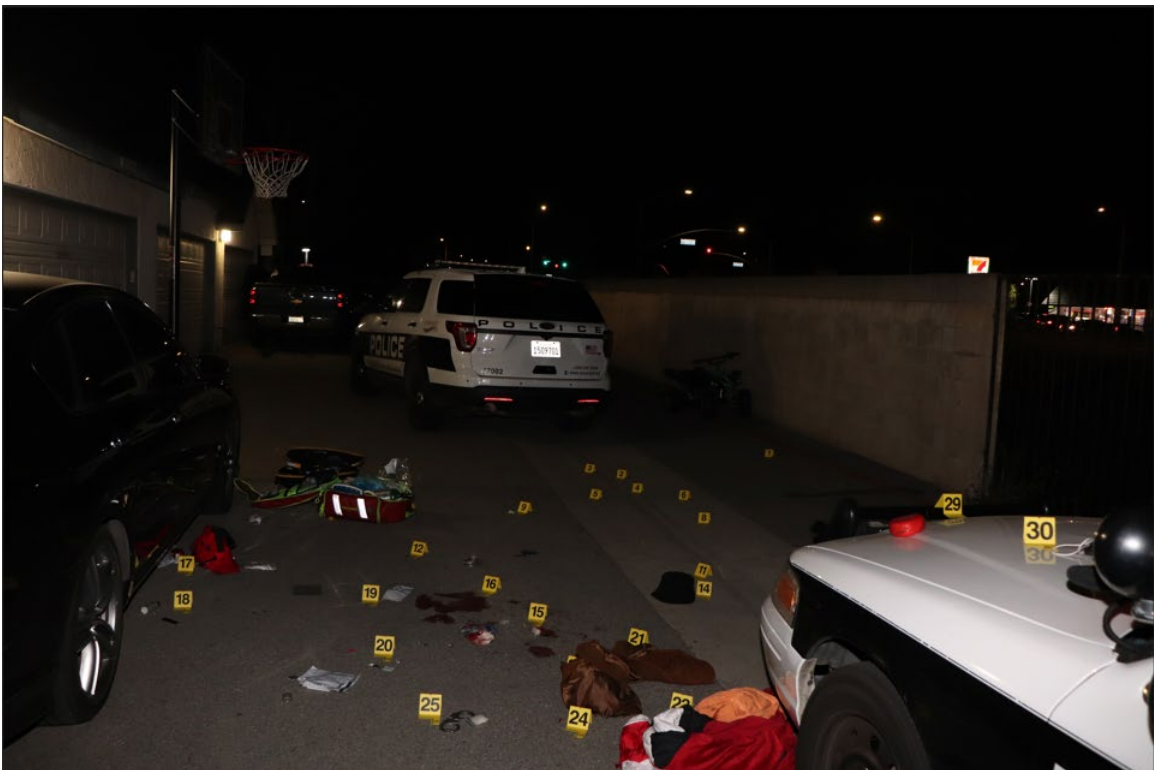


Image of scene taken from between Officer Sheffield's and Sergeant Johnson's patrol vehicles.



Image of the knife Baltazar-Torres held in his hand during the incident.

B. Autopsy

A physical description of Baltazar-Torres was documented. He was a Hispanic male, 18 years of age.

Dr. Othon Mena, Ventura County Assistant Chief Medical Examiner, conducted an autopsy on Baltazar-Torres' body on April 10, 2023. Dr. Mena located a total of three gunshot wounds to Baltazar-Torres' body. Dr. Mena identified the following gunshot wounds to Baltazar-Torres' body and corresponding internal injuries:

- 1) a gunshot wound to Baltazar-Torres' chest causing injury to the heart, left lung, liver, stomach, pancreas, and spine;
- 2) a gunshot wound to Baltazar-Torres' back;
- 3) a gunshot wound to Baltazar-Torres' right hip where the bullet lodged in the right buttock.

Two bullets were recovered from Baltazar-Torres' body during the autopsy. A third bullet was located at the crime scene and booked into evidence.

Dr. Mena concluded that Baltazar-Torres died from gunshot wounds to the torso and the manner of death was a homicide, meaning a death at the hands of another.

C. Controlled Substance and Toxicology Report

The white crystalline substance located at the scene of the shooting was submitted for testing. The substance tested positive for methamphetamine.

A sample of Baltazar-Torres' blood was collected during the autopsy and submitted to NMS Labs for testing. The test results revealed that Baltazar-Torres had THC and methamphetamine in his blood at the time of his death.

