

Fatal Officer Involved Shooting of Andres Guardado
Los Angeles County Sheriff's Department

Deputy Miguel Vega, #542244

J.S.I.D. File #20-0225



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

April 14, 2023

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

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

SUBJECT: Fatal Officer Involved Shooting of Andres Guardado
J.S.I.D. File #20-0225
L.A.S.D. File #020-07557-2871-013

DATE: April 14, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 18, 2020, fatal shooting of Andres Guardado by Los Angeles Sheriff's Department (LASD) Deputy Miguel Vega. We have concluded that there is insufficient evidence to prove beyond a reasonable doubt that Vega did not fire in lawful self-defense.

The District Attorney's Command Center was notified of this shooting on June 18, 2020, at approximately 6:35 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant Charles Calderaro.

The following analysis is based on reports, recorded interviews, DVD recordings, surveillance videos, and photographs submitted to this office by the LASD Homicide Bureau. The analysis also considered a Los Angeles County Coroner's Office inquest into Guardado's cause of death, media reports regarding the incident, allegations that the deputies were seeking to join a deputy gang and allegations that they previously made false statements or unlawful arrests. No compelled statements were considered in this analysis. The deputies were not equipped with body worn video cameras.

SUMMARY

On June 18, 2020, at approximately 5:52 p.m., Deputies Christopher Hernandez and Miguel Vega witnessed a narcotics transaction occurring outside of [REDACTED], a mechanic shop that was a notorious seller of nitrous oxide for personal ingestion. The deputies pulled their patrol vehicle to the curb near where Andres Guardado was leaning into the window of a parked car. According to the deputies, when Guardado saw them, he put his hand on his waistband and drew a firearm. Guardado turned and jogged down a driveway with the deputies in pursuit. Vega drew his duty weapon and chased Guardado around the corner of [REDACTED]. There,

Guardado stopped. Vega told Guardado to drop the firearm and Guardado complied. As Vega moved to handcuff Guardado, Guardado reached for the discarded firearm. Vega discharged his duty weapon five times, killing Guardado.

There were no witnesses to the shooting other than Vega. No surveillance video captured Vega's or Guardado's actions.

FACTUAL ANALYSIS

█████ operated a mechanic shop along a narrow row of mechanic and body shops on West Redondo Boulevard, a busy commercial street in Gardena. █████ sold nitrous oxide, or "laughing gas," in violation of Penal Code section 381b. Customers would arrive frequently, at all hours of the day and night. The nitrous oxide sales taking place at the location were well known to the community and the police. The shop was owned by █████, who had moved the business to that location a year prior.

Violent incidents had recently taken place at the shop. On June 7, 2020, a man was shot four times in the chest while he walked to the driveway of █████. The victim and the shooter were rival gang members. During the investigation of the June 7, 2020 shooting, detectives took the surveillance system from █████ including memory cards and the digital recorder to see whether the system captured evidence related to the shooting. When Hernandez and Vega responded to █████ on June 18, 2020, the surveillance system had not been replaced. On June 9, 2020, a man was arrested for illegally possessing a firearm as he parked in the driveway of █████. Neighbors living across the street in a motor home told detectives of a bullet fired from the area of █████ passing through the wall of their motor home in the middle of the night in March 2020. Detectives were unable to find any records related to this shooting.

Because the illegal narcotics trade attracted customers that frightened the people who worked at █████, the business hired Guardado to provide security.¹ Guardado was employed as a security officer for █████. However, █████ did not provide security for █████. The state of California requires security guards to be licensed through the Department of Consumer Affairs Bureau of Security and Investigative Services. Guardado did not have a license to be a security guard.

Due to the heavy narcotics traffic at █████ and due to the recent shooting at the location, █████ was known to Hernandez and Vega.² On June 18, 2020, the two deputies were in uniform and on patrol in a marked black and white police vehicle. At approximately 5:40 p.m., the deputies were traveling eastbound on West Redondo Beach Boulevard when they observed a Ford Expedition SUV parked in █████'s driveway. Guardado was standing near the passenger side door of the SUV. Guardado looked towards the patrol vehicle, hurried into █████ and closed the gate behind him. The SUV backed out of the driveway and turned westbound down West Redondo Beach Boulevard.

¹ Witnesses disagreed as to who hired Guardado. █████ told investigators that █████ manager █████ hired Guardado, while █████ said █████ hired him.

² Investigators interviewed Hernandez and Vega separately. All interviews by investigators were recorded unless otherwise indicated.

Believing they may have witnessed a narcotics transaction, the deputies conducted a U-turn and followed the SUV. The deputies conducted a traffic stop of the SUV a block west of [REDACTED]. Two occupants were inside the SUV. The deputies also saw ten to 12 cylindrical metal tanks and hundreds of balloons in the back of the vehicle.³ The driver of the SUV said he picked up the tanks from [REDACTED] and intended to deliver them to another business.

The deputies released the SUV and drove back to [REDACTED] to investigate. Vega was driving the patrol vehicle and Hernandez was in the front passenger seat. As they approached the business from the west, they saw a white four-door Lexus sedan parked beside the curb, blocking the driveway of [REDACTED]. Prior to the deputies' arrival, [REDACTED] exited the passenger seat of the Lexus, removed an empty nitrous oxide cylinder from the trunk, and carried it down the driveway so that it could be refilled at [REDACTED]. [REDACTED] remained in the Lexus' driver's seat. Guardado was leaning into the front passenger window when the deputies' vehicle stopped alongside and to the front of the Lexus. The time was approximately 5:52 p.m.



Figure 1. This still photograph from a surveillance camera across the street from [REDACTED] shows Guardado standing at the passenger side door of [REDACTED]'s white Lexus the moment before Hernandez and Vega exited their patrol vehicle.

When Vega stopped the patrol car, Hernandez, still seated, said to Guardado, “What are you doing?” Guardado froze and looked up at the deputies with a startled expression. Both deputies said Guardado reached for his waistband and both deputies saw the backstrap of a firearm protruding from the right side of Guardado's waistband. Both front windows of the Lexus were lowered, and the deputies said they could see through the opened windows to Guardado as he stood up. Both deputies told investigators they instructed Guardado to “Come here.” Guardado took two steps back from the curb. Vega exited the patrol vehicle and ran around the driver's side of the Lexus as Guardado turned and ran slowly southbound down the driveway of [REDACTED]. Vega described Guardado's gait as a “trot” or “jog;” Hernandez said Guardado ran at “a slower pace. It was not a sprint to get away from us.”

³ Balloons are common paraphernalia for ingesting nitrous oxide.

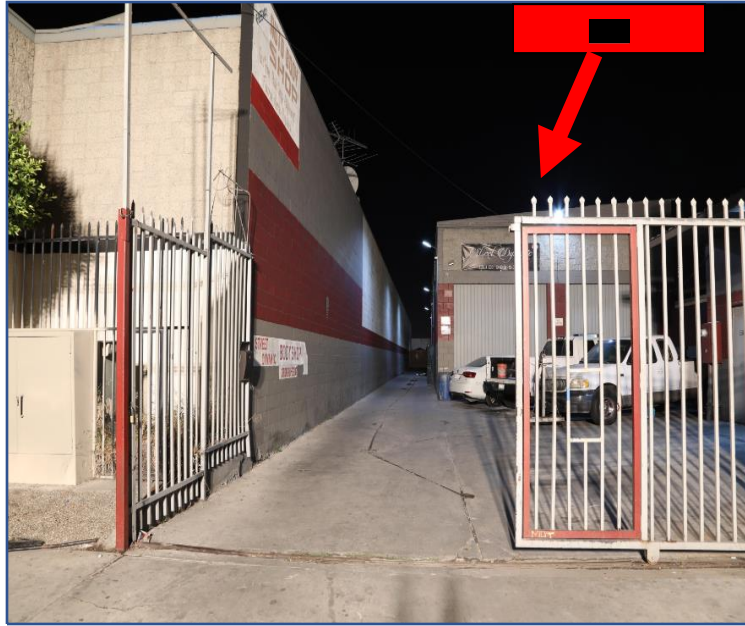


Figure 2. This photograph shows the mouth of the driveway leading to [REDACTED], where Guardado fled when the deputies approached him.

