

**Fatal Officer Involved Shooting of Isaiah Guevara
Los Angeles County Sheriff's Department**

Deputy Frank Parga, #520773

J.S.I.D. File #21-0428



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

February 6, 2023

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Isaiah Guevara
J.S.I.D. File #21-0428
L.A.S.D. File #021-05801-1575-013

DATE: February 6, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 10, 2021, fatal shooting of Isaiah Guevara by Los Angeles County Sheriff's Department (LASD) Deputy Frank Parga. We have concluded that Parga acted lawfully.

The District Attorney's Command Center was notified of the shooting on October 10, 2021, at 6:06 p.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports, firearm analysis reports, deoxyribonucleic acid (DNA) reports, audio recordings of interviews, crime scene diagrams, video evidence, photographs, and witness statements submitted to this office by LASD Detective Ramon Munoz. The voluntary statement of Deputy Parga was considered in this analysis.

FACTUAL ANALYSIS

On October 10, 2021, at approximately 4:52 p.m., LASD Deputies Parga and Dustin McNicholl were conducting a patrol in the City of Whittier. The deputies were wearing distinct LASD uniforms and driving a marked LASD patrol vehicle.¹ Parga was driving the patrol vehicle, and McNicholl was seated in the front passenger seat. As they traveled west on Obregon Street, the deputies observed a man, later identified as Isaiah Guevara, walking westbound in the middle of the street in front of the patrol vehicle. Guevara wore black pants and was shirtless, with a T-

¹ Parga was wearing a LASD-issued body worn camera (BWV). Parga did not activate his BWV until after the officer-involved shooting; however, the cameras are constantly recording even if they are not activated. When the camera is activated, it retrieves video, with no audio, recorded 60 seconds before its activation. Therefore, Parga's BWV captured the incident but contains no audio. Parga was sitting in the patrol vehicle during the incident, and his BWV was obstructed at times by the vehicle, his arms, and significant sun glare. McNicholl was not wearing BWV, and the patrol vehicle was not equipped with a dash camera. The incident was video recorded by multiple cameras affixed to the front of a nearby residence. Those videos do not contain audio.

shirt draped over his shoulder. Guevara moved slightly south toward the curb as the patrol vehicle approached him from behind.²

According to Parga and McNicholl, they planned to contact Guevara to advise him to walk on the sidewalk.³ Parga pulled next to Guevara and said, “Hey, how’s it going?” out the rolled-down window.⁴ Guevara stopped walking, turned toward Parga, and responded, “Hey.”



Figure 1 – Still image taken from a residence’s surveillance video depicting Guevara turning and stepping toward Parga as he pulled up in his patrol vehicle.

According to McNicholl, Parga asked Guevara his name and where he was going. Guevara responded that he was walking home, and McNicholl detected “shakiness” in Guevara’s voice. According to Parga, as he asked Guevara what his name was, he noticed Guevara’s pants were sagging even though he was wearing a belt. Parga then saw a firearm magazine protruding from Guevara’s front left pant pocket and the butt of a handgun protruding from his right front pocket. Parga immediately drew his duty weapon, pointed it at Guevara, and yelled, “Let me see your hands!” multiple times.

McNicholl told investigators he had been looking down at the patrol vehicle’s mobile digital computer and had not seen a firearm on Guevara but began exiting the vehicle and drawing his service weapon when Parga drew his. Parga opened the patrol vehicle’s front driver’s side door and attempted to activate his BWV with his left hand as he held his duty weapon in his right hand.⁵ Simultaneously, Guevara took several steps back while reaching into his front right pocket and slightly turning his body to his right.

² A vehicle parked on the south side of Obregon Street prevented Guevara from getting out of the roadway entirely.

³ LASD investigators conducted separate interviews of Parga and McNicholl on the night of the incident. The interviews were audio recorded.

⁴ There is no audio on Parga’s BWV or the residence’s surveillance videos; therefore, the statements attributed to the parties during the incident were obtained from Parga and McNicholl’s statements to investigators.

⁵ Parga wore his BWV near his lower sternum. The BWV is activated by pressing a large button on the camera twice in rapid succession.



Figure 2 - Still image from surveillance video depicting Guevara's right hand near his front right pocket after Parga drew his duty weapon and opened his patrol vehicle's door.



Figure 3 – Still image from Parga's BWV at approximately the same time as figure 2.

Guevara drew a firearm from his right front pants pocket as he turned his body to his right and took one step forward in what appeared to be the beginning of a running motion.⁶ Parga discharged two rounds from his duty weapon at Guevara, striking him on the left side of his head and left arm.⁷

⁶ Parga's BWV was obstructed at this time by his hand attempting to activate the camera, followed by complete obstruction due to sun glare.

