



OFFICE OF THE
DISTRICT ATTORNEY
Stephanie A. Bridgett
County of Shasta

Benjamin L. Hanna
Chief Deputy District Attorney

Joseph Hendrix
Chief Investigator

September 9, 2022

Chief of Police Bill Schueller
Redding Police Department
777 Cypress Avenue
Redding, CA 96001

RE: December 24, 2020 Officer-Involved Shooting
Shasta County Sheriff's Office case 20S040502
Redding Police Department cases 20R083853,
20R083860, 20R083861 and 20R084000
Shasta County District Attorney Investigation Division Case number 20GC1177
Involved Officer: Khae Saelee
Involved Person: Tara Liubakka (DOB 02/18/1981)

Chief Schueller:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced officer-involved shooting incident. For purposes of this review, the District Attorney's responsibility is to review the evidence and decide whether there is sufficient evidence to support the filing of criminal charges. Issues of policy, training, tactics, or civil liability were not considered. For the reasons set forth below, we conclude that the shooting was lawful.

The lead agency in this investigation was the Redding Police Department, with the assistance of the Shasta County District Attorney's Office, and the Shasta County Sheriff's Office. In conducting the investigation, investigators and officers from the Redding Police Department and allied agencies interviewed witnesses and collected physical evidence to gain a full and complete picture of the events that resulted in the fatal shooting of Tara Liubakka. The findings of the District Attorney are based upon a review of all the material compiled in the multi-agency investigation.

FACTUAL SUMMARY

On December 24, 2020 at approximately 5:31 a.m. Tara Liubakka called 911 and told the dispatcher that she was suicidal and wanted to make a report about a drug deal. Liubakka also stated that she was under the influence of methamphetamine. After the 911 call ended, Redding police officers called Liubakka at the number she called from, but there was no answer.

Liubakka called 911 again at 3:24 pm. She stated that she had been drugged and sexually assaulted. She also reported that she believed that someone had been trying to poison her. After this call, a Redding Police officer spoke to Liubakka by phone and determined that she did not meet the criteria for an involuntary mental health hold. Liubakka also declined any medical attention.

At 6:07 pm, Liubakka again called SHASCOM and reported that she could see methamphetamine smoke coming from 2506 Irwin Road. This location was the address of Timothy Valdez. Valdez is a former friend of Liubakka. Liubakka reported that drug dealing was taking place at the location and that someone at the address had just sold her methamphetamine and heroin.

At approximately 6:37 p.m., on December 24, 2020, a woman, who identified herself as Tara Liubakka's mother, called Shascom police dispatch and told them her daughter was suicidal. Ms. Liubakka's mother did not know the address or current location of her daughter. This call was handled by Redding Police Officer Eva Smith.

At approximately 6:42 p.m. RPD Officer Eva Smith called Liubakka. After the officer identified herself to Liubakka, Liubakka hung up. Officer Smith called back approximately 10 times in an attempt to contact Liubakka. Ultimately, Liubakka called Officer Smith back. Liubakka said that she was at 2506 Irwin Road in Redding and stated, "bring more cops and bring the news media." She then hung up on Officer Smith. When Officer Smith called Liubakka back again, Liubakka told her that she had just shot "Tim Valdez". She then hung up again.

At 7:08 pm, Liubakka again called 911 and reported that a woman had just shot a man at 2506 Irwin Road. She refused to provide any additional information and hung up the phone.

About a minute later, SHASCOM received a 911 call reporting that a person had been shot at 2506 Irwin Road. Upon arrival, police ultimately contacted Scottie Stevenson. Ms. Stevenson was the girlfriend of Tim Valdez. She reported that she and Mr. Valdez had earlier seen a suspicious vehicle outside their residence. Mr. Valdez went outside to investigate, and Stevenson heard gunshots. Shortly thereafter, Valdez came back inside and stated that "Tara" had shot him. Valdez had been shot twice, once in the arm and once in the chest.

Police interviewed Valdez, at the hospital where he was being treated for gunshot wounds. He verified that Liubakka had shot him twice from inside a vehicle after he approached to speak to her.

It was later determined that the firearm used by Liubakka to shoot Valdez had been stolen by Liubakka from her roommate, who lawfully possessed it.

After shooting Valdez, Liubakka drove to Domino's Pizza located at 916 E. Cypress Avenue in Redding. There she encountered Carolyn Arion sitting in her vehicle in the parking lot. Arion was an employee of Domino's. Liubakka approached Arion in her vehicle. Liubakka pointed the stolen gun at Arion, and Arion exited her vehicle and handed Liubakka the vehicle keys. Liubakka then got into the vehicle but did not immediately leave. In attempt to retrieve her vehicle, Ms. Arion entered the passenger side of the vehicle and attempted to grab her keys. The two women struggled over the keys and the gun possessed by Liubakka. During this struggle, the gun was discharged once. Neither person was injured and Arion was able to take possession of the gun. Liubakka sped away in Arion's vehicle. Police were notified of this incident via 911.

Liubakka then drove the stolen vehicle to the area of Olde West Gun and Loan on North Market Street in Redding. She drove the vehicle onto the sidewalk and rammed the front gate of the business in an apparent attempt to gain access to the store. Based on surveillance footage from Olde West, this incident took place at approximately 7:34 pm.