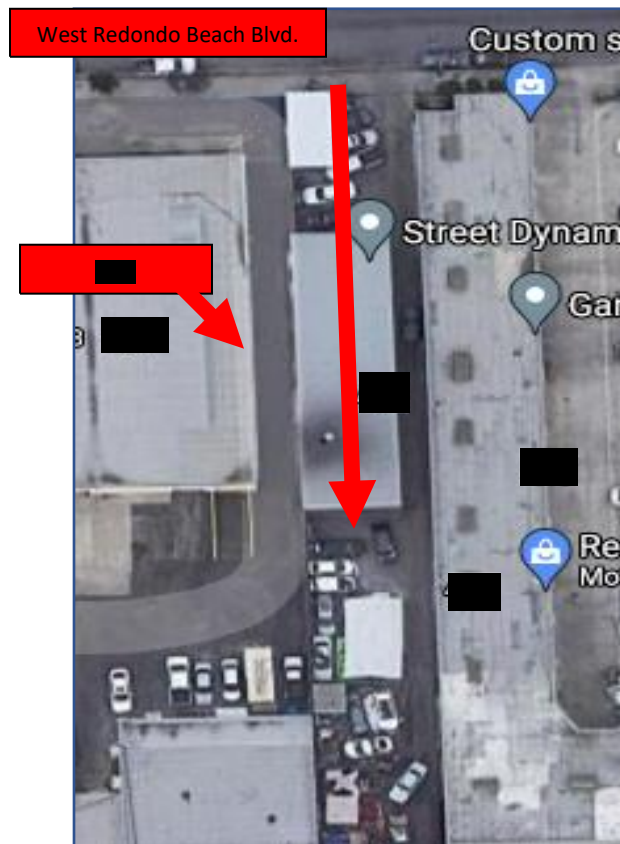


Figure 3. This satellite photograph of [REDACTED] shows Guardado's path when he fled from the deputies.

As he jogged away, both deputies reported that Guardado kept his hand in the front of his waistband. Vega said he saw Guardado draw the gun from his waistband and keep it pressed to his body. Hernandez exited the patrol vehicle and followed approximately ten feet behind Vega. Vega maintained a distance of approximately four to five yards from Guardado during the chase.

As they followed Guardado, the deputies said they repeatedly told Guardado, “Stop! Drop the gun! Let me see your hands!” Guardado disregarded these instructions and continued fleeing slowly down the alley. Guardado kept his hands in front of him, in the center of his waistband, repeating, “Fuck! Fuck! Fuck!” Both deputies saw Guardado look over his shoulder several times as he ran. Because he was running slowly, did not discard the firearm, and looked back at the deputies as he ran, the deputies both believed Guardado was trying to acquire a target so he could shoot them.

Guardado passed the east side of the building along the driveway where a sliding metal door was open. Guardado reached a parking lot at the south end of the building. Hernandez was familiar with the location because he responded to [REDACTED] following the June 7, 2020 shooting. While he was chasing Guardado, he slowed down at the sliding door so he would be in position to head Guardado off if Guardado turned and entered [REDACTED] from the south entrance.

Guardado turned into the parking lot on the south side of [REDACTED] and stopped. Vega ran a few feet past Guardado in an effort to contain Guardado between himself and Hernandez.

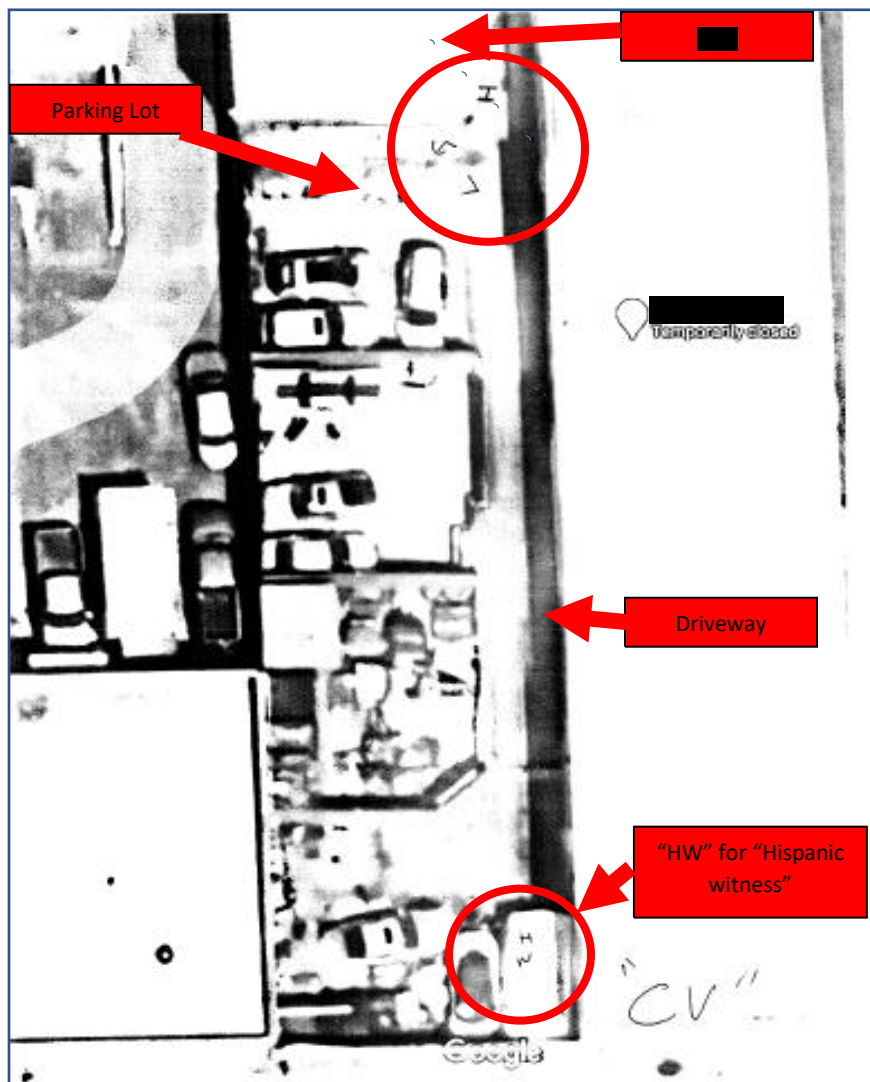


Figure 4. During an interview with investigators, Vega wrote the V, G, and H on the above satellite photograph to indicate the position that he, Guardado, and Hernandez were in when he detained Guardado in the parking lot behind [REDACTED]. In the bottom right corner of the photograph, Vega wrote "HW" to indicate the location of a "Hispanic witness" he noticed after the shooting.

Vega told Guardado, "Let me see your hands!" Vega broadcast that he was detaining a suspect for a violation of Penal Code section 417, brandishing a firearm. The deputies told investigators that Guardado was facing away from Vega. From his vantage point, Hernandez could only see Guardado's left side, which was turned towards Vega. Each deputy said Vega ordered Guardado to drop the gun. At that point, Hernandez told investigators that he looked into the garage to evaluate his surroundings. Vega said Guardado turned towards Vega with the gun in his left hand. Guardado bent at the waist and laid the gun on the ground approximately three feet away from his body on his left side. Because Guardado seemed to carefully place the gun close to himself as opposed to tossing it a safe distance away, Vega was concerned that Guardado would attempt to regain possession of it.

