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WANT HAPPY ENDINGS? DON'T CHASE

Pursuits can lead to tragedy. Options are often available.



For *Police Issues* by Julius (Jay) Wachtel. Here are two extracts from one of our very first essays, [“When Cops Kill”](#):

Police work is done in an uncertain environment. Making it perfectly safe for cops can make it perfectly dangerous for everyone else. Those loath to take personal risks should be encouraged to look for a different line of work.

A minority of officers use a majority of force. Personality traits such as impulsivity must be proactively sought out and addressed, hopefully before hiring, no later than during field training.

And here’s an outtake from a more recent piece, [“Working Scared”](#):

Some cops may be insufficiently risk-tolerant; others may be too impulsive. Poor tactics can leave little time to make an optimal decision. Less-than-lethal weapons may not be at hand, or officers may be unpracticed in their use. Cops may not know how to deal with the mentally ill, or may lack external supports for doing so. Dispatchers may fail to pass on crucial information, leaving cops guessing. And so on.

When it comes to shaping outcomes, officer personalities and skill sets, the availability of human and material resources, and the quantity and quality of information are clearly important. And that’s not all. We’ve often mentioned [“confirmation bias,”](#) the all-too-human tendency to interpret things in a way that’s consistent with one’s pre-existing understandings and beliefs. That can affect what both cops and citizens do.

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Got it? Let's apply these methods to a real-life tragedy. Say, the June 18, 2020 shooting death by Los Angeles County Sheriff's deputies of Andres Guardado.



According to the Sheriff's Department two deputies from the Compton station were in their cruiser patrolling a high-crime area when they observed Andres Guardado, an 18-year old youth with whom they were unacquainted, chatting with the occupants of a vehicle that

had parked in front of the driveway of an auto body shop. Mr. Guardado, they noticed, had a handgun. They pulled over and moved to confront him. He noticed and promptly ran off. (This surveillance video depicts the start of the chase. Mr. Guardado is on the right, one of the two deputies is on the left. Neither wore a body cam.)

What the L.A.S.D. release *doesn't* explain is why Deputy Miguel Vega would soon shoot Mr. Guardado dead. That justification [was provided to reporters](#) by the deputy's retained lawyer. He said that Mr. Guardado lay down on his stomach as if to surrender, but that as Deputy Vega approached with handcuffs the youth reached for the handgun he had thrown down during the chase. That account was seconded by the lawyer for Vega's partner, Deputy Christopher Hernandez, who didn't shoot. [The handgun they reportedly recovered](#), a .40 caliber pistol, lacked a serial number [and had been assembled from parts](#). In effect, it was an [untraceable "ghost gun."](#) It had apparently not been fired.



In the video Mr. Guardado doesn't seem to flaunt a gun. Otherwise what happened is indistinct. Of course, the deputies had a far better view. They also had abundant reason to look closely. Only a week earlier there had been a shooting at the shop. [A search of the business](#) turned up items beloved by drug abusers, including copious amounts of nitrous oxide gas and supposedly some meth. (Click [here](#) for stills and video related to the raid.) [Surveillance camera footage](#) seized from the business

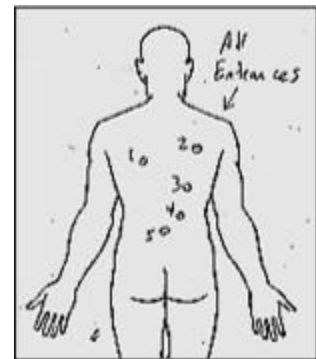
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depicts a whole lot of foot traffic for an auto body shop. Mr. Guardado was in street clothes. His presence and manner naturally provoked the deputies' interest. Was this fellow involved? Might he be directing customers to a new source?

According to the owner of the business everything was legit. Mr. Guardado, he said, [was working security](#):

We had a security guard that was out front, because we had just had certain issues with people tagging and stuff like that. And then the police came up, and they pulled their guns on him and he ran because he was scared, and they shot and killed him. He's got a clean background and everything. There's no reason.

We obtained a copy of the [official coroner's report](#). It indicates that Mr. Guardado suffered five bullet wounds, all in the back; each was considered fatal. There were also two graze wounds to his forearms (the deputy reportedly fired six or seven times.) Check out the diagram. Mr. Guardado was fully turned away from the officer when he was shot. If he reached for a gun, he didn't get very far. No drugs or alcohol were detected in Mr. Guardado's system, and the young man seemed otherwise healthy and fit.



Now for some *really* curious stuff. Sheriff Alex Villanueva [has long sought](#) to keep outsiders, including County officials, from meddling with things. He strongly objected to the autopsy's release (he said it would impair his investigation) and [accused the Coroner](#) of publicizing the results "to satisfy public curiosity." He also opposed holding a formal inquest with witnesses and such. And when the event *was* held – it was the County's first in thirty years – the only evidence that came in was from the autopsy. Both deputies, along with the two homicide detectives who investigated the shooting, invoked their Fifth Amendment rights [and refused to testify](#).

And now for even *more* curious stuff. A few days after the inquest (it was held on November 30) Sheriff Villanueva [relieved deputies Vega and Hernandez of duty](#). No, it supposedly had nothing to do with Mr. Guardado. Instead, the Sheriff's move supposedly stemmed from a traffic accident last April that injured a prisoner in a patrol car driven by Deputy Vega.

