



Office of the New York State Attorney General Letitia James

Office of Special Investigation

September 15, 2023

Report on the Investigation into the Death of Christopher Torres

SUMMARY

Executive Law Section 70-b authorizes the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer. When OSI does not seek charges, Section 70-b requires issuance of a public report. This is the public report of OSI's investigation into the death of Christopher Torres.

On January 10, 2023, officers from the Putnam County Sheriff's Office (PCSO) responded to a 911 call that Christopher Torres had kidnapped A.¹ Home security video captured Mr. Torres, holding a knife and dragging A, who was covered in blood, out of her house and forcing her into a car. Officers found Mr. Torres and A at a deserted construction site where Mr. Torres was stabbing A. The officers yelled at Mr. Torres to drop the knife. Mr. Torres grabbed A's face and began to cut her throat. PCSO Deputy Sheriff Shane Haley and PCSO Senior Investigator Randel Hill fired, striking Mr. Torres, who died of his wounds.

After a full investigation of the facts and analysis of the law, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt at trial that the actions of Dep. Haley or Inv. Hill were justified under Article 35 of the Penal Law, and therefore will not seek charges against them.

FACTS

Videos and Audio Recordings

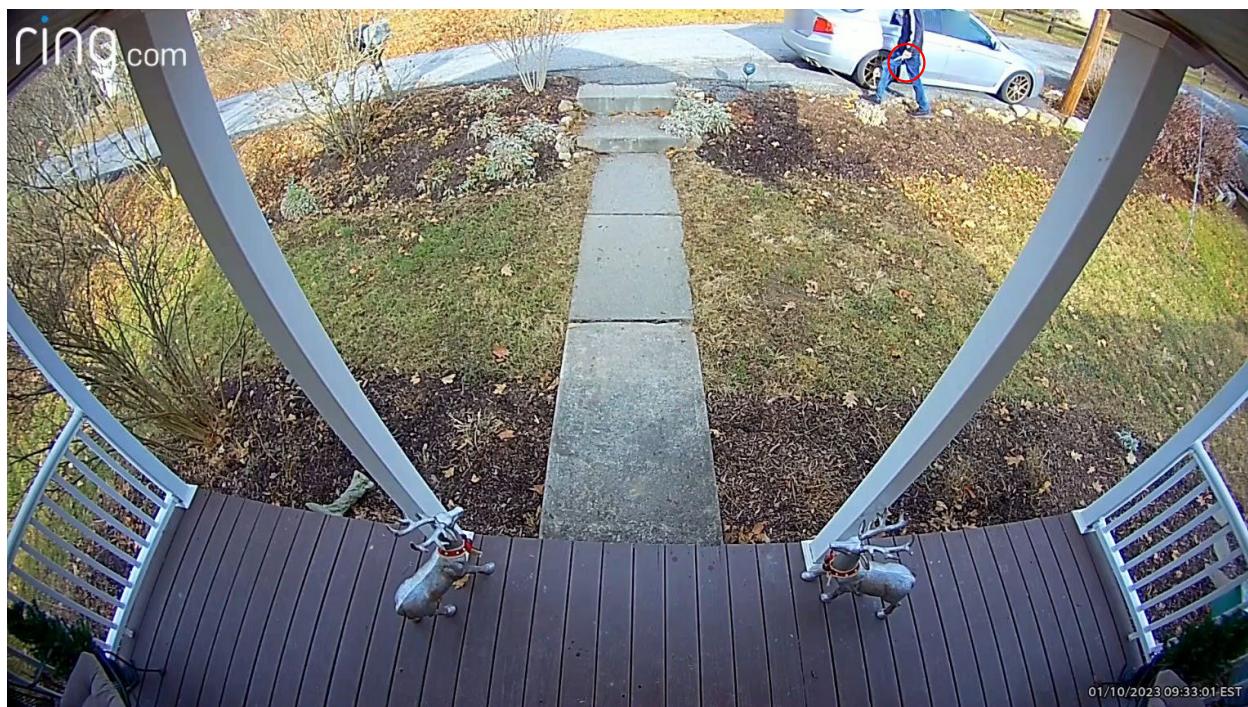
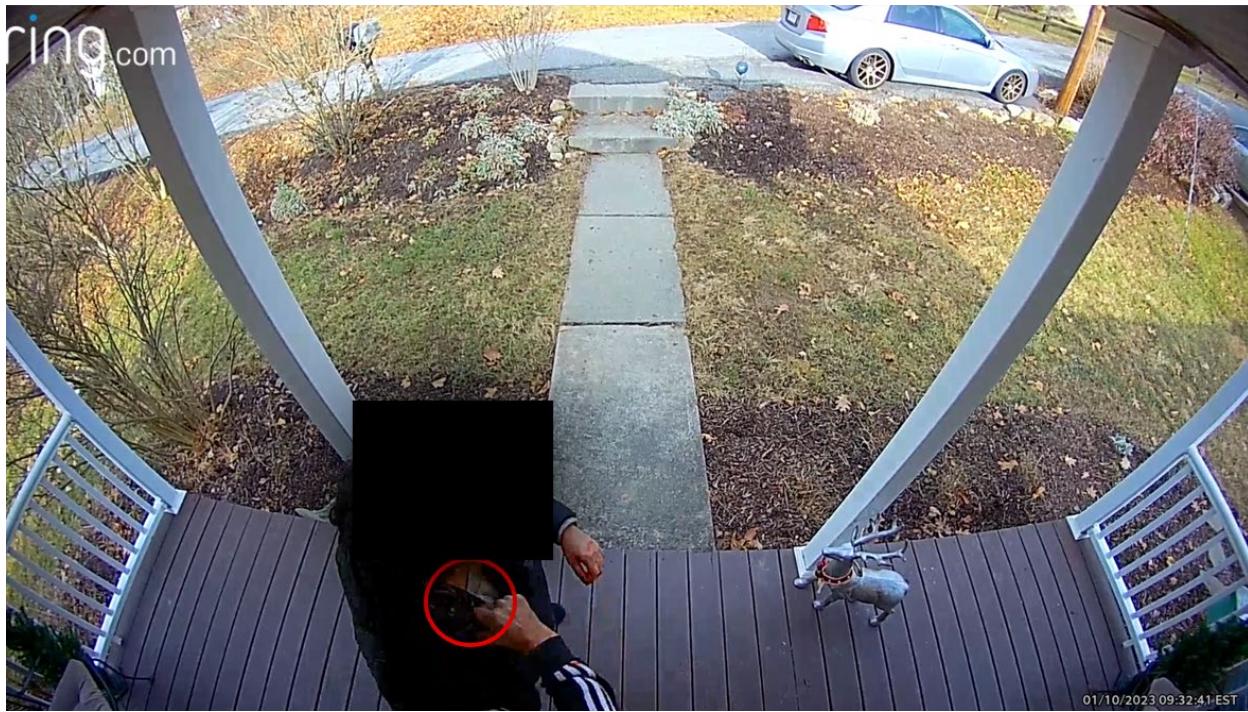
OSI reviewed body worn camera (BWC) videos and dashboard camera (dashcam) videos from members of PCSO ([Sgt. Lee](#), [Deputy Sheriff Haley](#), [Deputy Sheriff Haley's RMP](#)) and home security video from A's home ([home security videos](#)). OSI created a side-by-side video of Dep. Haley's BWC and dashcam videos ([here](#)).

A's Home Security Camera

On January 10, 2023, at 9:32 am² home security video from A's house shows Mr. Torres grabbing and shoving A out the door. Blood covered A's face and hands. Mr. Torres told A to get in the car. A appeared to be weeping. Mr. Torres opened the door to a gray Acura and pushed A into the front passenger seat with his right hand as he held a knife in his left hand. At 9:33 am Mr. Torres drove away.

¹ OSI does not publish the names of civilian witnesses.

² All times are approximate.



Figures 1 and 2: stills from home security video at A's house with Mr. Torres holding the knife.³

³ OSI redacts images of civilian victims, witnesses, and bystanders.

The home security video shows that at 9:39 am A's mother, E, and brother, R, arrived at A's house. R walked up to the house and said there was blood everywhere. At 9:40 am R left the house as E called 911.

