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April 28, 2022

Chief Tyson Davis
Delano Police Department
2330 High Street
Delano, CA 93215

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

Re: Officer-Involved Shooting of Sandra Barajas by Corporal Ryan Wilson on September 25, 2021.

Dear Chief Davis and 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 25, 2021, at 9:16 a.m., Delano PD received a 9-1-1 call from a 12-year-old boy, advising that his mother's girlfriend, later identified as Sandra Barajas, was armed with a kitchen knife, and was preventing his mother and his 8-year-old sister from leaving the residence. Corporal Wilson and other DPD officers responded to the residence on Oxford Street in Delano.

When Corporal Wilson arrived at the residence, he observed the 12-year-old boy and his mother in front of the home. The mother stated that Barajas was still inside the house with her 8-year-old daughter, and was not letting her leave. Corporal Wilson and other officers approached the residence and asked Barajas to exit the home by speaking to her through windows, but Barajas refused. While looking through a window, Corporal Wilson saw Barajas holding the 8-year-old child by her hair and violently tossing her around.

Corporal Wilson moved to an area just outside the kitchen window, ripped out the blinds, and peered into

the kitchen through the window. Barajas came into view and had her left arm wrapped around the girl, holding the girl against her body while carrying a large knife in her right hand. Barajas had the blade of the knife pressed against the girl's throat. Barajas then yelled, "I'm going to kill her!"

Corporal Wilson gave commands for Barajas to drop the knife and to come outside but Barajas again did not comply. Corporal Wilson continued to try and defuse the situation saying, "No, let's talk this out. I'm here to help you. Drop the knife. We can talk about this." Barajas did not relent and made movements with the knife which made Corporal Wilson believe Barajas was going to hurt the girl with the knife. Corporal Wilson fired two rounds at Barajas' torso. Barajas fell to the floor onto her back and the girl fell, landing between Barajas' legs. Corporal Wilson observed Barajas making stabbing motions toward the 8-year-old girl and he then fired additional rounds at Barajas. Barajas stopped moving.

Corporal Wilson fired approximately six rounds and Barajas died as a result of multiple gunshot wounds. When officers approached Barajas' body, a large kitchen knife with a 7-inch blade was next to her on the kitchen floor. Barajas' toxicology results, as revealed by her autopsy, confirmed the presence of amphetamine, methamphetamine, tramadol, desmethylsertraline, and sertraline.

The 8-year-old girl had wounds on her body consistent with knife cuts and she also had a gunshot wound to her upper right chest. The girl was transported to Kern Medical and then to Madera Children's Hospital where she was treated for her injuries. She made a full recovery.

This officer involved shooting by the Delano Police Department was investigated by the Kern County Sheriff's Department.

Legal Principles and Analysis

In this case, Corporal Wilson used deadly force in response to the threat Barajas posed to the 8-year-old girl's 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)). Corporal Wilson is an officer employed as such for the Delano Police Department. Thus, he is a peace officer within the meaning of Penal Code section 830.1. In this case, Barajas held a knife against the girl's throat while stating that she was going to kill her. During the incident the girl was cut by the knife and Barajas refused to let the girl go. The girl's life was put in substantial risk by Barajas' actions.

Since Corporal Wilson was acting as a peace officer and was on duty as a 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 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.

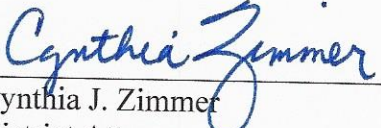
The law does not impose a duty to use less lethal options. “Requiring officers to find and choose the least intrusive alternative would require them to exercise superhuman judgment. In the heat of battle with lives potentially in the balance, an officer would not be able to rely on training and common 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.

Based on the totality of the circumstances, Corporal Wilson’s use of deadly force was reasonable. Corporal Wilson observed Barajas in possession of a large knife (a deadly weapon), he saw Barajas tossing the girl around by her hair and heard Barajas state that she was going to kill the girl as Barajas held the knife against the girl’s throat. Corporal Wilson stopped firing his weapon once Barajas stopped moving and was no longer a threat to the girl. The decision by Corporal Wilson to shoot Barajas was a reasonable one to protect the life of the 8-year-old girl.

Conclusion

Based upon a review of the evidence submitted by the Kern County Sheriff’s Department and the Delano Police Department, Corporal Ryan Wilson responded reasonably in defense of another to defend against an imminent threat of death or serious bodily injury posed by Barajas. There is no state criminal liability for his use of deadly force under the circumstances of this case and the shooting is legally justified.

Sincerely,


Cynthia J. Zimmer
District Attorney