Vega told Guardado to get on the ground, a statement which Hernandez heard. Instead of laying directly on the ground, Vega said Guardado took a step backwards and a step to the side, moving himself closer to the gun. He then laid face down on the ground and extended his arms so that Vega estimated Guardado's right hand was approximately three inches from the firearm. Hernandez told investigators that due to his vantage point, the wall partially blocked his view, and he could only see Guardado from the middle of his back to his legs. Hernandez was able to see Vega. Vega was concerned that Guardado was intentionally keeping the gun within close reach so that he could use it against Vega. Vega repeatedly told Guardado to place his hands behind his back to dissociate Guardado's hand from the gun. Vega also said, "Do not touch that gun" multiple times. Guardado looked at Vega but did not put his hands behind his back.

Vega said he approached Guardado to handcuff him. As he did so, Vega said, "Do not reach for that weapon." Vega said he also repeated, "Put your hands behind your back." Guardado did not put his hands behind his back. Vega stepped towards Guardado to handcuff him. As Vega neared him, Guardado fixed his gaze on the nearby firearm. Vega was within two feet of Guardado, bending his knee to place his shin on Guardado's back. Vega seated his duty weapon in its holster which, Vega said, made a distinctive sound. Vega said that immediately after his gun made the sound of clicking into the holster, Guardado reached for his firearm with his right hand. Fearing that Guardado would acquire the firearm and kill Vega, Vega drew his duty weapon and fired multiple rounds at Guardado in rapid succession. Vega paused, saw that Guardado was still reaching for the firearm on the ground, and fired another round or two. Vega fired a total of five rounds, each of which struck Guardado in the back.

Hernandez said that he heard Vega say, "Don't reach!" followed by five to six gunshots. Hernandez broadcast that there had been a deputy involved shooting and requested an ambulance to provide medical attention to Guardado. Hernandez asked Vega if he was ok, and Vega responded, "He reached for the gun."

Vega saw a man—later identified as [REDACTED].—standing outside another business at the end of the driveway. Vega instructed [REDACTED] to remain where he was.

Guardado was still moving on the ground. When Hernandez approached Guardado and Vega, he saw that Guardado's right hand was extended towards the gun, which was "at his fingertips." Vega kicked the gun away from Guardado. Hernandez handcuffed Guardado and rendered medical aid. Los Angeles Fire Department personnel arrived and took over providing medical care to Guardado.

Physical Evidence

When crime scene investigators arrived at the scene, they saw Guardado's body lying near the open south bay door to [REDACTED]. Guardado's clothes had been cut by paramedics and medical adhesive tabs were stuck to his skin. Near the body, investigators recovered five expended cartridge cases, consistent with Vega firing five shots. Investigators also found Guardado's cellular telephone located near his head and a black baseball hat with a white letter "D" laid near Guardado's head and he was wearing black latex gloves.



Figure 5. This photograph shows the locations of the pistol and the hat relative to Guardado's body when investigators arrived at the scene.



Figure 6. This photograph shows Guardado's body relative to Hernandez and Vega's patrol car, the driveway, and [REDACTED].

Several feet west of Guardado's head, investigators recovered a loaded .40 caliber pistol. The stainless-steel slide was manufactured by Smith and Wesson, while the black polymer lower frame and handle was consistent in design and construction with a 3D printed structure. The magazine was manufactured by Glock. The firearm was functional and lacked any identifying markings, consistent with being a "ghost gun." The magazine contained fourteen live cartridges.



Figure 7. This photograph shows the pistol recovered near Guardado's body.

Inside [REDACTED], investigators found dozens of cylindrical metal tanks which were capable of holding nitrous oxide. These metal tanks were lined up in various locations throughout the business.



Figure 8. This photograph shows nitrous oxide tanks lined up near a container in the back corner of the garage.

In the [REDACTED] office, investigators found a refrigerator. In the freezer within the refrigerator, the insulation separated from the refrigerator door. The insulation had a cutout that fit the pistol recovered near Guardado and where the gun could be hidden.



Figure 9. This photograph shows the inside of a door in a freezer found in [REDACTED]. On the left, the insulation has been cut away to make a hiding space for a gun the size and shape of the one found near Guardado's body.

DNA Evidence

LASD Scientific Services Bureau Biological Unit analyzed the pistol recovered near Guardado's body. Criminalists located Guardado's DNA on the trigger, trigger guard, and on the loaded pistol magazine.

Surveillance Cameras

A video surveillance camera from a business across West Redondo Beach Boulevard showed the Ford Expedition leaving the driveway of [REDACTED], and shortly after it captured [REDACTED]'s Lexus pulling up to the driveway of [REDACTED] where Guardado stood. It continues to record the incident as described above until the deputies ran down the driveway, where they ran outside the scope of the camera. A still from this video recording is shown in Figure 1 of this memorandum. It is impossible to discern from the video whether or not Guardado was holding the gun when he started running from the curb.

Pursuant to a search warrant, investigators secured the business park and prevented the public from entering. LASD recovered a DVR player inside [REDACTED]. There were also two Netgear brand wireless surveillance cameras inside the business. [REDACTED] told investigators those cameras did not work because she had not paid the bill for a year. [REDACTED] said they did not work because of "WiFi connectivity issues."

There were two cameras mounted on the outside of the smaller, or northern, building. There were also five cameras mounted on the outside of the larger building where [REDACTED] was located. Those cameras were directed towards the sidewalk; towards the driveway; and towards the

parking lot where Guardado was shot. All seven of these cameras were ADT brand. The exterior cameras were controlled and maintained by [REDACTED], who owned the business park, and his son [REDACTED]. The DVR was kept in the small north building, which property owners [REDACTED] and [REDACTED] kept. [REDACTED] and [REDACTED] told investigators that after the June 7, 2020 shooting, LASD investigators took memory cards from their surveillance cameras and a DVR. They needed to replace their surveillance system after the investigation of the prior shooting but had not yet done so.

Investigators found that none of the cameras worked at the time of the shooting of Guardado. Either the cameras' memory cards had been removed during the investigation of the June 7, 2020 shooting or they were connected to the DVR, which was not functional.

LASD High Tech Task Force (HTTF) detectives examined the DVR and cameras taken into evidence and found that no audio or video recordings were taken of the shooting.

Telephone Call from "[REDACTED]" of uBreakiFix

On June 21, 2020, investigators spoke to "[REDACTED]," who identified himself as a video repair and retrieval professional working at uBreakiFix, [REDACTED] in Riverside, California. UBreakiFix is a mobile phone repair chain store.

[REDACTED] said Guardado's family provided him with a storage device which contained footage of a male LASD deputy and a female sergeant disabling a security camera.⁴

Approximately a half an hour after speaking to [REDACTED], an investigator received a call from "[REDACTED]." [REDACTED] said he was [REDACTED]'s manager at uBreakiFix. He said Guardado's family had not asked them to retrieve video of the shooting. He was unable to explain why [REDACTED] would make that assertion, but stated it was not true. The investigator asked [REDACTED] for identifying information, but [REDACTED] refused to provide any. He said he did not want to assist law enforcement any further in their investigation.

Investigators were unable to verify the location of the uBreakiFix store. There were no uBreakiFix locations in Riverside.

