

**Fatal Officer Involved Shooting of Felipe Guerrero
Los Angeles Police Department**

Sergeant Jeffrey Kievit, #36898

J.S.I.D. File #22-0228



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 18, 2024

MEMORANDUM

TO: CAPTAIN OMAR BAZULTO
Los Angeles Police Department
Force Investigation Division
100 West First Street, Suite 431
Los Angeles, California 90012

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

SUBJECT: Fatal Officer Involved Shooting of Felipe Guerrero
J.S.I.D. File #22-0228
L.A.P.D. File #F034-22

DATE: November 18, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office (LADA) has completed its review of the July 7, 2022, fatal shooting of Felipe Guerrero by Los Angeles Police Department (LAPD) Sergeant Jeffrey Kievit. We have concluded that Sergeant Kievit reasonably believed his use of deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of this shooting on July 7, 2022, at approximately 6:25 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Force Investigation Division (FID) Detective Timothy Grabe.

The following analysis is based on body worn camera video (BWV), digital in-car video (DICV), cell phone video, investigative reports, transcripts of witness interviews, autopsy and toxicology reports submitted to this office by LAPD FID on July 19, 2023. Any compelled statement of Sergeant Kievit was not considered in this analysis.

INTRODUCTION

On July 7, 2022, at approximately 5:02 p.m., LAPD West Los Angeles Division Sergeant Jeffrey Kievit responded to an emergency call for an attempt suicide by a man cutting himself and threatening a passerby with a knife underneath a 405 Freeway overpass in West Los Angeles.

Guerrero charged at Kievit with a knife raised in his right hand with the blade aimed forward. Kievit backpedaled as Guerrero continued to run toward Kievit with the knife. Kievit fired five rounds in response which all struck Guerrero. Guerrero was transported to Ronald Reagan

UCLA Medical Center for treatment where he succumbed to his injuries and was pronounced dead at 7:15 p.m.

FACTUAL ANALYSIS

At approximately 4:55 p.m., LAPD Communications Division (CD) broadcast Guerrero's description and that Guerrero was an attempt suicide, armed with a knife and cutting himself with a knife. Approximately 20 seconds later, CD additionally broadcast that Guerrero was threatening a passerby with a knife.

Kievit drove a marked LAPD black and white Ford Explorer patrol vehicle. Kievit was dressed in a short-sleeve LAPD patrol uniform. Kievit responded to the emergency call and spoke to a security guard standing on the south sidewalk about midway under the overpass. The security guard was stationed at a Department of Public Social Services (DPSS) overflow parking lot located under the freeway.¹ Guerrero stood pacing on the south sidewalk of Pico Boulevard towards the east edge of the overpass. Video of the incident was recorded by Kievit's BWV and DICVS, and the security guard's smart phone.

BWV, DICV, AND CELL PHONE VIDEO SYNOPSIS

Kievit pulls his SUV parallel to the security guard, who stands on the sidewalk. Kievit points toward Guerrero and asks, "Hey, hey—this guy right here?" The security guard replies, "Yeah. Be careful he has a knife!" Kievit parks the SUV facing east towards Guerrero on the sidewalk apron located immediately on the south sidewalk.²

Kievit exits the SUV and calls out, "Hey!" to Guerrero who is pacing back and forth on the sidewalk approximately 65 feet in front of Kievit.³ From behind his open driver door, Kievit radios their location "underneath the bridge on Pico" as Guerrero begins to slowly walk towards Kievit. Kievit commands, "Hey, stay right there! Stay right there!" From approximately 50 feet away, Guerrero suddenly sprints straight towards Kievit with the knife in his right hand. Kievit begins to walk backward, unholsters and raises his Glock 35 semiautomatic pistol. Kievit commands, "Stay right there! Get back!" as Guerrero continues to charge at Kievit. As Guerrero runs past the driver side and rear bumper of the SUV with the knife raised and pointed forward, Kievit shouts, "Get back or I'll shoot you! I'll shoot!" Kievit fires a continuous volley of five rounds. Guerrero continues to advance as each round is fired. Kievit fires the fifth round and Guerrero drops to the ground as Kievit simultaneously falls backward.

