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January 23, 2026

Sheriff Donny Youngblood
Kern County Sheriff's Office
1350 Norris Road
Bakersfield, CA 93308

Re: KCSO Officer-Involved Shooting of Austin Springer on August 7, 2024
Kern County Sheriff's Deputy Josh Cain
8024 Melody Lane, Onyx, CA.
Documented in KCSO Report 2024-00094272

Dear Sheriff Youngblood,

The Kern County District Attorney's Officer-Involved Shooting (OIS) Committee has reviewed the report 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 August 7, 2024, Kern County Sheriff's Deputies were called to Melody Lane in Onyx to investigate a violation of a Domestic Violence Restraining Order ("DVRO"). Austin Springer had previously been served a DVRO for a protected party including the residence on Melody Lane. The DVRO was issued on July 31, 2024, served on August 5, 2024, and was set to expire on August 14, 2024. This information was relayed to responding deputies via the call for service text along with additional information that Austin Springer had felony and misdemeanor warrants. Upon arrival at the residence, Deputy Josh Cain and Senior Deputy Alejandro Moreno contacted the protected party, searched the main residence, the garage, and began assessing the property. Senior Deputy Moreno and Deputy Cain noticed an old travel trailer on the property that appeared to have not been moved for an extended period. Senior Deputy Moreno discovered the door to the travel trailer was held shut by a USB phone charger type cable. After receiving consent from the protected party, Deputy Cain used a multitool to cut the charger cable. Both Senior Deputy Moreno and Deputy Cain announced themselves and asked the decedent to exit the trailer. Deputy Cain looked in the trailer and then began retreating. Austin Springer appeared in the doorway of the trailer with his right arm up and holding a BB gun designed to look like a firearm. Deputy Cain fired one shot

from his department issued Glock 22 and continued retreating looking for cover.

Deputy Cain and Senior Deputy Moreno took cover and requested Austin Springer exit the trailer. Deputy Cain and Senior Deputy Moreno heard noises coming from the trailer for a few minutes. Due to not having sufficient tactical gear to make entry into the trailer, the two, along with Sergeant Harkey, surrounded the trailer until additional units could assemble for a tactical entry. Approximately an hour later, KCSO was able to make entry. KCSO personnel, along with paramedics from Liberty Ambulance, pronounced the decedent deceased at the scene. A black BB gun in the style of a semi-automatic handgun was found on the ground next to Austin Springer's left foot.

Legal Principles and Analysis

Deputy Cain was an on-duty peace officer at the time of the incident, his conduct is judged by the same standard used for all peace officers. 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 835(c)(1)(A)). When evaluating the use of deadly force, one must decide whether the officer's 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.

The law does not impose a duty to use less lethal options. "Requiring officers to find and choose the least intrusive alternative would require them to exercise superhuman judgment. In the heat of battle with lives potentially in the balance, an officer would not be able to rely on training and common sense to decide what would best accomplish his mission. Instead, he would need to ascertain the least intrusive alternative (an inherently subjective determination) and choose that option and that option only. Imposing such a requirement would inevitably induce tentativeness by officers and thus deter police from protecting the public and themselves." *Scott v. Henrich* (9th Cir. 1994) 39 F.3d 912, 915). The appearance of danger is all that is necessary; actual danger is not. *People v. Toledo* (1948) 85 Cal.App.2d 369 (overruled on other grounds); *People v. Jackson* (1965) 233 Cal.App.2d 639. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight." *Graham v. Connor*, supra, 490 at p. 396.

Deputy Josh Cain used deadly force in response to the immediate threat Austin Springer posed to Deputy Cain's life. In this case, Springer ran towards the opened door Deputy Cain was backing away from. Springer did so with something in his hands that was identified as firearm. Deputy Cain observed Austin Springer's arm extend through the trailer doorway and pointing a firearm shaped and colored object through the door in the direction of Deputy Cain and Senior Deputy Moreno. It was later determined that the firearm shaped and colored object was a replica firearm style BB gun. Based on the totality of the circumstances, Deputy Cain's use of deadly force was reasonable. Deputy Cain was confronted with a suspect who refused law enforcement commands, moved aggressively within the trailer, and pointed an object purposefully designed to look like a firearm at Deputy Cain. Deputy Cain perceived a lethal threat and shot one time until he could no longer perceive the threat.

Conclusion

Based upon a review of the evidence submitted by the Kern County Sheriff's Department, Deputy Josh Cain responded reasonably in self-defense to defend against an imminent threat of death or serious bodily injury posed by Austin Springer. There is no state criminal liability under the circumstances of this case, and the shooting is legally justified.

Sincerely,



Cynthia J. Zimmer
District Attorney