Guardado's Cellular Telephone

Guardado's cellular telephone was lying next to his head when his body was recovered. LASD HTTF downloaded the phone's contents and provided them to Homicide investigators reviewing the Guardado shooting. Among the contents of Guardado's phone, the investigators found three selfie-style videos in which Guardado appears to be holding a gun. The first video shows someone who appears to be Guardado holding a different gun than the one recovered in this incident. The two other videos show the subject of the videos holding what appears to be the same gun that was recovered near Guardado's body. Each of the videos appears to be recorded inside [REDACTED], based upon the distinctive color of the walls in the background, the beams in the

⁴ Efforts to determine whether any such video exists were met with negative results.

ceiling, and the numerous metal tanks. The first video was recorded on June 2, 2020; and the next two were recorded 25 seconds apart on June 16, 2020, two days before the shooting.

The person in the video appears to be Guardado because they are taken from the perspective of a “selfie” style video; the subject of the video is wearing a Raiders baseball hat that Guardado is wearing in other photographs on the phone; and the subject is wearing black latex gloves and a facemask consistent with those Guardado wore during the incident. Additionally, the background of the videos appears to be the inside of [REDACTED]. The June 2nd video depicts blue metal tanks in front of a blue wall and a rolling set of metal draws with red trim. The June 16 videos show a maroon wall in the background as well as exposed metal beams consistent with the underside of the loft in [REDACTED].



Figure 10. This still photograph was taken from a video recording taken from Guardado's phone. The video was created on June 2, 2020. The gun was compared to the pistol recovered near Guardado's body but was determined to be a different weapon.

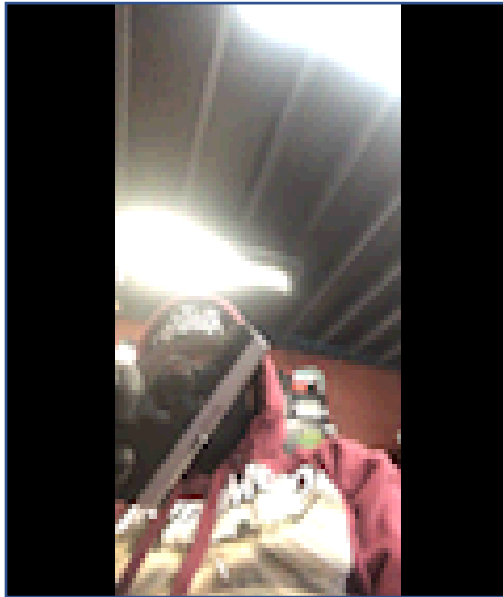


Figure 11. This still photograph is taken from the first of two video recordings that were made on June 16, 2020 on Guardado's phone. The photograph shows Guardado holding a gun that, according to LASD Criminalist Munoz, exhibited similar characteristics to the pistol recovered near Guardado's body.



Figure 12. This still photograph is taken from the second of two video recordings made with Guardado's phone on June 16, 2020. A firearm comparison confirmed this firearm was the gun recovered near Guardado's body.

Investigators also saw a video of Guardado inflating a balloon with gas from a metal tank. In the video, Guardado is wearing what appears to be the same hat he was wearing at the time of the shooting.

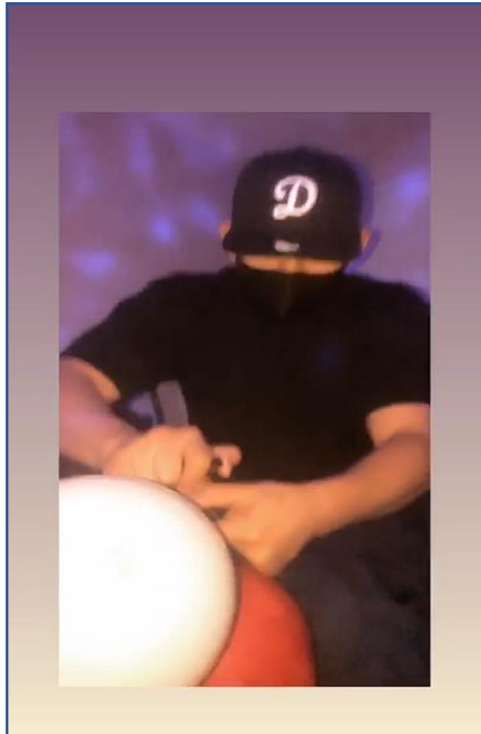


Figure 13. This still photograph from Guardado's cell phone shows Guardado inflating a balloon with gas while wearing the hat he wore the day of the shooting.



Figure 14. This photograph shows Guardado's hat laying in the parking lot.

Social Media Evidence

Investigators reviewed Guardado's Instagram account. Posted on the account, they found a photograph of a loaded magazine and a photograph of the pistol that was recovered near Guardado's body.



Figure 15. This photograph of a loaded magazine was posted on Guardado's Instagram account.



Figure 16. This photograph of a two-toned pistol was posted on Guardado's Instagram account. Criminalist Munoz compared the gun in this photograph with the pistol located near Guardado's body and determined that they are the same firearm.

Criminalist Manuel Munoz compared seven photographs, including the guns depicted in Figures 10, 11, 12 and 16 with the gun recovered near Guardado's body. Munoz concluded that the firearm depicted in Figures 12 and 16 were the pistol that was located near Guardado's body. The gun depicted in Figure 10 was a different gun. He determined that the firearm shown in Figure 11 bore similar characteristics to the gun recovered near Guardado's body, but there was insufficient detail in the photograph to make a firm conclusion. He found that three other photographs that were taken from Guardado's phone were similar to the pistol recovered near

Guardado's body, but it was impossible to make a conclusive determination due to a lack of sufficient detail in the picture. Finally, Munoz found that the magazine depicted in Figure 15 was consistent with the magazine in the pistol recovered near Guardado's body.

Witness Statements

Investigators interviewed the following witnesses:

██████.

██████. hired ██████ to work as a mechanic at ██████ approximately two months prior to the shooting. ██████. was aware that ██████ sold nitrous oxide for personal ingestion. ██████ understood Guardado had been hired by ██████. to be a security guard, though Guardado performed odd jobs around the shop as well. ██████ was the shop manager. ██████. did not work on cars and primarily sold nitrous oxide.

A couple weeks before the shooting, Guardado showed ██████. a gun that he kept in his waistband. ██████. saw news footage about the incident that showed the gun on the ground near the body. ██████. recognized the gun in the news story as the same gun Guardado showed ██████. in the weeks before the shooting. ██████. was at ██████ the day of the incident but did not see the gun in Guardado's possession that day. ██████. did not know from where Guardado got the firearm.

On the day of the shooting, ██████. asked Guardado to come into the shop to "help [him] with something." Guardado arrived late which led ██████. and Guardado to argue. Guardado stepped outside "to cool off" approximately fifteen minutes prior to the shooting. ██████. remained inside ██████ alone, working on a car. Outside the shop he heard male voices that sounded to him like two people arguing. ██████. did not hear what was said. ██████. heard footsteps, and someone said, "Hey, stop." A garage door on the east side of ██████ was open out onto the alley. ██████. looked out the open door and saw Guardado's legs run past followed by a deputy. ██████. could not see whether the deputy had his gun drawn. A second deputy stopped in front of the open door. ██████. heard two gunshots, a pause, and then four to five more gunshots. ██████. approached the door and saw Guardado from the waist down, lying face down on the ground. A deputy stood near Guardado with his gun drawn. The deputies told ██████. to go back inside the garage. ██████. called ██████ to inform him of the incident.

██████. did not see the shooting. ██████ told investigators that LASD did not destroy surveillance videos at ██████, as was reported in the media.

██████.

