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January 16, 2026

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

Re: BPD Officer-Involved Shooting of Francisco Monge on July 3, 2024
Bakersfield Police Department Officer Christopher Rhoads
2600 Block of Dracena Street, Bakersfield, CA
Documented in BPD Report 2024-138861

Dear Chief Terry,

The Kern County District Attorney's Officer-Involved Shooting Committee has reviewed 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 findings of the Officer-Involved Shooting Committee are noted below.

Summary

On July 3, 2024, at 1259 hours, Officer Christopher Rhoads attempted to make a traffic stop of Francisco Monge on Oak Street. During the attempted traffic stop, Francisco Monge exited his vehicle and launched a projectile at Officer Rhoads using a Balearic slingshot. Officer Rhoads described the sling as a "David and Goliath" type of sling with a leather cup and rope for suspended strings. Officer Rhoads observed Monge using the sling to launch a rock 1.5 inches in diameter at high speed. Francisco Monge then re-entered his vehicle and fled southbound on Oak Street. Francisco Monge led Officer Rhoads on a brief pursuit later stopping in the roadway of nearby 2600 block of Dracena Street. At Dracena Street, Monge stopped and exited his vehicle with the slingshot in hand. Officer Rhoads issued commands for Monge to "drop it". Francisco Monge began swinging the sling overhead and took the final larger swing with his arm when Officer Rhoads discharged his duty weapon two times. Both rounds fired by Officer Rhoads impacted the B pillar of his patrol vehicle. Francisco Monge again re-entered his vehicle and fled

the location. Officer Rhoads advised over the radio that Francisco Monge assaulted him with a slingshot and that he had been involved in an officer involved shooting. Francisco Monge finally yielded after a lengthy vehicle pursuit in the 400 block of South Dr. Martin Luther King Jr. Blvd. He again exited his vehicle and began slinging objects at Bakersfield Police Department officers. Following a brief standoff, Francisco Monge was taken into custody by multiple officers.

Legal Principles and Analysis

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).) A peace officer may use reasonable force to arrest or detain someone, to prevent escape, to overcome resistance, or in self-defense. 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. 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 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.

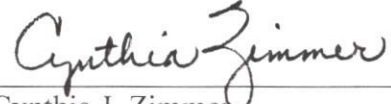
For the use of deadly force to be "objectively reasonable," the officers must have probable cause to believe that the suspect posed a significant threat of death or serious physical injury to an officer or others. Peace officers may use deadly force only when *necessary* in defense of human life. (PC § 835a(2)). When determining whether deadly force is *necessary*, officers *shall* evaluate each situation in light of the particular circumstances of each case, and shall use *other* available resources and techniques *if* reasonably safe and feasible to an *objectively reasonable officer*. (PC § 835a(2)). The legislature mandated in PC § 835a(2) that officers shall use de-escalation tactics if objectively reasonable based on the particular circumstances of each case. Additionally, when feasible, peace officers shall make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, before the use of force, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. (PC § 835a(c)(1)(B)).

Officer Rhoads effectuated a vehicle enforcement stop after observing a traffic incident in the roadway caused by Francisco Monge. During the initial traffic stop, Francisco Monge exited his vehicle and launched a 1.5-inch projectile towards Officer Rhoads. Following a brief pursuit from officers, Francisco Monge again did not comply with officer commands and was in the act of launching another projectile at the officer. Officer Rhoads fired his weapon in direct response to Francisco Monge's actions. California Penal Code Section 835a maintains that "a peace officer is justified in using deadly force upon another person only when the officer believes, based on the totality of the circumstances, that such force is necessary...[T]o defend against an imminent threat of death or serious bodily injury to the officer or to another person." The actions of Francisco Monge meet the criteria of presenting an "imminent threat of death or serious bodily injury" to each officer. In such situations, the law permits officers to employ deadly force to respond to the threat.

Conclusion

Based upon a review of the evidence submitted by the Bakersfield Police Department, Officers Christopher Rhoads responded reasonably in self-defense to the threat presented by Francisco Monge. 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,

A handwritten signature in cursive script that reads "Cynthia Zimmer". The signature is written in black ink and is positioned above a horizontal line.

Cynthia J. Zimmer
District Attorney