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April 30, 2025

Chief Greg Terry
Bakersfield Police Department
1601 Truxtun Avenue
Bakersfield, CA 93301

Re: BPD Officer Involved Shooting of Steven Jimenez on February 5, 2023
BPD Officer Noah Morales
166 Kern Street, Bakersfield, CA
Documented in BPD Report 2023-23659

Dear Chief Terry,

The Kern County District Attorney's Officer-Involved Shooting Committee has reviewed the reports and other materials submitted by your agency regarding the shooting noted above. The Officer Involved Shooting Committee reviews cases for criminal liability under state law. The Committee has completed its review. The findings are noted below.

Summary

On February 5, 2023, Bakersfield Police Department Officers Noah Morales and K. Wainwright were assigned to patrol. At 0338 hours they responded to a ShotSpotter activation near Kern and Butte Streets. Officer Morales was driving a fully marked Bakersfield Police Department vehicle wearing a police uniform with a visible badge and duty belt. When they arrived on scene, Officer Morales observed a male, later identified as Steven Jimenez, wearing a dark hoodie and black pants walking eastbound towards Baker Street. Officer Morales illuminated Jimenez with the vehicle spotlight and ordered him to stop. Steven Jimenez responded by saying, "Why?" and then proceeded quickly going northbound on Baker Street. Officer Morales activated the patrol vehicle's emergency overhead lights and drove towards Jimenez. Officer Morales then observed the Jimenez trying to enter a door of a nearby building and looking back all while grabbing his front waistband.

Officer Morales ordered Jimenez to show his hands, however, Jimenez began running through a nearby alley. Officer Morales drove the patrol vehicle to the entrance of the alley. Steven Jimenez was seen turning toward the officer's location, pulling out a black handgun, and firing a gunshot. Both Officer Morales and Wainwright pursued Jimenez into the alley in an attempt to arrest him. Officer Morales next saw Jimenez in a kneeling position between two empty vehicles and where he appeared to be lying in wait. As Officer Morales entered the parking lot, he heard a gunshot and saw a muzzle flash aimed towards their location. Fearing for their lives, Officer Morales fired his duty weapon four times at Jimenez. Officer Morales stopped firing when Jimenez moved out of his line of sight. Jimenez then ran westbound on Butte Street at which time Officers Morales and Wainwright again pursued Jimenez. While rounding the corner onto Butte Street, Officer Morales heard yet another gunshot coming from the southwest direction. Following the final gunshot, Jimenez was able to elude law enforcement. Officer Morales and Wainwright identified Jimenez in a photographic lineup as the suspect who shot at them.

Legal Principles and Analysis

Peace officers may use deadly force, when necessary, in defense of human life. (PC 835a(a)(2)). When determining whether deadly force is necessary, officers must evaluate each situation considering the particular circumstance of each case and shall use other available resources and techniques if reasonably safe and reasonable to an objectively reasonable officer. (PC Section 835a(a)(2)). An officer with reasonable cause to believe a crime is committed or a person is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. *Tennessee v. Garner* (1985) 471 U.S. 1; *Graham v. Connor* (1989) 490 U.S. 386; *see also* Penal Code section 835a(b). An officer may use deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person. (CA Penal Code section 835a(c)(1)(A).) When evaluating the use of deadly force, one must decide whether the officers' beliefs and actions were objectively reasonable under all the circumstances known to him or her, as they appeared at the time. "The calculus of reasonableness must embody allowance for the fact that peace officers are often forced to make split second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor*, *supra* at pp.396-397.

On February 5, 2023, Jimenez possessed a 9mm semi-automatic handgun which he fired three separate times at Officers Morales and Wainwright during their pursuit to arrest him. When first contacted by the police, Jimenez did not comply with Officer Morales' commands, rather he fled. The initial gunshot was at or towards the patrol vehicle occupied by Officers Morales, Wainwright, and a civilian ride along. Following the first gunshot fired by Jimenez, both Officer Morales and Wainwright ran after Jimenez to attempt to arrest him. As Officers Morales and Wainwright followed Jimenez through the alleyway he shot at the officers a second time. Prior to Jimenez shooting the second time, he was seen in a kneeling position waiting to ambush the two officers as they came into view. Officer Morales returned fire after Jimenez's second gunshots because he feared for his life and the life of his partner. Officer Morales only fired his weapon in response to Jimenez firing his gun at him and his partner. Officer Morales stopped firing when he lost line of sight to Jimenez. After discharging his duty weapon, Officer Morales again pursued Jimenez to attempt to arrest him. As Officer Morales and Wainwright ran onto Butte Street Jimenez fired another round at them.

Conclusion

Based upon a review of the evidence submitted by the Bakersfield Police Department, Officer Noah Morales responded reasonably in self-defense and defense of others to the threat presented by Steven Jimenez. There is no state criminal liability for his use of deadly force under the circumstances of this case because the shooting is legally justified.

Sincerely,

Cynthia J. Zimmer
Kern County District Attorney