911 Calls

OSI reviewed a recording of E's 911 call: she told the operator she was at her daughter's house, but could not find her daughter, and was afraid her daughter's boyfriend had killed her. E said there was blood all over the house, her daughter's cell phone was in the house, and a knife was missing from the holder. E said she rushed to her daughter's house because 20 minutes earlier she had been talking to her on the phone when she started screaming for help and asking her mother to come to her house because her boyfriend, Christopher Torres, was there. E told the operator that her daughter had an order of protection against Mr. Torres, and he had abused her in the past. E gave the operator Mr. Torres's name and a physical description.

OSI reviewed a 911 call from a woman who said she was calling on behalf of her mother, who did not speak English, to report that her mother saw a man driving a black Acura, with a license plate that included the numbers 662, on Terry Hill Road, with a woman passenger who was bleeding and asking for help.

New York State Police (NYSP) obtained a vehicle registration for Mr. Torres, a gray 2005 Acura, New York License Plate Number KJG6622.

Dep. Haley's BWC

PCSO Deputy Sheriff Shane Haley's BWC captured a radio transmission at 10:06 am from PCSO Senior Investigator Randel Hill asking the operator if the car they were searching for was a light gray Acura, as he saw a light gray Acura on Fields Corner and could pursue it if another officer could back him up. Dep. Haley drove towards Pugsley Road. A radio transmission directed marked cars to go ahead, and Dep. Haley's dashcam showed that he drove around an unmarked car and stopped in front of Mr. Torres, who was kneeling over A on the ground and stabbing her. At 10:09 am Dep. Haley's BWC shows that he got out of his car and walked toward Inv. Hill who had his gun pointed at Mr. Torres. Dep. Haley and Inv. Hill shouted at Mr. Torres to drop the knife. Mr. Torres continued to stab A, who was screaming. Dep. Haley unholstered his gun and shouted, "You're gonna get shot right now, stop!" Shots were fired and Mr. Torres fell down. The officers told A to walk to them and asked if she was all right. A walked toward the officers, covered in blood; there were holes in her winter coat. Dep. Haley radioed for an ambulance. PCSO Sgt. Thomas Lee asked Dep. Haley and Inv. Hill what Mr. Torres had in his hand and they said he had a knife. Dep. Haley covered Sgt. Lee as he recovered the knife.

Sgt. Lee's BWC

PCSO Sgt. Thomas Lee's BWC shows that he got out of his car and ran toward Dep. Haley and Inv. Hill as they shouted "Drop it!"; gunfire ensued. Sgt. Lee took A to another officer and directed him to take care of her; feathers were visibly coming out of the holes in A's down coat. Sgt. Lee walked to Mr. Torres, turned him onto his back, and recovered a brown handled knife from under the body. Sgt. Lee checked the gray Acura and returned to Mr. Torres to provide first aid. Sgt. Lee and other officers performed chest compressions and applied an automated external defibrillator (AED) with "no shock" advised⁴ until EMS arrived at 10:27 am and declared Mr. Torres dead at the scene.

Civilian Witness Interviews

A

OSI interviewed A and listened to a recorded interview conducted by members of the New York State Police (NYSP) shortly after the incident. A said she and Mr. Torres had been in a relationship for over 10 years and had an eight-year-old child. A said she broke up with Mr. Torres many times because he was physically abusive and drank too much. In September of 2022 she said she filed a police report after they had a fight over their child. On January 4, 2023, six days before the incident, she said she applied for an order of protection against Mr. Torres and for custody of their child.

A said that on January 9 she filed a police report that Mr. Torres had violated the Order of Protection after he contacted her to speak to their child and texted N, a mutual friend. A said she called 911 and reported these communications. Officers from PCSO responded and took a report but said they could not arrest Mr. Torres because he was allowed to contact A regarding their child and was allowed to contact N. (The events of January 9 are corroborated by A's home security video and an PCSO report.)