██████. owns a body shop at the south end of the driveway that leads to ██████. At the time of the shooting, he was working in his shop and he heard what sounded like fireworks. He could not estimate how many fireworks he heard. ██████. did not realize anything unusual happened until he was contacted by police investigating the shooting. He did not hear any loud voices but

did not think it was likely he would have heard voices because he was inside. Other than [REDACTED], [REDACTED] did not see anyone at the location other than the police.

[REDACTED] did not know anything about the security cameras on the property and did not have any security cameras of his own.

[REDACTED]

Investigators interviewed [REDACTED] on the night of the shooting. He was a mechanic who ran a shop at the south end of the driveway that went past [REDACTED].

[REDACTED] was fixing a car when he heard yelling, but he could not make out what was said. [REDACTED] speaks Spanish and the yelling was in English. Next, [REDACTED] heard two to three gunshots. He stepped out of his shop to see where the shots were coming from and saw two deputies.

When [REDACTED] first saw the deputies, they were surrounding something, but [REDACTED] could not tell what. [REDACTED] went back into his garage, where he remained until another deputy brought him to a patrol car which took him to Compton Station.

When he was walking to the patrol car, [REDACTED] saw Guardado's body on the ground. The only other person he saw at the location other than the deputies was [REDACTED].

[REDACTED] told the investigators that the owner of the business park has access to video cameras, but [REDACTED] did not have any cameras of his own.

[REDACTED]

Investigators interviewed [REDACTED] on the night of the shooting.

During the interview, [REDACTED] said she lived in a motorhome across the street from [REDACTED]. She was cleaning her motor home when the incident occurred. She heard a car drive up. The sound of keys jingling caused her to look in the direction of [REDACTED]. She saw two deputies exit a patrol car and run southbound down the driveway of [REDACTED]. She heard four to six gunshots in quick succession. Her cousin, [REDACTED], worked as a security guard for [REDACTED] and was a member of a local criminal street gang. Fearing her cousin had been shot, [REDACTED] looked down the driveway and saw two deputies with their guns drawn. From her perspective, it appeared the deputies were pointing their weapons at the metal door. [REDACTED] did not hear the deputies issue any commands.

[REDACTED] did not see Guardado at any time.

[REDACTED] was familiar with several violent incidents that occurred at [REDACTED]. She recalled a murder that occurred a year or two prior, the shooting that occurred the week prior, and she described a shooting three months prior where a bullet went through the window of her motor home.

██████████. provided an interview to KTTV news that aired on June 19, 2020. In the interview, she provided a brief account of the incident that was generally consistent with the statement she gave investigators on the night of the shooting. In the news interview, she described the deputies as white males and emphasized she did not hear them issue commands to Guardado.

Based on the interview investigators saw on the news, they decided to interview ██████████ a second time. She confirmed that what she told them on the night of the shooting was true. She confirmed that she saw the deputies get out of the patrol car and run down the alley. Shortly afterwards, she heard gunshots. She did not see the shooting.

██████████.

██████████. lived in the motorhome across the street from ██████████ with ██████████. At the time of the incident, he was asleep inside his motorhome and was awakened by six to seven gunshots. He did not look outside his motorhome to investigate.

██████████. worked as a security guard at ██████████. He did not wear a uniform or carry a firearm when he worked as a security guard there. He stood at the gate and searched people to ensure they were unarmed before entering ██████████.

██████████. told the detectives that ██████████. was in charge of hiring at ██████████ and that ██████████. owns ██████████. ██████████. stated that nobody was armed there. As far as he knew, ██████████. was not selling nitrous oxide. He had never seen anybody bringing tanks in and out of the business. ██████████. did not know whether there were tanks inside because he never went inside.

Initially, ██████████. said he did not know Guardado.

Later in the interview, ██████████. told investigators Guardado wore regular clothes instead of a uniform when he worked security at ██████████. ██████████. also hired Guardado. ██████████. mostly did auto body work.

██████████.

Television News Interviews

An interview with ██████████. was broadcast by KABC News on June 19, 2020. ██████████. said Guardado was working as a security guard in front of BPD due to problems with graffiti. ██████████. said, “the police apparently... pulled a gun on (Guardado).” Guardado was frightened and ran. The deputy chased him and “emptied a clip into him.” In the interview, ██████████. spoke as if he saw the incident, but he later clarified to investigators he was not at the scene when the incident occurred.

KCAL9 news and CBS2 news broadcast the same interview with ██████████. In the interview, ██████████. told KCAL 9 news that Guardado was working as a security guard due to problems with graffiti at the business. He said that the police approached Guardado and pulled their guns

on him. Guardado got scared and ran. The police shot and killed him. Guardado “had a clean background,” and police had no reason to shoot him.

YouTube Interview

An interview with [REDACTED] appeared on Twitter and YouTube on June 19, 2020. The interview was conducted by a blogging website called LA Taco. The video identified [REDACTED] as the shop manager. In the interview, [REDACTED] described Guardado standing right there on the curb by the fire hydrant talking to two females. He said three “police officers” approached Guardado, and “right away pointed their guns.” Guardado got scared and ran down the driveway. Guardado got on his knees and put his hands behind his head. An officer “executed” Guardado by shooting him seven times. Once again, [REDACTED]’s vivid description of the shooting leaves the impression that he witnessed it, but [REDACTED] did not say he was not present when it occurred.

The interview goes on to record [REDACTED] pointing to dismantled surveillance camera housings. He explained that law enforcement broke the cameras off the wall to cover up the murder of Guardado. He tells the interviewer that the sheriffs, “illegally got into everything” without a warrant.⁵ He says, “This whole thing has been a cover up.” [REDACTED] did not state that he was not present when LASD searched the premises.

The interviewer asked whether or not Guardado had a gun when he was shot. [REDACTED] explains, “That’s what they’re saying but I don’t think so because... in the year and a half I’ve known him, I’ve never known him to be armed, ... he wasn’t a gang member, never been so much as arrested... he was the coolest kid.”

Facebook Messenger Account

On June 21, 2020, [REDACTED] sent a personal message to an unidentified person describing the shooting.

⁵ Detectives arrived at the scene at 6:34 p.m. and a magistrate signed a search warrant for the premises at approximately 8:20 p.m.



Figure 17. Investigators found this account of the shooting written in [REDACTED] Facebook account.

The description of the shooting contained in [REDACTED] Facebook account is consistent with the interview he provided to LA Taco. Each bear the following similarities:

1. LASD “executed” Guardado
2. Three officers chased Guardado
3. Guardado was shot seven times
4. LASD destroyed the cameras at the shop to cover up their deputies’ wrongdoing
5. [REDACTED] does not explain that he was not present when the shooting occurred

LASD Interviews

Investigators interviewed [REDACTED] on September 1, 2020. During the interview, he vacillated when he described his position at [REDACTED]. First, he said he was a mechanic who worked at [REDACTED]. He also “filled tanks from time to time.” Then he said his job was to deliver nitrous oxide tanks from one place to another. When investigators confronted him with the fact he said he was the shop manager to the news reporters, he said, “I guess you could call it the shop manager.” When investigators asked if he did the hiring for the shop, he said he was not the shop manager.

[REDACTED] stated he also sold nitrous oxide at the garage and knew the nitrous oxide he sold was being used for personal ingestion. He restated that he was not the shop manager and did not hire Guardado. [REDACTED] denied telling the television reporters that Guardado was a security guard and said Guardado was not a security guard at [REDACTED] productions. Guardado only came to the shop because he liked the comradery and wanted to learn about cars. Guardado would leave his job working security elsewhere and then arrive at [REDACTED] still wearing his security guard uniform.

When investigators confronted [REDACTED], with contrary statements he made on the news, [REDACTED] said the media misconstrued his statements.