D. Baltazar-Torres Background

On April 8, 2023, at approximately 12:14 a.m., officers responded to 2025 Faulkner Place in Oxnard to notify Baltazar-Torres' family of his death. Officers spoke with Plutarco Baltazar, Baltazar-Torres' father. Baltazar told officers he last had contact with Baltazar-Torres on April 2, 2023. Baltazar said Baltazar-Torres had been staying at 2025 Faulkner Place but had been sleeping in a mini-van parked in front of the house because their landlord did not want him staying inside the house.

Baltazar told police Baltazar-Torres had abused marijuana and possibly used other drugs like methamphetamine, but he was not sure. Baltazar said Baltazar-Torres had recently been aggressive with him but did not provide much additional detail. When officers notified Baltazar that Baltazar-Torres had died, he became visibly emotional and said he had been trying to get Baltazar-Torres into a rehabilitation facility for drug use, but Baltazar-Torres would not go. Baltazar explained he and Baltazar-Torres had relocated from Mexico and had only been in the United States for six or seven months. Baltazar said he did not know Baltazar-Torres to carry weapons on his person.

Baltazar contacted his daughter, Sandra Baltazar. Sandra stated her brother, Baltazar-Torres, was close in age to their brother, Juan Misael Baltazar. Both Sandra and Juan lived in Oxnard. Sandra confirmed the information that her father provided regarding Baltazar-Torres' recent anger issues and drug abuse.

In February 2023, OPD officers gave Baltazar-Torres a trespass admonishment when the landlord reported him for refusing to leave the property at 2025 Faulkner Place. On February 9, 2023, Baltazar-Torres was cited for a violation of Penal Code § 529.5(c), possession of a deceptive government document and Health and Safety Code § 11364, possession of a smoking device. Baltazar-Torres had no other documented criminal history.

IV. LEGAL PRINCIPLES

A. Law of Homicide and Self-Defense

Homicide is the killing of one human being by another, either lawfully or unlawfully. Homicide encompasses murder and manslaughter, which are unlawful, and acts of excusable and justifiable homicide, which are lawful.

Homicide is justifiable and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal.App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.) Penal Code § 196 et seq. sets forth the law of self-defense as to peace officers in homicide cases.

Penal Code § 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code § 835a. Under Penal Code § 835a, police officers may use deadly force “only when necessary in defense of human life.”

(Penal Code § 835a(a)(2).) A police officer “is justified in using deadly force upon another person only when the officer reasonably believes based on the totality of the circumstances, that such force is necessary . . . [t]o defend against an imminent threat of death or serious bodily injury to the officer or to another person” or “[t]o 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 to another person. (Penal Code § 835a(e)(2).) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Penal Code § 835a(e)(3).)

To determine whether deadly force is necessary, “officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” (Penal Code § 835a(a)(2).) Deescalation methods and the availability of less than lethal force may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Penal Code § 835a(a)(4).)

A police officer “need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested.” However, “‘retreat’ does not mean tactical repositioning or other deescalation tactics.” (Penal Code § 835a(d).)

Police officers have a duty “to maintain peace and security” and “to protect citizens from harm.” (*Batts v. Superior Court* (1972) 23 Cal.App.3d 435, 438.) A police officer may use deadly force when the circumstances create a reasonable fear of death or serious bodily injury in the mind of the officer. (*Graham v. Conner* (1989) 490 U.S. 386, 396-397.) Reasonableness includes “allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”

Under the Fourth Amendment, police are “not required to use the least intrusive degree of force possible” but may use only such force as is objectively reasonable under the circumstances. (*Forrester v. City of San Diego* (9th Cir. 1994) 25 F.3d 804, 807.)

An officer’s use of deadly force is reasonable only if “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” (*Tennessee v. Garner* (1985) 471 U.S. 1, 3.) Furthermore, “If police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended.” (*Plumhoff v. Rickard* (2014) 572 U.S. 765, 777; 134 S.Ct. 2012, 2022.)

“The test of reasonableness in this context is an objective one, viewed from the vantage of a reasonable officer on the scene. It is also highly deferential to the police officer’s need to protect himself and others.” (*Martinez v. County of L.A.* (1996) 47 Cal.App.4th 334, 343 (quoting *Graham* 490 U.S. at 396-397).) The reasonableness test requires careful attention to the facts and circumstances of each particular case, including: (1) “The severity of the crime at issue;” (2) “whether the suspect poses an immediate threat to the safety of the officers or others;” and (3) “whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.” (*Graham, supra*, 490 U.S. at 396.)