On January 10 A said that as she was talking to her mother on the phone in her kitchen she saw Mr. Torres hiding in the shower in her bathroom and screamed to her mother for help. Mr. Torres punched A in the face, causing her to fall off a chair. Mr. Torres kicked A while she was on the floor. A tried to run out of the house, but Mr. Torres slashed her hand when she tried to open the front door. Mr. Torres threw A's cellphone against the wall. Mr. Torres ordered A to leave the house and get into his car. Mr. Torres dragged A by her hair and neck to his car. Mr. Torres drove the car with his knee and had the knife in one hand and held A by her hair with his other hand. When A opened the car door and screamed for help as two

⁴ AEDs are fully automated. When the operator applies the pads to a person's chest the machine audibly announces, "shock advised" or "no shock advised." "Shock advised" means the machine has detected a shockable rhythm and the operator should apply a shock to the person. A "no shock advised" means the operator should not proceed to apply a shock to the person.

women walked by, Mr. Torres stabbed A in the hand and smashed her face against the window. Mr. Torres asked A if she realized she was going to die. A tried to reason with Mr. Torres and asked him what would happen to their child. Mr. Torres said the child could live with A's brother. Mr. Torres turned down Pugsley Road, held the knife to A's throat, and said their relationship was going to end in the car and if the cops found them he was going to slit her throat because he wanted to watch her bleed out.

A said R called Mr. Torres and asked where they were. Mr. Torres told R that he would have to take care of the child. A said goodbye to R. A said Mr. Torres hung up and turned off his phone. Mr. Torres told A to take off her jewelry. Mr. Torres told A they were going to die if the cops came. Mr. Torres licked the knife and said her blood tasted good.

Mr. Torres ordered A out of the car and told her to walk into the woods. Mr. Torres said he was going to slit her throat and then his throat so he could bleed out on top of her. Mr. Torres grabbed A by the hair and threw her to the ground. Mr. Torres stabbed A in her side as officers told him to put down the knife and get on his knees. As Mr. Torres grabbed A's head to lift it up and slit her throat the officers fired their guns. A managed to move her move her head when Mr. Torres tried to slit her throat, so he slashed her face instead of her throat. Officers took her to an ambulance to go to the hospital.

E

OSI interviewed E, the mother of A. E said that on the morning of January 10, 2023, A called her on the way home from dropping off her daughter at school and continued to talk to E after she entered her house. A suddenly screamed and said he was going to kill her. E drove to A's house with her son R. E said she saw blood all over the house and a sheath without a knife on the bathroom counter. E called 911 to report her daughter missing. E heard R call A, who was screaming and begging for help. R placed the call on speaker and E heard Christopher Torres tell R to say goodbye to his sister and heard A say let me say my prayers and goodbye to R. A said she accepted what was going to happen and that she loved everyone.

R

OSI interviewed R, the brother of A, and reviewed a deposition he provided to NYSP. R told OSI that in the past two years Mr. Torres physically abused A, became dependent on alcohol, and expressed suicidal thoughts. On January 10, 2023, E woke up R and they went to A's house. R saw a trail of blood leading from A's front door and saw blood on the front doorknob and in the kitchen. R saw A's phone on a table inside the house and a sheath without a knife on the kitchen counter. R could not find A in the house so he drove to Mr. Torres's parents' house. R spoke to Mr. Torres's brother, T, and told him what he saw inside A's house. R returned to A's house and called Mr. Torres. R asked Mr. Torres where he was

and Mr. Torres said he was not afraid of R. R again asked Mr. Torres where he and A were. Mr. Torres said that he was doing something he wished he did not have to do and told R to say goodbye to his sister, and told A to say goodbye to R. A said R was never going to see her again and that she loved him. There were muffled sounds and the phone disconnected.

