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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 6, 2023
BPD Officer Jonathan Berumen #1184
2020 Union Avenue, Bakersfield, CA
Documented in BPD Report 2023-24178

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 6, 2023, Officer Jonathan Berumen was assigned to the Bakersfield Police Department Violent Criminal Apprehension Team. Officer Berumen and VCAT were tasked with locating and apprehending Steven Jimenez after a Ramey warrant had issued for his arrest for the attempted murder of BPD Officers N. Morales and K. Wainwright the day prior. Officer Berumen's undercover vehicle was a black Ford Explorer and he was wearing plain clothes and a raid vest with police placards on the front and back as his duty clothing. At 2300 hours on February 5, 2023, VCAT received information that Jimenez's location was near 2020 Union Avenue and began surveillance at nearby hotels.

At 0300 hours, a subject matching Jimenez's description exited a room at the Capri Motel and began walking southbound. Officer Berumen was stationed at the north perimeter to prevent Jimenez from

returning to the motel. VCAT officers moved to arrest Jimenez, however, he began to flee. Officer Berumen saw a fellow VCAT Officer in foot pursuit, at which time, he activated his undercover vehicle emergency lights and began to pursue Jimenez. His undercover vehicle's police lights are red and blue lights affixed in the front grill and behind the glass of his front windshield. During the pursuit, Officer Berumen visually confirmed Jimenez had a firearm in his hand. Officer Berumen turned into the 7-11's rear parking lot and attempted to cut off Jimenez's flight. Officer Berumen stopped and immediately exited his patrol vehicle as Jimenez approached a retaining wall. At that time, Officer Berumen saw Jimenez quickly turn toward him and raise his firearm towards him and in officer's direction. Officer Berumen believed his life and other officers' lives were in danger and fired seven shots with his duty firearm. Officer Berumen was acutely aware that Jimenez had shot at multiple BPD officers the night prior. Officer Berumen stopped firing once Jimenez threw his firearm over the retaining wall. Officer Berumen did not give any verbal commands prior to engaging as he had zero time to give commands since Jimenez pointed his firearm at Officer Berumen as he was exiting his vehicle. Senior Officer J. Orozco and Officer R. Selman pursued Jimenez on foot to the north side of 7-11 where he was taken into custody. Officers located Jimenez's semi-automatic firearm in a nearby roadway.

Legal Principles and Analysis

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of others. Additionally, an officer who has reasonable cause to believe a person has committed a public offense or 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. 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 835(c)(1)(A)). In deciding whether an officer who fired his or her weapon did so lawfully, one must consider what a reasonable person would have done in a similar situation with similar knowledge and experience. One must decide whether the officers' beliefs and actions were objectively reasonable based on all 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 6, 2023, Jimenez was seen in possession of a semi-automatic handgun by multiple officers and ultimately pointed the firearm at Officer Berumen and pursuing officers. Jimenez did not comply with numerous commands to stop as he fled from officers. All pursuing officers were aware of the signed Ramey warrant for attempted murder of a police officer from the night prior. Officer Berumen only used deadly force after Jimenez pointed a firearm at him and fellow officers. Officer Berumen fired his duty weapon because he feared for his life and the lives of his fellow officers. Officer Berumen only fired after Jimenez pointed a handgun at him and fellow officers and ceased firing when Jimenez threw the weapon over the a retaining wall into a nearby roadway.

Conclusion

Based upon a review of the evidence submitted by the Bakersfield Police Department, Officer Jonathan Berumen 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