[REDACTED] said Guardado helped around the shop. The reason Guardado was outside at the time of the shooting was that he was “helping [REDACTED] with tagging.” [REDACTED] insisted Guardado was not a security guard. [REDACTED] never knew Guardado to carry a firearm.

At the time of the shooting, [REDACTED] was not at [REDACTED]. He did not remember where he was, but he was with [REDACTED] driving in a car when [REDACTED] called to inform them of the shooting. [REDACTED] told investigators that when he was speaking in front of the news cameras, he was repeating what someone else told him.

Investigators showed [REDACTED] a photograph of the handgun recovered from the scene of the shooting and [REDACTED] said he had never seen the handgun nor had he ever seen Guardado with a gun.

Investigators showed [REDACTED] a photograph of the refrigerator that showed how the insulation had been cut out to hide a firearm. [REDACTED] said he had never seen the hole in the insulation before.

[REDACTED]

[REDACTED] is the owner of [REDACTED]. Shortly after moving his business into the shop in 2018, there was a murder at the location. There was another shooting approximately a week before Guardado was shot.

Per [REDACTED], [REDACTED] managed [REDACTED]. [REDACTED] relationship with [REDACTED] lately began to fray due to [REDACTED] methamphetamine use. [REDACTED] met Guardado through [REDACTED]. [REDACTED] told [REDACTED] that he hired Guardado to help around the shop. [REDACTED] did not realize Guardado was hired to be a security guard until he heard [REDACTED] say Guardado was a security guard in a TV news story.

[REDACTED] said he had no idea Guardado was armed.

Nitrous oxide sales brought potentially dangerous people to the shop. [REDACTED] sold nitrous oxide out of the shop and Guardado assisted [REDACTED] in selling nitrous oxide.

[REDACTED], [REDACTED] girlfriend who also kept [REDACTED]’s books, owned a shotgun that she kept in the shop for protection.

After the shooting, [REDACTED] called [REDACTED] to inform him of the shooting. [REDACTED] said he saw Guardado lying on the ground, but [REDACTED] said he did not witness the shooting. [REDACTED] also told [REDACTED] he did not see the shooting and was not at the location when it occurred. [REDACTED] told investigators he was not at the location during the shooting, but he did not remember where he was.

A KTTV news broadcast on June 19, 2020 reported that “the owner here at the body shop says [the surveillance cameras] were left destroyed by the investigators overnight.” When investigators asked [REDACTED], about the news report saying the owner of the shop said LASD had destroyed the cameras, [REDACTED] said the report was false. He said that at the time of the shooting, the surveillance cameras were not working. [REDACTED] could not access the cameras and [REDACTED] told [REDACTED] he could not access them either. [REDACTED] believed the issue was due to a problem with the router. [REDACTED] was also aware that people who worked at [REDACTED] would turn off the surveillance cameras so that they could have sex with women who visited the shop. [REDACTED] stated that LASD did not destroy the surveillance cameras at the shop.

Investigators showed [REDACTED] a photograph of the refrigerator that showed how the insulation had been cut out to hide a firearm. [REDACTED] had never seen that before.

[REDACTED] seldom visited the shop. He admitted he sometimes sold nitrous oxide himself.

Investigators showed [REDACTED] a photograph of Guardado’s gun. [REDACTED] had never seen the firearm before.

[REDACTED] sells over \$5,000 of nitrous oxide per week.

[REDACTED]

[REDACTED] lived with [REDACTED] and had two children with him. She managed [REDACTED]’s finances and went to the shop approximately once a week. She was aware of several prior shootings at the shop, including the one that occurred on June 7, 2020. Because of those incidents, she kept a shotgun at the shop.

[REDACTED] owned [REDACTED] and did most of the hiring, although [REDACTED] hired some employees. She knew and liked Guardado, who she met through [REDACTED]. She learned of his death the night of the incident when one of her children told her. Shortly afterwards, [REDACTED] called and described the shooting to [REDACTED] in a manner that was consistent with the account he provided to law enforcement.

[REDACTED] was unaware that Guardado had been hired as an armed security guard.

[REDACTED] said the video surveillance system at [REDACTED] did not function because she had not paid the bill in a year.

[REDACTED]

[REDACTED] owned the property where the shooting occurred. His son, [REDACTED], rented a mechanic shop on the property.⁶ [REDACTED] hired security for their shop. They hired Guardado as a security guard. [REDACTED] was aware [REDACTED] was selling nitrous oxide for personal consumption

⁶ [REDACTED] ran a mechanic’s shop out of a bay on the north side of the larger of the two buildings on the property.

out of their shop. [REDACTED]. had security cameras and watched as people came to [REDACTED] to buy nitrous oxide at 2:00 or 3:00 in the morning.

[REDACTED]'s DVR was taken by LASD investigators who were investigating the most recent shooting at [REDACTED]. [REDACTED]. had not yet installed a functioning security system between the previous shooting and the current one.

[REDACTED]. said the men inside [REDACTED] filled the nitrous oxide tanks. He knew one by the name of "[REDACTED]" who worked for [REDACTED]. He had never seen the security guards with pistols, but he was aware they were armed with firearms.

[REDACTED].

[REDACTED]. was a former employee at [REDACTED]. He knew [REDACTED] through a mutual friend and [REDACTED]. hired [REDACTED]. as a laborer or janitor. [REDACTED]. worked approximately four days a week. [REDACTED]. did odd jobs around the shop. [REDACTED]. did not sell nitrous oxide. He had stopped working at [REDACTED] before the incident.

[REDACTED]. knew Guardado but did not know his employment status because [REDACTED]. stopped working at [REDACTED] before Guardado was hired.

Investigators told [REDACTED]. they knew he spoke to Guardado five minutes before the deputies arrived. [REDACTED]. then said that prior to the shooting, he went to [REDACTED], spoke to Guardado, went inside, and then left.

[REDACTED]. never saw Guardado with a gun. [REDACTED]. never handled a gun at [REDACTED].

A detective told [REDACTED]. that pictures of [REDACTED]. with a gun in his waistband and filling nitrous oxide tanks were found on Guardado's cell phone. [REDACTED]. responded that he has memory trouble due to the narcotics he ingests.

[REDACTED]

Investigators interviewed [REDACTED]. on July 31, 2020. [REDACTED]. was a security guard at [REDACTED]. He worked there for approximately three months prior to the incident. [REDACTED]. was working on the day of the incident.

Guardado was not working at [REDACTED] on the day of the incident but came by the shop to help out. [REDACTED]. asked Guardado to watch the door for a short time while [REDACTED]. got something to eat. Guardado agreed, so [REDACTED]. left the shop. [REDACTED]. was at the hotel where he was staying when the shooting occurred.

When [REDACTED]. worked security at [REDACTED] he armed himself with a BB gun. Guardado was armed with a "real" gun. [REDACTED]. said [REDACTED]. would give guns to [REDACTED]., [REDACTED]'s boyfriend, and [REDACTED]. would give them to [REDACTED]. and Guardado.

█████. saw the gun recovered near Guardado's body. █████. identified it as █████ gun. An hour before the shooting, Guardado lifted up his shirt and showed the gun to █████. Guardado had the gun tucked in his waistband. Guardado said some women were coming by the shop to meet him.

█████. was aware █████ was selling nitrous oxide for personal ingestion. He said █████ was concerned about "gangbanging" at the business. As a security guard, he would ask people to lift their shirts to ensure they were not armed.

█████.

Investigators first interviewed █████. at approximately 1:15 p.m. on September 1, 2020. She owned the white Lexus that was parked on the curb when the deputies attempted to contact Guardado. █████. was Guardado's friend. She had known him for approximately a year. The two had met on social media and had mutual friends.