Law Enforcement Interviews

Senior Investigator Randel Hill

OSI interviewed Senior Investigator Randel Hill, one of the shooting officers. Inv. Hill has been a member of PCSO since 2009. He said on January 10, 2023, he was at PCSO's office when he heard the phrases "blood in the kitchen" and "taken against will" over the radio. He got into a PCSO car and checked places he thought someone would go to hide. He drove to a dead end on Commerce St with construction, which appeared empty, and then drove to Pugsley Road, where he saw a gray car. He radioed for a better description of the subject car and was told it was a 2005 gray four door Acura. He saw two people outside the car. He parked and got out of his car as Dep. Haley was arriving. Inv. Hill saw Mr. Torres chasing A with a knife in his hand; he does not know how Mr. Torres and A fell to the ground. He saw Mr. Torres stabbing A and shouted "drop it," but Mr. Torres did not drop the knife. Dep. Haley came up next to him and shouted, "We're going to shoot you." Mr. Torres looked up at the officers, moved A's hair to the side, and moved the knife to her throat. Inv. Hill and Dep. Haley fired. Mr. Torres fell to the ground and Inv. Hill told A to come to him while Dep. Haley covered Mr. Torres. When A walked away from Mr. Torres Sgt. Lee moved the knife away from Mr. Torres, checked that Mr. Torres's car was not occupied, and checked Mr. Torres for signs of life. Sgt. Lee directed officers to begin CPR and get the AED. After additional officers arrived Inv. Hill walked away and waited by the cars.

Deputy Sheriff Shane Haley

OSI interviewed Deputy Sheriff Shane Haley, one of the shooting officers. Dep. Haley has been a law enforcement officer since 2013 and joined PCSO in April 2020. He said that on January 10, 2023, he was in the office when he saw other officers leaving quickly; he followed them in an PCSO car. From radio transmissions he learned there was a kidnapping in Kent, NY with a potential suspect vehicle at a church on Noonan St. He went to the church and checked inside for cameras. There were additional radio transmissions describing the subject car as a 2004 or 2005 gray Acura. He heard Inv. Hill radio that he thought he saw the car at Fields Corner Rd.⁵ Dep. Haley was nearby and proceeded to the location behind Sgt. Keith's unmarked vehicle, and saw Sgt. Lee's car on Fields Corner Road. He noticed that some temporary barriers had been moved and followed Sgt. Keith past them. Sgt. Keith stopped and told marked vehicles to drive in front, so Dep. Haley passed Sgt. Keith's car

⁵ Dep. Haley said Fields Lane becomes Fields Corner Rd. and then Pugsley Rd. as it runs from the town of Patterson to the town of Southeast.

and Inv. Hill's car and parked. Dep. Haley saw Inv. Hill outside his car and saw A and Mr. Torres on the ground. At first, he thought the Mr. Torres was punching A but then saw the knife and saw Mr. Torres stabbing A. Inv. Hill shouted "drop it" and Dep. Haley shouted, "You're going to get shot right now." Mr. Torres continued to stab A, and A was screaming. When Mr. Torres looked up at the officers and brought the knife to A's throat Dep. Haley fired four times.

Dep. Haley radioed, "shots fired." A got up, and he remembered feathers flying out of her down jacket. Dep. Haley went to Mr. Torres. Sgt. Lee approached Mr. Torres and moved the knife out of his reach and then checked the car. Sgt. Lee said to start CPR and called for an AED and medical kit. Dep. Haley gave Inv. Hill his keys to get those items from his car while he remained by Mr. Torres. As other officers rendered aid, Dep. Haley left Mr. Torres and walked toward the cars.

Sgt. Thomas Lee

OSI interviewed Sgt. Thomas Lee. He joined PCSO in 2003 and retired in June 2023. Sgt. Lee said that on January 10, 2023, he heard a radio transmission reporting a possible kidnapping. After an initial failed attempt to find the persons involved Sgt. Lee thought of places where Mr. Torres could be hiding. He drove to Pugsley Road where he saw Sgt. Keith's and Dep. Haley's cars pass him; he turned around and followed them. At the scene Sgt. Lee heard Inv. Hill and Dep. Haley shout, "Drop it" and "You're gonna get shot" and then heard gunshots. Sgt. Lee could not see the officers firing or see Mr. Torres and A.

Sgt. Lee told A to walk to Sgt. Keith because he had medical training. Sgt. Lee went to Mr. Torres, rolled him over, and picked up the knife under his body. Sgt. Lee checked Mr. Torres's car, told other officers to begin CPR, and told Inv. Hill to get the defibrillator from the car; someone else provided a chest seal. Sgt. Lee and other officers continued CPR until medics arrived, who pronounced Mr. Torres dead on scene.

Family Court Paperwork

OSI obtained a copy of the Order of Protection A obtained against Mr. Torres and which was served on Mr. Torres on January 4, 2023. Records also indicate that, on the same day, PCSO arrested Mr. Torres for Endangering the Welfare of a Child, PL 260.10 on a complaint by A from the prior October. Mr. Torres was arraigned and released on his own recognizance.

