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April 30, 2025

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

**Re: Officer-Involved Shooting of Jason Boles on August 24, 2023
Bakersfield Police Sergeant Dennis Eddy #907, Sergeant Ryan McWilliams #983, and
Officer Brandon Price #1362
11309 Andretti Court, Bakersfield CA
Documented in BPD Report 2023-164705**

Dear Chief Terry:

The Kern County District Attorney's Officer-Involved Shooting Committee has reviewed the reports and 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 Thursday, August 24th, 2023, at approximately 1123 hours, Bakersfield Police Department officers were dispatched to the 11300 block of Andretti Avenue in Bakersfield following report of a shooting. Dispatch advised suspect Jason Boles had shot at an off-duty LAPD officer who had interrupted what was believed to be a residential burglary. Officers also received a suspect description of a white male, tank top, black jeans, and armed with a firearm.

Sergeant Dennis Eddy was one of the first officers on scene and was directed by the reporting party to the end of the cul-de-sac where Jason Boles was located. Sgt. Eddy began walking with a fellow officer on the east side of the street towards Boles location. Sgt. Eddy heard a gunshot and saw a bullet strike to the grass

near his location. Boles had fired at him from the front entryway of 11309 Andretti, pinning Sgt. Eddy and other officers down near 11403 Andretti Avenue. Sgt. Eddy fired one round from his patrol rifle after he obtained a sight picture of Boles. After firing, Sgt. Eddy moved across the street to the north near a white pickup truck for better cover and vantage point. Sgt. Eddy lost sight of Boles as he fled out of view in the entryway of a residence. Sgt. Eddy heard verbal commands telling Boles to show his hands, come out, and he will not be shot. Sgt. Eddy heard more gunshots coming from Boles' location throughout the incident. Sgt. Eddy observed Boles' pattern of maneuvering around the corner from the garage and firing at officers. During the incident, Sgt. Eddy fired two additional shots from his duty weapon at Jason Boles.

Sergeant McWilliams and Officer Price also responded to Andretti Court. When Officer Price responded he observed officers out of their patrol vehicles taking cover after Jason Boles had fired on them. Sgt. McWilliams and Officer Price advanced through nearby backyards to 11304 Andretti Avenue which was directly across the cul-de-sac from Boles' location. From their position across the street, Officer Price instructed Boles to show his hands and put his firearm down, however, Boles would continuously switch the firearm from his right to left hand and then point at officers. Ultimately, Boles fired his handgun at officers again and struck Officer Price in the right calf. In fear for their lives, lives of other officers, and the lives of civilians, Officer Price and Sgt. McWilliams both fired their duty weapons at Boles, who was shot and killed.

Legal Principles and Analysis

An officer who has a 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. Use of deadly force while in the line of duty is justified, and therefore not unlawful, provided all of the following exist: 1) the person is a peace officer, 2) the killing was committed while performing any legal duty, 3) the killing was necessary to accomplish that lawful purpose, and 4) the peace officer had probable cause to believe that the person killed posed a threat of serious physical harm, either to the peace officer or others. In the present case, Jason Boles was in possession of a 9mm semi-automatic firearm. Boles failed to comply with numerous police commands to put down his handgun, place his hands in the air, and surrender. He fired at officers on multiple occasions, one of the shots struck Ofc. Price in the leg.

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 action were objectively reasonable under all of 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. For the use of deadly force to be "objectively reasonable," the officers must have probable cause to believe that the suspect posed a significant threat of death or serious physical injury to an officer or others. The law does not impose a duty to use less lethal options. "Where the peril is swift and imminent and the necessity for action is immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." (*People v. Collins* (1961) 189 Cal.App.2d 575, 589.) A peace officer

threatened with an attack that justifies the exercise of the right of self-defense need not retreat. In the exercise of his right of self-defense a person may stand his ground and defend himself by use of force and means which would appear to be necessary to a reasonable person in a similar situation and with similar knowledge. When Officers arrived on scene, they were aware that shots had already been fired by Jason Boles. Jason Boles fired at first responding Bakersfield Police Sgt. Eddy who then returned fire. After Sgt. Eddy changed positions and took cover behind a vehicle, Boles continued pointing his firearm towards officers. Sgt. Eddy returned fire during the incident, knowing Boles had already fired at him and other officers and that civilians were in their residences. It was reasonable for Sgt. Eddy to believe Boles was a deadly threat to himself, other officers, and to civilians. Sgt. McWilliams and Officer Price were positioned at a house directly across from Boles during the incident. Prior to Sgt. McWilliams and Officer Price firing their duty weapons, they gave several clear announcements to come out with his hands up and surrender. At the time they fired at Boles, it was reasonable for Sgt. McWilliams and Ofc Price to believe Boles was a deadly threat to themselves, other officers, and civilians since Boles had already fired at Sgt. Eddy, an off-duty peace officer, and then at their position across the street striking Officer Price.

Conclusion

Based upon a review of the evidence submitted by the Bakersfield Police Department, Sergeant Eddy, Sergeant McWilliams, and Officer Price all responded reasonably in self-defense and defense of others to defend against an imminent threat of death or serious bodily injury posed by Jason Boles. There is no state criminal liability for their use of deadly force under the circumstances of this case and the shooting is legally justified.

Sincerely,

Cynthia J. Zimmer
District Attorney