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January 12, 2024

Sheriff Donny Youngblood
1350 Norris Road
Bakersfield, CA 93308

Chief Michael Scott
100 W California Avenue
Ridgecrest, CA 93555

**Re: Ridgecrest PD and KCSO Officer Involved Shooting of Kenneth Watkins on January 3, 2023
Ridgecrest Police Officers Laura Kenney and Corey Rinaldi
Kern County Sheriff Deputies Jeffery Ott and Jeffrey Portillo
La Mirage Lane and East French Avenue, Ridgecrest, CA.
Documented in KCSO Report 23-00000718**

Dear Sheriff Youngblood and Chief Scott,

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 Officer Involved Shooting Committee has completed its review. The findings are noted below.

Summary

On January 3, 2023, at 2:14:45 am, Kenneth Watkins called the Ridgecrest Police Department and told the 911 operator he wanted to kill himself. Watkins stated his "gun is loaded, and he is not out to hurt anyone else." Watkins' statements to 9-1-1 operators, to responding officers, as well to his personal acquaintances in the minutes preceding the use of force all present a clear case of a man intent on taking his own life by triggering a law enforcement use of force.

Ridgecrest Police Officers and Kern County Sheriff Deputies were subsequently dispatched to the intersection of La Mirage Lane and East French Avenue in Ridgecrest, California, to investigate a suicidal subject armed with a firearm. When law enforcement arrived, they observed Watkins exit a car armed with a weapon. Watkins then pointed his handgun at the officers.

Officers repeatedly told Watkins to put his weapon down. Watkins refused to comply. Officers heard Watkins say he wanted to kill himself or that the police would have to kill him, and that he was not going home alive. Watkins also said he wanted to die, shoot himself, and the police would have to shoot him.

At one point, Watkins slowly raised the firearm toward the officers; however, no officers fired their weapons at that time. The officers told Watkins to put the gun down several times, but Watkins was uncooperative and did not comply. Watkins later asked how many shots it would take to take him down. A witness also heard Watkins say, "I'm going to die tonight," and he was going to shoot himself. Watkins later said, "God is against suicide" as an explanation for his attempts to coerce the responding law enforcement officers to shoot him.

After several minutes of attempts to de-escalate the situation and obtain compliance of Watkins, the responding officers and deputies saw Watkins reach a critical point where he more deliberately raised his firearm toward the officers and deputies. Believing Watkins was an imminent deadly threat to them, the officers shot Watkins five times. The negotiations between law enforcement and Watkins lasted approximately twenty-three minutes and included various efforts of law enforcement to de-escalate the situation with Watkins. Watkins, however, remained resolute in his resolve to instigate a deadly response from law enforcement. Only when officers and deputies were faced with the unrelenting determination of Watkins to instigate a shooting, and only when he directly and deliberately presented himself as an imminent threat to officers and deputies did the above-named officers and deputies respond with deadly force to address the threat. The subsequent use of force resulted in Watkins suffering multiple gunshot wounds, causing his death.

Legal Principles and Analysis

Watkins' actions demonstrated a clear threat to the law enforcement officers' lives. Thus, it was reasonable for the officers to believe that Watkins was a deadly threat to them.

Under California Penal Code section 835a(a)(2), peace officers may use deadly force, when necessary, in defense of human life. When determining whether lethal force is necessary, officers must evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and reasonable to an objectively reasonable officer. The California Legislature has mandated that deputies shall use de-escalation tactics if objectively reasonable based on the circumstances of the case.

California law permits the use of deadly force by any person if: (1) the individual reasonably believes that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) the individual reasonably believes that the immediate use of deadly force was necessary to defend against that danger; and (3) the individual used no more force than was reasonably necessary to defend against that danger. (Judicial Council of California, Criminal Jury instructions (CALCRIM) 505.)

In this case, Watkins raised and pointed his firearm multiple times at the officers. The officers then fired their duty weapon at Watkins only after Watkins pointed his gun at the officers deliberately and aggressively. Therefore, the use of deadly force was necessary when Watkins took a shooting stance and aimed his firearm at the officers. Watkins' actions represented a clear and present danger to the lives and safety of the officers and other community members who lived in this residential area. After more than twenty minutes of attempts to de-escalate the situation, Watkins demonstrated his continued resolve to instigate a law enforcement response by presenting himself as an imminent threat to the safety and lives of the responding officers.

Conclusion

Based upon a review of the evidence submitted by the Kern County Sheriff's Department, Ridgecrest Police Department Officers Laura Kenney and Corey Rinaldi as well as Kern County Sheriff's Deputies Jeffery Ott and Jeffrey Portillo responded reasonably to a lethal threat in self-defense and defense of others. There is no state criminal liability for their use of deadly force under the circumstances of this case because the shooting is legally justified.

Sincerely,

Cynthia J. Zimmer
Kern County District Attorney