Why did the Sheriff wait eight months to suspend the deputies? Was Deputy Hernandez involved? As of yet, the circumstances seem impossibly murky. We know little about the deputies. [According to the L.A. Times](#), Deputy Vega, who shot Mr. Guardado, is an eleven-year veteran. His most serious recent faux-pas was a four-day

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suspension in 2017 for either making false statements or failing to “properly screen a jail inmate.” More recently he was accused of using “unreasonable force” (the complaint was dismissed for lacking merit) and, twice, for alleged discourtesy. Deputy Hernandez’s disciplinary history was unspecified. A troubling allegation, though, has surfaced about the duo. In an unrelated civil rights lawsuit, fellow Compton station [deputy Austreberto “Art” Gonzalez](#) testified that Deputies Vega and Hernandez were prospective members of the notorious “Executioners” [deputy clique](#). (They deny it.) [Deputy Gonzalez also said](#) that it was common practice for Compton deputies to justify chases by falsely claiming they saw a gun.

[Mr. Guardado’s survivors sued the County in August](#). They allege that Compton deputies are poorly selected, ill-trained and inadequately supervised. Consequently, they habitually lie, misuse force and participate in “gangs.” But misconduct is mostly ignored. Here’s an extract from the [massive civil complaint](#):

54. Defendants further breached their duty in that defendants Los Angeles County Sheriff’s Department and County of Los Angeles deputies who were at the scene of the subject incident, including defendants Deputy Miguel Vega, Deputy Chris Hernandez, and DOES 1 through 50, and each of them, had a history of bad traffic and pedestrian stops, improper uses of force, improperly discharging their firearms, failing to follow proper procedures, and making false statements during investigations. Yet, the deputies were never disciplined, or were not disciplined properly, and were never trained or re-trained properly, and were never removed from service.

As one might expect, Mr. Guardado’s family and friends [had only good things to say](#) about the teen. He graduated from high school, was attending a technical college and held down two jobs, including as a security guard at that body shop. (According to the Sheriff the youth wasn’t licensed as a guard and was too young to be an armed guard.)

Well, those are some of the “facts.” Now all that’s left to figure out is the “why.”



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Once again, check out the video of the encounter. (This view shows the second deputy.) There really *is* no other conclusion: Mr. Guardado purposely ran off. But why? After all, he was supposedly a security guard! According to his boss, Mr. Guardado got scared when deputies inexplicably charged at him. Still, we wonder. Look at the [photos](#), [video](#) and the [news account](#) about the search of the body shop. Was something beyond car repair going on?

Unlicensed carry [is forbidden in California](#). Ditto, selling handguns [to persons under twenty-one](#). According to the Sheriff, Mr. Guardado's ghost pistol had a California-illegal extended magazine [loaded with thirteen rounds](#). Did he [assemble the gun from parts](#)? Illegally buy it ready-made from someone else? Indeed, just who *was* Andres Guardado? His employer's questionable bonafides, the youth's flight and the gun leave us wondering.

Our concern extends to the deputies as well. Even if Mr. Guardado *did* go for a gun, Deputies Vega and Hernandez worked at the troubled Compton station, refused to testify at the inquest, and were ultimately suspended for something else. Still, there *is* that video. They took off after Mr. Guardado for a reason. Their justification – that the youth was armed – seems legitimate, and they reportedly seized a gun. Unfortunately, there is no body-cam video (according to the Sheriff body-cams won't be in wide use for another year.) All we have to explain *why* deputy Vega fired is what he said.

Bottom line: Mr. Guardado was wrong to flee, and in so doing he inarguably helped set the stage for a disastrous ending. We've written about similar episodes, most recently the police killings of [Jacob Blake](#) in Kenosha and [Rayshard Brooks](#) in Atlanta. In both cases officers had ample reason to intervene and their reasons for chasing seem justified. But here's what's so distasteful. Neither Mr. Blake nor Mr. Brooks nor Mr. Guardado were career criminals. They were more or less peaceably going about their business when officers showed up. That cops would soon shoot them dead seems vastly disproportionate. It's shocking.

Most cops and students of policing surely find such outcomes dispiriting. Still, cops *are* human. Once they're chasing someone who's resisting or may be armed, adrenalin rules. One of our earliest posts, "[The Chase is On](#)," reported on the fatal shooting of Darrick Collins by L.A. County deputies. Mr. Collins apparently resembled a suspected robber and fled when officers approached. In the end, the innocent man made a "threatening motion" and was shot dead. Our analysis led to some unpleasant observations. Here's an extract:

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Pumped up on anxiety and adrenaline, with little opportunity to observe or reflect, it's inevitable that [officers'] split-second decisions will occasionally prove to be tragically wrong.

Unless academies can produce Supercops who are unaffected by stress and fatigue and can see in the dark, prohibiting one-on-one foot pursuits may be the only option.

Short of outright prohibiting chases – after all, some are undoubtedly justified – here's another “option.” Rushing in isn't always necessary. Deputies Vega and Hernandez could have driven on, parked their vehicle out of sight and called for backup. A bit of planning and staging could have avoided an adrenaline-charged confrontation and the violence that such encounters can easily bring on.