On the day of the shooting, █████. drove her Lexus to █████ with her friend █████. █████ went to the shop to bring Guardado something to eat. When she arrived, Guardado was in front of the store by the gate. █████. went inside the store to use the bathroom.

Detectives asked █████. whether █████. did anything before she went into █████. █████. originally said that █████. "was like tossing shit into my trunk." Investigators asked if she tossed something into her trunk or whether █████. took something out. █████. maintained that, "Honestly, like I just saw her throw stuff in my trunk." Investigators then asked whether █████. took a nitrous oxide tank out of the trunk when she went into the store. █████. said, "No." █████. maintained that she used to ingest nitrous oxide at parties, but had not done so for a long but unspecified amount of time.

Investigators informed █████. that surveillance video indicated █████. got out of the car, removed a nitrous oxide tank and walked into the business. █████. said, "She probably did.... Whatever she does, that's her business."

When █████. arrived, Guardado came to █████'s car and leaned into the window to speak with █████. Guardado told █████ that he was working as a security guard that day. He was not wearing a security guard uniform. Per █████., Guardado always wore street clothes when he was working as a security guard at █████.

█████. did not see the deputies pull beside her because she was facing Guardado. She saw his face suddenly change from laughing to surprised. █████. turned to see the patrol car. Guardado said, "Oh, shit," and backed away from the Lexus door.

Guardado took a few steps back and then turned and walked quickly into the gate. After three to five steps, Guardado started running. When the deputy first exited the patrol car, he said, "Hey, come here." Guardado was already speed-walking away from her vehicle by then.

█████. did not see a gun in Guardado's possession at any time during the encounter.

██████████. lost sight of Guardado and the deputies after they passed the front corner of the building. She heard three shots immediately after the deputies disappeared from her view and ██████████. believes the shots were fired just past the front of the building. ██████████. was in the alley when the shots were fired. ██████████. yelled at ██████████. to run. ██████████. ran to the Lexus and got inside. Fearing for her life, ██████████. negotiated the Lexus away from the curb and drove away.

Approximately 57 minutes into the interview, ██████████. admitted that when ██████████. got out of the car and went into ██████████, she took a tank that belonged to ██████████. out of the trunk.

██████████. asked to speak to detectives again approximately six hours after the first interview on September 1, 2020. During this interview, she said ██████████. was the owner of ██████████. ██████████. acknowledged that she was a regular customer who bought nitrous oxide at ██████████. When she spoke to the police for the first time, she was angry at the police and blamed them for Guardado's death. In retrospect, she recognized that if Guardado had not run from them, he might not have been killed.

██████████

Investigators interviewed ██████████. on September 22, 2020. On the day of the shooting, ██████████. drove with ██████████. to ██████████. ██████████. had been to ██████████ a few times before because "that was the [nitrous oxide] spot."

Guardado was standing by the gate when ██████████. and ██████████. drove up. ██████████. and Guardado started speaking. ██████████. asked if it would be alright if she used the restroom. She got out of the car and went to the shop where an "older white guy" refused to let her in. ██████████. was walking down the driveway back to the car when she saw Guardado running towards her followed by two deputies. She did not hear the deputies or Guardado say anything. She did not pay attention to whether Guardado had anything in his hand.

██████████. was confused and ran to the car. When she got into the car, ██████████. drove away. When the car got to the corner, she heard what she believed were gunshots.

As the interview progressed, she told investigators that ██████████. asked her to get an empty nitrous oxide tank out of the trunk and bring it into ██████████. She did so.

She knew Guardado was a security guard at ██████████ but she did not know anything more about him.

After the incident, ██████████. and ██████████. went to a 7-Eleven parking lot nearby ██████████. Guardado's family and news cameras were there. ██████████. spoke to ██████████. in the parking lot, who told her Guardado worked for him and that ██████████. hated law enforcement. ██████████. told her that he owned ██████████.

██████.

██████. owns a property one lot west of the property where ██████ is located. On June 23, 2020, detectives met with her at her property to access her security cameras. She said she looked for footage from the time of the shooting, but the cameras were not operational and did not record anything.

She was at her property during the incident. ██████. heard gunshots, but she did not see what occurred.

When detectives met with her, ██████. complained of cannisters and balloons littering the area. So many cars were double parked in front of ██████ to drop off and pick up cannisters that ingress and egress to her property were impeded. She felt intimidated by the security guards ██████ posted at the gate and avoided walking past the business. She did not recognize Guardado.

██████

██████ told investigators that he and his father owned the property where ██████ was located. There were two buildings where they leased space to two different businesses and there were two more business who leased space outside.

On the day of the shooting, ██████ had just left the property when he got a call from ██████ who wanted to find out what was happening at the property. ██████ drove to the 7-Eleven store beside the property, where he met ██████. ██████. showed ██████ a picture of Guardado. ██████ recognized Guardado as someone who had recently started hanging around ██████. ██████ had spoken to Guardado and believed Guardado was on parole. ██████ never saw Guardado with a gun. ██████ thought Guardado always looked scared.

██████ knew ██████ was selling nitrous oxide. ██████ and his father planned to tell ██████. to leave because of the violence the business brought to the location.

The property had surveillance cameras, but the DVR was not working, and the cameras were not functional.

Autopsy

On June 22, 2020, Dr. Kevin Young, a Medical Examiner at the Los Angeles County Coroner's Office performed an autopsy on Guardado's body. Dr. Young found that Guardado suffered five fatal gunshot wounds. All of the rounds entered Guardado's back. There was also a graze wound on each of his forearms.

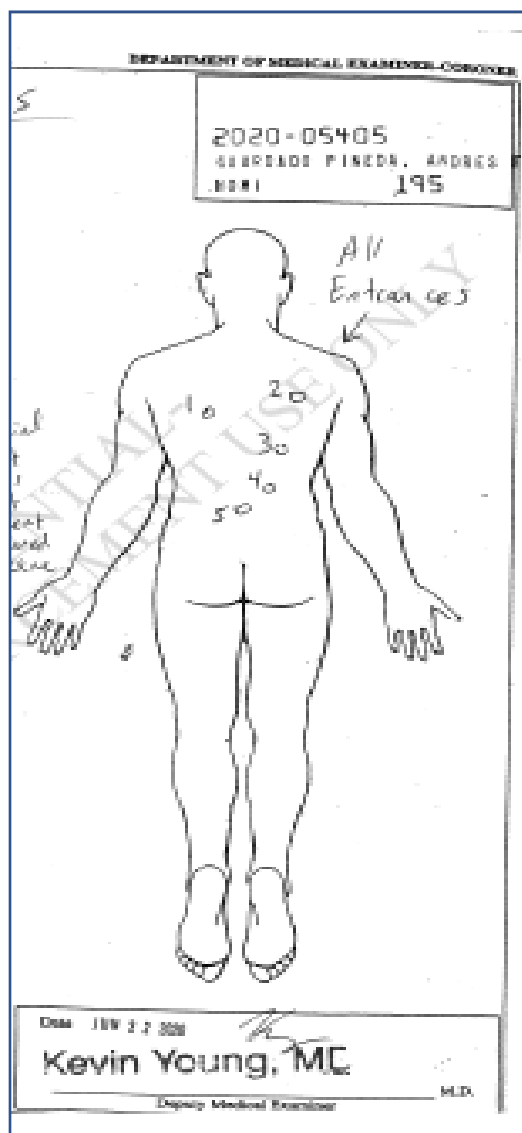


Figure 18. Dr. Young drew this diagram to show the location of Guardado's gunshot wounds.