Liubakka then drove the stolen vehicle to the Redding Walmart store. At approximately 7:49 pm, while the store was closed, employees inside heard a loud crash from the front of the store. Liubakka drove the vehicle into the store to gain access. She exited the vehicle and went to the sporting goods area, where she attempted to break into a display case. She was unsuccessful. At around 7:51 pm, she got back into the vehicle which was still parked in the store. In her possession was a package of kitchen knives which she had stolen from the store.

Liubakka then drove out of the Wal Mart store. By this time, numerous Redding police officers were responding to the various crime scenes caused by Liubakka.

At 7:57 pm, Officer Eva Smith saw Arion's stolen vehicle pulling into the parking area of an apartment complex at 1191 Old Alturas Road in Redding. Officer Smith saw a lone female exit the vehicle. The officer attempted to make contact but was unsuccessful. Numerous officers were in the area but did not locate Liubakka. It was later learned that she had broken into an unoccupied apartment in the complex and stole several knives. She also abandoned the hooded sweatshirt she had been wearing.

Concerned about the safety of area residents, at 8:06 pm, Redding Police intimated a reverse 911 warning to residents of the area where Liubakka had last been seen.

At 8:10 pm, Redding Police Officer Khae Saelee broadcast over the radio that he was in foot pursuit of Liubakka in the area of Churn Creek Road and Browning. He reported that she had a knife in her hand and appeared to be trying to carjack nearby vehicles. He gave Liubakka numerous commands to stop and repeatedly identified himself as a police officer.

In an effort to apprehend Liubakka, Officer Saelee was running behind her. Other officers were behind attempting to catch up. Ultimately, Liubakka turned her attention to Saelee

and began to charge at him. She still had a knife in each hand. As Liubakka approached him and while he was moving backward, Officer Saelee fired his gun three times, striking Liubakka and causing her to fall to the ground. She still had a knife in each hand. At the time Officer Saelee fired his weapon, Liubakka had advanced within a few feet of the officer.

Liubakka was immediately taken into custody and provided with medical attention. Ultimately, however, she died from her injuries. A later autopsy determined her cause of death to be a gunshot wound to the chest.

Officer Saelee later provided a statement in connection with this investigation. He told investigators that he was aware of the shooting on Irwin Road and the carjacking at Domino's Pizza and believed that the suspect he was searching for was likely responsible for both of those violent events. When he heard about the incident at Wal Mart, he became concerned that the suspect was looking to kill someone. He heard Officer Smith state over the radio that the female suspect had fled from the vehicle in the apartment complex, so he went to that area to assist in the search. While in the area, he observed the defendant and attempted to detain her. She fled and Officer Saelee pursued. Several times it appeared that Liubakka attempted to enter civilian vehicles driving on the road, and Officer Saelee yelled at them to leave.

As he pursued Liubakka, Officer Saelee repeatedly told her to stop. Finally, Liubakka turned and charged at Officer Saelee with the knives in her hand. Believing she presented an imminent danger to his safety, he fired his weapon at Liubakka.

LEGAL STANDARD

Penal Code section 835a sets forth the law regarding peace officers' use of deadly force. Peace officers may only use deadly force when necessary in defense of human life, taking into consideration the particular circumstances of each situation (Section 835a(a)(2)). "The decision of an officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight" (Section 835a(a)(4) and (e)(3)). An officer may use deadly force "to defend against an imminent threat of death or serious bodily injury to the officer or to another person" (Section 835a(c)(1)(A)).

An officer who is attempting to make an arrest is not required to retreat if the person whom the officer is attempting to arrest resists or threatens to resist (Section 835a(d)).

Deadly force is defined as "any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm (Section 835a(e)(1)).

An imminent threat is one in which "a person has the present ability, opportunity and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person" (Section 835a(e)(2)).

LEGAL ANALYSIS

In applying the above legal standard to the facts of this case, it is important to consider a number of factors including the circumstances leading up to the deadly force event. These factors include the officer's training and experience, as it related to the threat he was facing, and the facts known to the officer at the time he used the deadly force.

At the time of this incident, Officer Khae Saelee had approximately 3 years of experience as a police officer.

On Christmas Eve 2020, immediately before the deadly encounter, the following facts and circumstances, here listed in chronological order, were known to Redding Police Officers, including Office Khae Saelee: Liubakka had shot a man and stated her intention of killing another person; she then stole a stranger's vehicle at gunpoint; she drove that vehicle into the Walmart store through its locked front doors; she then broke into a stranger's residence; she ran up to various vehicles, carrying a knife in each hand, as the drivers slowed down for her; she ran from Officer Saelee armed with knives in a residential neighborhood; she turned and ran toward Officer Saelee with the knives in her hands.

Liubakka posed an imminent threat to people as she was armed with knives in a residential neighborhood, where she had just broken into a stranger's apartment, after previously shooting a man, and carjacking a woman. She posed a further imminent threat to Officer Saelee as she ran at him swing knives and screaming. Liubakka had "the present ability, opportunity and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person"

Facing the imminent threat posed by Liubakka, Officer Saelee chose to use deadly force to end that threat. By so doing he prevented her from killing him or other people.

CONCLUSION

Under these circumstances, Officer Saelee was justified in using deadly force in response to Liubakka's actions. I find the shooting to be lawful and will take no further action in this matter.

Sincerely,



STEPHANIE A. BRIDGETT
DISTRICT ATTORNEY