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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 Christian Dumas on September 2, 2024
Kern County Sheriff's Deputy Erica Andrews
5200 Block of Olive Tree Court, Bakersfield, CA
Documented in KCSO Report 2024-00106434

Dear Sheriff Youngblood,

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 September 2, 2024, Deputies Michael Flores and Erica Andrews were on patrol in the area of 1350 Norris Road. They conducted a traffic stop of a white utility truck at approximately 9:31 p.m. The vehicle was occupied by the driver, Leonardo Alvarado, and one passenger, Christian Dumas. Upon contacting the occupants of the vehicle, Deputies Flores and Andrews advised that they would be running a records check to see if either occupant had any warrants. It was discovered that the passenger, Christian Dumas, had an active no bail warrant for a Failure to Appear. Christian Dumas subsequently spent several minutes attempting to convince Deputy Flores to not place him under arrest. Deputy Flores explained to Christian Dumas that he could not release him as the status of his warrant was "no bail" and he would be taken into custody.

Christian Dumas was asked to exit the vehicle. Upon being asked to exit, he began maneuvering a sweatshirt that he had inside of the vehicle with him. This caused concern for Deputy Andrews who then informed him that it was warm outside and he did not need a sweatshirt. Christian Dumas then pulled out a large black can of pepper spray and sprayed Deputy Flores in the face. After spraying Deputy Flores

with the pepper spray Christian Dumas fled on foot.

Upon witnessing the pepper spray and Christian Dumas begin to run, Deputy Andrews gave chase. Christian Dumas ran to a nearby Motel 6 a short distance away, ultimately running into the lobby of the Motel 6. Christian Dumas then quickly ran back out of the Motel 6 lobby at which time he displayed a large black can of pepper spray and again sprayed the pepper spray. As Christian Dumas displayed the can of pepper spray, Deputy Andrews fired three shots in Christian Dumas' direction and toward the lobby of the Motel 6. Christian Dumas was not struck by any of the gunshots and continued his flight from deputies. Christian Dumas jumped over a wall and was able to escape capture that night. Only Deputy Flores was injured during the incident.

Legal Principles and Analysis

Deputy Andrews used deadly force in response to the perceived threat Christian Dumas posed to Deputy Andrews' life. A peace officer includes any deputy sheriff of a city or county, who is employed in that capacity (Penal Code section 830.1). That peace officer's authority extends to any place in the state where any public offense is committed in the peace officer's presence and with respect to which there is immediate danger to person or property or of the escape of the perpetrator of the offense (Penal Code section 830.1(3)). Deputy Andrews is a deputy sheriff employed as such for the County of Kern. Thus, she is a peace officer within the meaning of Penal Code section 830.1. In this case, Deputy Andrews stated that she believed that she observed Christian Dumas pointing what could have been a firearm.

Since Deputy Andrews was acting as a peace officer and was on duty as a peace officer at the time of the incident, her 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 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.

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.

Conclusion

Based upon a review of the evidence submitted by the Kern County Sheriff's Office, there is insufficient evidence to establish beyond a reasonable doubt that Deputy Erica Andrews did not reasonably respond in self-defense based upon all the facts known to her at the time she fired her weapon. A criminal prosecution requires proof beyond a reasonable doubt that the shooting was not done in lawful self-defense or defense of others. Because the evidence is insufficient to warrant a criminal conviction, no state criminal charges will be filed pertaining to the use of deadly force during this incident.

Sincerely,

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

Cynthia J. Zimmer
District Attorney