Dr. Young labeled the gunshot wounds one through five in descending order from head to lower back, with gunshot wound number one being the one closest to the head and gunshot wound number five being the injury farthest from the head. He analyzed the trajectory of each projectile through the body. He determined that gunshot wound number one traveled from back to front and down. Gunshot wounds two through five all traveled back to front and up.

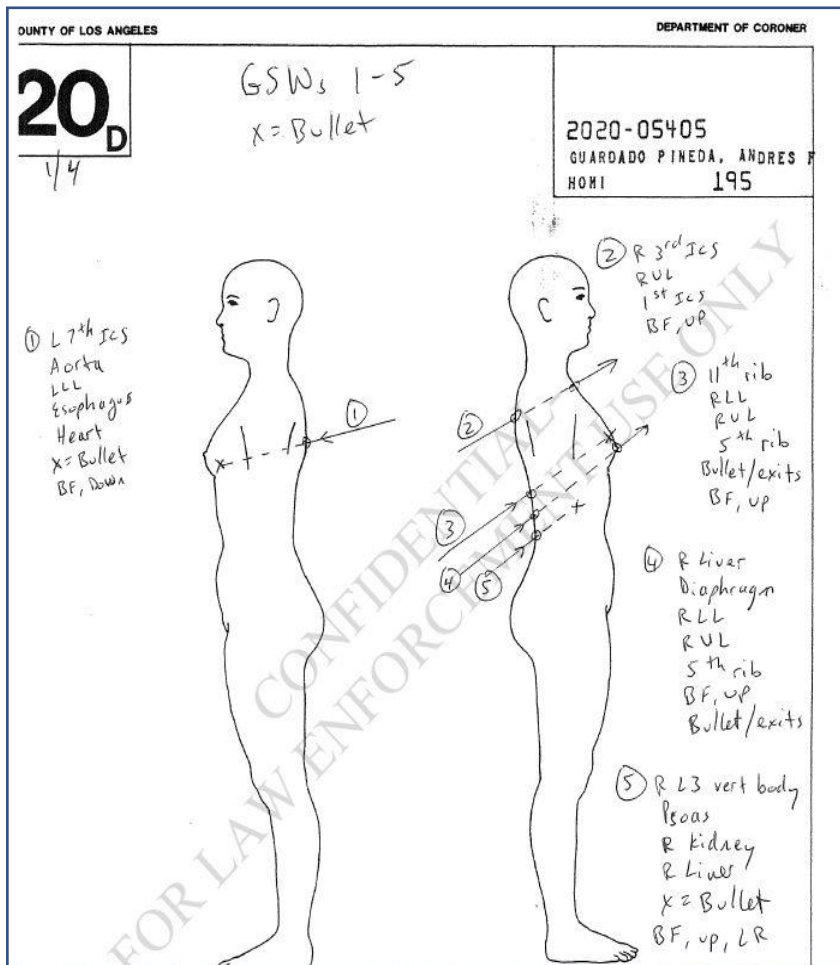


Figure 19. Dr. Young drew these diagrams so show the trajectory of the projectiles through Guardado's body.

Dr. Young determined Guardado died of multiple gunshot wounds.

Inquest

On November 30, 2020, the Los Angeles County Coroner's Office conducted an inquest into Guardado's cause of death. Justice Candace Cooper determined that "the medical cause of death was multiple gunshot wounds" and "the manner of death" was not an accident or suicide.

Allegations of Deputy Gang Involvement

News reports, testimony before the Los Angeles County Civilian Oversight Commission and allegations in a civil lawsuit have alleged that Deputies Vega and Hernandez were seeking to gain membership in a deputy gang referred to as "the Executioners" at the time of the shooting. It is alleged that the Executioners are a violent deputy gang within the Compton Sheriff's Station and membership is earned by engaging in acts of violence.

Allegations of Making False Statements and Arrest

On April 13, 2020, Deputies Hernandez and Vega were on patrol in a marked black and white patrol SUV. They detained two males and searched them at a park. [REDACTED]. witnessed the search and yelled at the deputies to leave the males alone. After completing the search, they grabbed [REDACTED], placed him in the backseat of their patrol vehicle and drove off. While [REDACTED] was in the backseat of the vehicle unhandcuffed and unrestrained, they pursued a male on a bicycle. The pursuit, however, ended when the SUV collided with a concrete wall. [REDACTED] was injured as a result of the collision and alleged he was falsely arrested. As a result of this incident, the Sheriff's Department initiated a criminal investigation into the deputies' actions and presented the case to the District Attorney. The District Attorney reviewed the allegations but ultimately deferred prosecution of the deputies to the United States Attorney for the Central District of California when on April 13, 2023, it was announced that a federal grand jury returned an indictment against both deputies for a violation of civil rights and obstruction of justice.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary 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) and (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) and (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).

In this case, we have no account of what happened at the moment Vega shot Guardado except Vega's own statements. There is no surveillance video of the event and there are no other witnesses who saw what occurred.

Vega said when he first arrived at the scene, he saw that Guardado had a gun. When he saw the deputies, Guardado turned and ran. He decided to keep the gun as he ran instead of discarding it. Rather than flee at full speed when he saw the deputies, Guardado "jogged" or "trotted," and looked over his shoulder at the deputies pursuing him. These facts as stated by Vega are corroborated by other evidence.

Vega said that once Guardado stopped running, Guardado still maintained possession of the pistol, despite clear direction to drop the gun and sufficient opportunity to do so. Vega said that when Guardado finally put the gun down, he laid it nearby where he could easily access it. When Guardado laid down on the ground, he refused to put his arms behind his back. The close proximity of the gun and Guardado's refusal to place his hands behind his back reasonably heightened Vega's fears that Guardado intended to use deadly force against him.

Vega told investigators he had to holster his firearm to handcuff Guardado. When Vega did so, Guardado reached for his pistol. Once armed, it would have taken Guardado only an instant to fire the weapon at Vega. Guardado's actions in reaching for the firearm caused Vega to fear for his life. If Vega's description of events is accurate, Vega reasonably believed he needed to use deadly force to defend against this threat when he fired his duty weapon at Guardado.

Although there is no evidence to support Vega's assertion that Guardado reached for the gun, there is also no evidence that contradicts his assertion. While the allegations that Vega was seeking to become a member of the Executioners are concerning and arguably provide a motive to use unreasonable force, this information is insufficient to prove that Vega lied about Guardado possessing and reaching for a gun. The same is true with respect to the evidence relating to his conduct in the arrest of [REDACTED].

The autopsy found that Guardado was shot five times in the back. This fact is insufficient to prove a lack of self-defense. The evidence shows Guardado was in possession of this firearm days before and at the time he fled from the deputies. The only evidence of Guardado's actions immediately prior to Vega firing his weapon is Vega's statement that he reached for the firearm. Given the available evidence, there is insufficient evidence to prove beyond a reasonable doubt that Vega's actions were not because he honestly and reasonably feared for his life at the time he fired his pistol.

Hernandez's account verifies Vega's description of events in significant respects. While Hernandez said he was unable to see Guardado's hands or upper body at the moment Vega fired his pistol, he stated the gun was very near Guardado's hand when Hernandez approached after the shooting. Hernandez also stated Guardado was still moving, and he still seemed to be reaching for the weapon when Hernandez kicked it away. While his credibility can be questioned in light of the allegations about his desire to join a deputy gang and his subsequent conduct relating to [REDACTED]'s arrest, that conduct was considered but is insufficient to discount the entirety of his statements.

CONCLUSION

Based on the totality of the circumstances and available evidence, there is insufficient evidence to prove beyond a reasonable doubt that Deputy Vega did not act in lawful self-defense.