B. Cristian Baltazar-Torres' Criminal Conduct

Baltazar-Torres engaged in felony and misdemeanor criminal conduct immediately prior to the shooting. Had he survived, he could have been charged with the commission of the following crimes:

- Assault with a deadly weapon in violation of Penal Code § 245(a)(1);
- Aggravated trespass in violation of Penal Code § 602.5;
- Tampering with a motor vehicle in violation of Vehicle Code § 10852;
- Brandishing a deadly weapon in violation of Penal Code § 417(a)(1);
- Brandishing a deadly weapon with intent to resist or prevent arrest or detention in violation of Penal Code § 417.8;
- Resisting an executive officer in violation of Penal Code § 69;
- Resisting, obstructing, or delaying a peace officer in violation of Penal Code § 148(a)(1); and
- Possession of a controlled substance in violation of Health and Safety Code § 11377.

V.

ANALYSIS

On April 7, 2023, Cristian Baltazar-Torres, aggressively and without provocation, approached innocent residents in the apartment alley of the 2000 block of Bard Road. He brandished a knife towards at least three separate adults while their children were present. He attempted to enter two separate attached garages while the tenants were present. He then entered a truck that belonged to someone else and barricaded himself inside. This conduct preceded the officers' arrival on scene.

Once officers arrived on scene, they were aware that Baltazar-Torres was likely in possession of a deadly weapon that he had previously brandished and began issuing announcements that they were from the police department and commanding Baltazar-Torres to exit the car. Baltazar-Torres ignored verbal and non-verbal commands to relinquish his weapon and put his hands up. He behaved erratically and depressed the car brake activating the brake lights and shook the car with his movements from within the

truck cab. He advanced on five uniformed officers, all of whom had lethal and less-lethal weapons drawn, with a knife in his hand. Officer Sheffield's use of deadly force against Baltazar-Torres was both reasonable and necessary under the circumstances because Officers Sheffield, Casse, Hay, Vines, and Sergeant Johnson were all faced with an immediate threat of serious bodily injury or death when Baltazar-Torres advanced on them while holding a fixed-blade knife, refusing repeated commands to drop the weapon.

Officers utilized two separate forms of less-lethal force before Officer Sheffield resorted to lethal force to neutralize the threat Baltazar-Torres posed. Sergeant Johnson deployed his taser and it failed due to the bulky jacket and multiple layers of clothing Baltazar-Torres was wearing. Baltazar-Torres was undeterred by the deployment of the taser and continued advancing toward the officers. Sergeant Johnson called for the use of the less-lethal shotgun and Officer Vines shot Baltazar-Torres with one round. The impact caused Baltazar-Torres to momentarily fall to the ground before he stood up again. The officers had moved closer to Baltazar-Torres when he went to the ground in hopes of detaining him. As a result, Sergeant Johnson and Officer Sheffield were standing less than 10 feet from Baltazar-Torres when he began to stand up, still armed with a knife after being shot with the less-lethal shotgun, facing westbound where Officer Vines was standing. Officer Vines stated in his interview that he did not have time to transition from the less-lethal shotgun to his firearm rendering him essentially unarmed against an armed assailant, Baltazar-Torres.

Baltazar-Torres' demeanor and conduct while in the truck, failure to comply with verbal and nonverbal commands while armed, failure to comply after being struck with the taser probe while armed, and failure to comply after being struck with the less-lethal shotgun round while armed would cause a reasonable officer in Officer Sheffield's position to conclude that Baltazar-Torres intended to use the knife against Officer Sheffield or one of the other officers on scene, thereby placing Officer Sheffield in reasonable fear that he and his partners were in imminent danger of being killed or suffering serious bodily injury. Based on the totality of the circumstances, Officer Sheffield reasonably believed

that the use of deadly force was necessary to defend against the imminent threat of death or serious bodily injury that Baltazar-Torres posed.

The number of rounds Officer Sheffield fired was also reasonable under the circumstances. Officer Sheffield fired one round and paused briefly. Baltazar-Torres was still on his feet and moving. Officer Sheffield fired three additional rounds until Baltazar-Torres was on the ground and the threat had been neutralized.

VI. CONCLUSION

It is the conclusion of the District Attorney that:

- A. At the time Officer Sheffield fired his handgun at Baltazar-Torres, Officer Sheffield honestly and reasonably believed that he and the other responding officers were under imminent threat of death or great bodily injury;
- B. Officer Sheffield honestly and reasonably believed that the immediate use of deadly force was necessary to defend himself and the other responding officers against the danger posed by Baltazar-Torres;
- C. Officer Sheffield used no more force than was reasonably necessary to defend against the apparent danger posed by Baltazar-Torres; and
- D. The fatal shooting of Baltazar-Torres by Officer Sheffield was a justifiable homicide.