⁷ Approximately six seconds elapsed between Parga's first contact with Guevara and Parga discharging his service weapon.



Figures 4 & 5 – Sequential still images taken from two surveillance videos depicting Guevara drawing a firearm from his right front pocket as he appeared to begin running. The approximate time of Parga’s service weapon discharges are depicted in figure 5. Inset in figure 5 is a photograph of the handgun Guevara was holding.



Figure 6 – Still image from Parga’s BWV as he discharged two rounds from his duty weapon.

Parga told investigators, “I saw him take out the gun, and I—I honestly believe it went towards my direction.” Parga explained what happened:

Fearing I was gonna get shot or my partner was gonna get shot, I fire[ed] two rounds at him, and I moved my body sideways thinking he was gonna fire back at me ... I was scared, and—and it happened so quick. I saw—I saw him draw the gun out, and it—it happened so quick. I—I just fired two rounds directly towards his direction cuz I—it appeared he was three feet away from us, and I—I really thought he was gonna shoot us or my partner.

Guevara immediately fell to the ground and dropped his firearm. According to McNicholl, from his vantage points during the incident, he was unable to see the firearm. Following Parga’s shots, McNicholl observed a semiautomatic handgun lying next to Guevara. McNicholl and Parga then radioed for backup and a rescue ambulance to respond. Los Angeles County Fire Department paramedic-firefighters responded to render aid. Guevara was pronounced dead at the scene at 5:10 p.m. by paramedic Edwin St. Andrew.

LASD investigators recovered a black Polymer80, model PF940C 9mm semiautomatic handgun lying on the ground near where Guevara fell.⁸ The firearm did not have a magazine inserted into the magazine well. One round headstamped “R-P” was loaded in the handgun’s chamber. An extended “SGM Tactical” 30-round magazine loaded with 19 9mm Luger rounds was recovered from Guevara’s left front pocket. Subsequent DNA testing revealed the presence of Guevara’s DNA on the recovered Polymer80 handgun and extended magazine.



Figures 7 & 8 – Figure 7 is a photograph of the handgun Guevara drew from his right front pocket. Figure 8 is a photograph of the magazine clip recovered from Guevara’s front left pocket.

Two cartridge casings headstamped “WIN 9mm Luger” that were discharged from Parga’s Smith and Wesson M&P9 9mm semiautomatic duty weapon were recovered from the scene. One cartridge casing was recovered from the pavement underneath the front driver’s side tire of Parga’s patrol vehicle, and the other casing was recovered from underneath the driver’s seat.

An autopsy was performed on October 15, 2021, by Deputy Medical Examiner Vadims Poukens. The cause of death was determined to be multiple gunshot wounds. One entrance wound was located approximately one inch above the left ear canal. The direction of the wound was front to back and left to right. This wound was determined to be fatal. A second entrance wound was located on the left arm, 15 inches from the top of the head. That projectile traveled back to front, left to right, and upward before it exited the left clavicle area. The second wound was determined to be non-fatal. Toxicology results indicated the presence of marijuana, methamphetamine, and amphetamine in Guevara’s blood at the time of the incident.

LEGAL ANALYSIS

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) & (B).

⁸ Polymer80 firearms are sold online. The handguns are sold no more than 80% complete, thereby avoiding federal firearms regulations. Consumers can purchase lower receivers and the other materials needed to build and complete the firearm assembly at home. Polymer80 lower receivers and handgun frames lack serial numbers for identification and are often referred to as “ghost guns.”

A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. Penal Code section 835a(e)(2).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) & (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

In this case, Parga and McNicholl contacted Guevara while seated in their patrol vehicle. As Parga spoke with Guevara, he observed the butt of a firearm protruding from the front right pocket of Guevara's pants and a handgun magazine protruding from the front left pocket. Parga immediately drew his duty weapon and ordered Guevara to keep his hands away from his pockets by saying, "Let me see your hands!" Guevara ignored Parga's commands and removed a handgun from his pocket while beginning to turn and run from Parga. Although Guevara took a step away from Parga, he simultaneously pulled a firearm from his pocket. While it is impossible to know Guevara's subjective intent, it was reasonable for Parga to interpret Guevara's removal of a handgun in close proximity to him and McNicholl as an imminent threat to their lives. Therefore, it was reasonable for Parga to believe the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury.

CONCLUSION

We find that Deputy Frank Parga acted lawfully when he used deadly force against Isaiah Guevara.