Forensics

NYSP's Forensic Investigation Center (FIC) developed two DNA profiles from swabs taken from the knife recovered under Mr. Torres and determined that the donors were Christopher Torres and A.

NYSP recovered nine spent shell casings at the scene and determined that Dep. Haley's and Inv. Hill's guns each had a capacity of 18 rounds (17 in the magazine and one in the firing chamber) and that Dep. Haley's gun had 14 live rounds remaining (consistent with Dep. Haley's firing four rounds) and that Inv. Hill's gun had 13 live rounds remaining (consistent with Inv. Hill's firing five rounds). In addition, based on comparison with test firings, FIC identified five shell casings, one bullet recovered at the scene, and one bullet recovered from Mr. Torres's body as fired from Inv. Hill's gun, and four shell casings recovered at the scene and two bullets recovered from Mr. Torres's body as fired from Dep. Haley's gun.

Medical Records

OSI reviewed A's medical records which show she was admitted to the hospital as a Level 1 trauma victim. She was treated for and eventually had multiple surgeries for eleven stab wounds: two to the face, one to each hand, one to the left deltoid, one to the right anterior chest, four to the left anterior chest and one to the right medial upper arm.

Medical Examiner

Dr. Kunjlata Ashar of the Putnam County Coroner's Office performed an autopsy of Mr. Torres on January 11, 2023 and found the cause of Mr. Torres's death to be "multiple bullet wounds involving internal organs."

LEGAL ANALYSIS

Article 35 of the Penal Law defines the circumstances under which an individual is justified in using deadly force against another. Justification is a defense, not an affirmative defense, Penal Law Section (PL) 35.00. Unlike an affirmative defense, the people have the burden at trial of disproving a defense beyond a reasonable doubt, PL 25.00(1).

PL 35.30 defines justification when a police officer uses deadly force in making an arrest for an offense, as follows:

"A police officer or a peace officer, in the course of effecting or attempting to effect an arrest ... of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest ... or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that ... (c) regardless of the particular offense which is the subject of the arrest ... the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force."

Police officers using deadly physical force pursuant to PL 35.30 are under no duty to retreat, PL 35.15(2)(a)(ii).

The Court of Appeals, in *People v. Goetz*, 68 N.Y.2d 96, 114-115 (1986), said that “reasonable belief” has both subjective and objective components: the subjective component is satisfied if the person using force actually believed, “honestly and in good faith,” that deadly force was about to be used against that person or another, and that the use of deadly force was necessary to prevent or stop the danger; the objective component is satisfied if a “reasonable person” under the same circumstances could have held the same belief. See also *People v. Wesley*, 76 N.Y.2d 555 (1990).

Under PL 35.30, Dep. Haley and Inv. Hill could use the physical force they reasonably believed to be necessary to arrest Mr. Torres and could use deadly force if they reasonably believed it was necessary to defend themselves or another against Mr. Torres’s imminent use of deadly force.

The officers initially acted on the basis of 911 calls and radio transmissions that Mr. Torres had committed assault in the first and second degrees, PL 120.10 and 120.05, and kidnapping in the second degree, PL 135.20 and then, at the scene, observed Mr. Torres actually committing an assault and attempting to commit murder in the second degree, PL 110/125.25.

Based on their interviews with OSI, Dep. Haley and Inv. Hill subjectively believed that shooting Mr. Torres was necessary to stop Mr. Torres’s use of deadly force against A, and the evidence in the investigation shows that their belief was objectively reasonable. Dep. Haley and Inv. Hill came upon Mr. Torres as he was stabbing A. They shouted repeatedly to drop the knife and that if he did not drop the knife they would shoot him. As Mr. Torres grabbed A’s chin and moved the knife to her throat Dep. Haley and Inv. Hill could wait no longer. They shot Mr. Torres so that he would not kill A.

Based on the factual investigation and the legal analysis, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Dep. Haley’s and Inv. Hill’s actions were justified. Therefore, OSI will not seek criminal charges and will close the investigation with the issuance of this report.

Dated: September 15, 2023