¹ The security guard called emergency services and said Guerrero had cut himself with a knife and was "bleeding out a lot." Guerrero separately approached two women and threatened to cut them if they did not call the police.

² The apron is the entrance to the DPSS overflow parking lot.

³ All distances determined by LAPD through analysis of BWV with laser-mapping software.



Figure 1 – Screenshot from Kievit’s BWV shows Kievit aim his Glock 35 at Guerrero as Guerrero charges with the knife raised in his right hand.

PHYSICAL EVIDENCE

Guerrero sprinted 50 feet to the driver’s door in approximately two seconds. Kievit backpedaled approximately 16 feet from the driver’s door to behind the SUV before firing his first round. Guerrero closed the distance to approximately 6 feet when Kievit fired the first round. Kievit backpedaled another 10 feet and fired four additional rounds as Guerrero continued to charge directly at Kievit. Guerrero was approximately one foot away when Kievit fired the fifth round. LAPD analyzed the sound from Kievit’s BWV and determined that Kievit fired all five rounds within 1.007 seconds.



Figure 2 – Cell phone video screenshot shows Kliebert and Guerrero begin to simultaneously fall.

Guerrero's knife had a blue plastic handle with a fixed blade length of approximately three and a half inches. The overall length was approximately six and a half inches.



Figure 2 – LAPD picture shows Guerrero's blue-handled knife on the sidewalk next to an evidence marker and a ruler.

AUTOPSY

On July 14, 2022, Los Angeles County Deputy Medical Examiner Dr. Martina Kennedy performed Guerrero's autopsy.⁴ Guerrero was struck by five rounds.⁵ One round entered Guerrero's right chest and exited his right back, "with rapidly fatal injury to the right lung and associated hemorrhage." A second round entered Guerrero's right mid abdomen and came to rest in the subcutaneous tissue of his right lateral hip. A third round entered Guerrero's right lower abdomen and exited his right lateral posterior hip. A fourth round entered Guerrero's left lower abdomen and exited his left lower buttock. A fifth round entered his left posterior lateral hand and exited the left medial lateral hand. Dr. Kennedy attributed Guerrero's cause of death to "multiple gunshot wounds."

Dr. Kennedy also noted non-fatal superficial incised wounds to both bilateral anterior wrists and that Guerrero had well healed linear and curvilinear scars to the left anterior wrist.

THE LAW

A peace officer is justified in using deadly force 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

⁴ Toxicology results confirmed the presence of methamphetamine and cannabinoids in Guerrero's blood at the time of his death. The security guard told CD he thought Guerrero was on drugs because he looked "pretty hostile" and was showing his teeth.

⁵ The order of the five rounds is random and does not indicate the order of impact.

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).

“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). Moreover, “[a] peace officer who makes or attempts to make an arrest need not retreat, or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested.” Penal Code section 835a(d).

LEGAL ANALYSIS

The evidence supports a reasonable belief by Kievit that deadly force was necessary to defend himself against an imminent threat of death or serious bodily injury.

Kievit responded to CD broadcasts that Guerrero was suicidal, armed with a knife, and had threatened a passerby. Upon arrival, the security guard warned Kievit to be careful because Guerrero had a knife.

Kievit was in full LAPD uniform and standing next to a marked LAPD patrol vehicle. Guerrero charged at Kievit with a three and a half inch fixed-blade knife. Guerrero ignored commands to stop and kept running even as Kievit backpedaled away. Kievit aimed his service weapon at Guerrero and warned Guerrero that he would shoot. Guerrero continued to run toward Kievit even after being struck by four rounds in rapid succession. In total Guerrero ran over 70 feet as he charged at Kievit without hesitation.

Under the totality of these facts, it was reasonable for Kievit to believe Guerrero had the present ability, opportunity, and apparent intent to immediately cause him death or serious bodily injury. Sergeant Kievit reasonably responded with deadly force.

CONCLUSION

For the foregoing reasons, we find that Sergeant Kievit reasonably believed his use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury.