



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

Sarah Murphy
Chief Deputy District Attorney
Prosecution Division

Emily Mees
Chief Deputy District Attorney
Administration

Alexander Houston
Chief Investigator

January 23, 2026

Chief of Police Brian Barner
Redding Police Department
777 Cypress Avenue
Redding, CA 96001

RE: April 10, 2024, Deputy-Involved Shooting
OICIRT Case No. SCSO24-001426
District Attorney Case No. 24F3616
Superior Court Case No. 24F02482
Involved Officers: Officer Brian Cowan
Involved Person: Cody Levi Bailey (DOB: 12/9/1987)

Chief Barner:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced deputy-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 investigation of this shooting was conducted consistent with the current Officer Involved Critical Incident Review Team (OICIRT) process. This protocol involves several Shasta County law enforcement agencies working collaboratively to investigate the facts and circumstances of the shooting. In this case, participating agencies included the California Highway Patrol, the Redding Police Department, the Shasta County Sheriff's Office, the Anderson Police Department, and the Shasta County District Attorney's Office. In conducting the investigation, investigators interviewed witnesses and collected physical evidence to gain a full and complete picture of the events that resulted in the shooting of Cody Levi Bailey. The findings of the District Attorney are based upon a review of all the material compiled in the multi-agency investigation.

FACTUAL SUMMARY

Cody Levi Bailey was prosecuted for his actions in this case under DA Case Number 24F3616 and Shasta County Court Case Number 24F02482. Bailey entered no contest pleas to Assault with a Deadly Weapon on a Peace Officer (Officer Gilmette), Assault with a Deadly Weapon on a Peace Officer (Officer Rhoads), Exhibiting Deadly Weapon to Police Officer to Resist Arrest (Officer Cowan), and Resisting, Obstructing or Delaying a Peace Officer (Officers Gilmette, Rhoads, and Cowan) on May 21, 2024, as well as admitting a prior strike allegation and a prior serious/violent conviction prior allegation for a stipulated state prison sentence of 19 years and 8 months.

The facts are stated in SCSO Report 24-001426. On Wednesday, April 10th, 2024, at about 1611 hours, Redding Police Department Officer Rhoads and Redding Police Department Officer Gilmette were on duty, in full police uniforms, operating a fully marked Redding Police Park Ranger pickup truck, wearing their department issued body worn cameras. At about that time, Officer Rhoads and Officer Gilmette contacted two male subjects in a homeless encampment located on the northeast corner of the undeveloped lot located at 45 Hartnell Avenue in the City of Redding.

The male subjects were later identified as Cody Levi Bailey and Jerry Hamilton. The officers contacted Bailey and Hamilton regarding them trespassing on the undeveloped lot, advised both subjects that the lot was marked with no trespassing signs, and notified them that they needed to vacate the property with their belongings.

Hamilton was cooperative with the officers' instructions and began to gather his belongings to vacate the area. Bailey was lying on a blanket and acknowledged the officers' presence and instructions but ignored them and continued lying on the ground for several minutes. Bailey was displaying several objective symptoms of being under the influence of a CNS stimulant, to include: rapid, erratic, and nonsensical speech, visible muscle rigidity, bruxism, uncontrollable fidgeting, difficulty manipulating objects, apparent difficulty in understanding questions, erratic and aggressive behavior, rapid and dramatic mood swings.

Hamilton eventually persuaded Bailey to stand and begin gathering his belongings. Once Bailey stood, a pocketknife with a red handle and silver clip can be clearly seen in his front right pants pocket. As Bailey was gathering his belongings and leaving the area, he made numerous taunting and threatening statements towards both officers. Amongst Bailey's statements were, "Fuck... God I want to stab you real bad! Just throwing that out there, put it on the record!" and "I'm gunna stab that nigger's throat!"

Once Bailey made it to the top of the hillside, just north of his original location, he picked up a large rock from the ground. Officer Rhoads calmly told Bailey, "Don't do it" as Bailey began to move the rock to a throwing position over his right shoulder. Bailey yelled something and violently threw the rock directly towards both officers. The rock, which appears to be a triangular shaped grey rock approximately the size of a baseball, struck the ground in front of the officers and skipped between them as it continued past them. Immediately after throwing the rock, Bailey began leaving the area heading northeast towards the corner of Cypress Avenue and Lowden Lane. Officer Rhoads used his police radio to advise SHASCOM dispatch and additional officers of the situation and provided a description of Bailey's clothing. Officer Rhoads and Officer Gilmette began to follow Bailey at a distance. Bailey stopped on the east corner of Cypress Avenue and Lowden Lane, turned to face the officers, and yelled incoherent statements at them while assuming an aggressive stance. Officer Rhoads advised over the radio that Bailey appeared to have a knife in his right hand. Officer Gilmette gave Bailey verbal commands to return to him, which he ignored and continued moving eastbound on the south sidewalk of Cypress Avenue.

Officer Rhoads and Officer Gilmette discussed maintaining distance as they continued to follow Bailey. Officer Rhoads loudly commanded Bailey to "Drop the knife." Bailey yelled something in return then began running eastbound. Officer Rhoads updated SHASCOM and responding officers.

As Bailey approached Enterprise Rent-A-Car, located at 225 Cypress Avenue, several police vehicle sirens can be heard approaching the area. Redding Police Officer Brian Cowan, who was in full patrol uniform in a marked police vehicle with its lights and siren activated, positioned his vehicle in the east driveway of Enterprise Rent-A-Car.

From the body worn camera footage, a voice can be heard yelling, followed by several gunshots. Per several witnesses at Enterprise Rent-A-Car, Officer Cowan yelled something similar to "drop the knife" at Bailey several times as Bailey continued moving eastbound towards Officer Cowan. Several witnesses reported seeing a knife in Bailey's right hand as he continued approaching Officer Cowan. Per witnesses, Bailey was moving at a faster than walking pace towards Officer Cowan. Per witnesses, Bailey was approximately 6-10 feet from Officer Cowan when Officer Cowan fired several rounds at Bailey from his duty pistol.

Redding Police Officer Lensing and Officer Nunez arrived on scene in a marked patrol vehicle at about the time of Officer Cowan discharging his firearm. Officer Rhoads broadcasted shots had been fired, then he and Officer Gilmette ran to Officer Cowan's location where Bailey was lying prone on the sidewalk. Bailey can be clearly seen on the body worn camera footage holding a pocketknife with a red handle in his right hand. The knife blade was exposed, as if the knife was locked open. Officers gave Bailey numerous commands to drop the knife, and Bailey eventually released the knife from his hand. Officers immediately detained Bailey in two sets of handcuffs and began rendering emergency medical aid.

All five officers continued rendering emergency medical aid to Bailey, who appeared to have several gunshot wounds to his abdomen. Additional officers, Redding Fire Department personnel, and an ambulance eventually arrived on scene and assisted with medical treatment of Bailey. Bailey was transported to Mercy Medical Center via ambulance where he underwent surgery for his injuries.

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)).

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 several factors including the circumstances leading up to the use of deadly force. 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 the deadly force was used.

Officer Cowan is a 24-year law enforcement officer. He has worked for the Redding Police Department and prior to working at the Redding Police Department he worked for the Shasta County Sheriff's Office. On the day of this incident, Officer Cowan was assigned as a School Resource Officer with the following collateral duties: a first-aid instructor and range master. Over his career, Officer Cowan held numerous collateral duties including use of force instructor and defensive tactics instructor.

Officer Rhoads has been employed by the Redding Police Department for approximately 20 years. Prior to working for the Redding Police Department, Officer Rhoads worked for the Sacramento Police Department for approximately two and a half years and served four years as a Military Police Officer prior to that.

Officer Gilmette has been employed by the Redding Police Department for 19 years as a law enforcement officer.

While Officer Rhoads and Officer Gilmette were initially contacting Bailey, Bailey was immediately angry and had a pocketknife in his right pants pocket. A pocketknife is an object which could cause death or serious bodily injury. Bailey squared off with these officers and was advancing toward the officers and then backing up multiple times in an agitated manner. Bailey was angrily yelling at the officers and made a statement that "God I want to stab you real bad!"

After this initial contact with officers, Bailey began to leave but when he was approximately 30 feet higher than the officers on an embankment, Bailey picked up a rock approximately the size of a baseball and intentionally threw it at the officers. The rock landed between the officers. Officer Rhoads and Officer Gilmette both recognized the rock as an object which could cause death or serious bodily injury. In this moment, Officer Rhoads was concerned that Bailey may attempt to hurt someone else or continue his behavior based on his actions and his anger level.

Officer Rhoads and Officer Gilmette began to pursue Bailey and briefly lost sight of him as they climbed up the embankment. When the officers saw Bailey again, he had removed the knife from his pocket and had it in his hand as he was running down the sidewalk away from the officers and toward people at nearby businesses. Officers Rhoads yelled at Bailey to drop the knife. Bailey did not drop the knife as he was instructed. Officer Rhoads radioed to dispatch that Bailey had the knife in his hand.

Officer Cowan was aware of radio traffic that Officer Rhoads and Officer Gilmette were engaging with Bailey, who Officer Cowan believed had thrown rocks at these officers and then a few seconds later had a knife in his hand. Officer Cowan pulled across the street and into the sidewalk on the south side of Cypress half-way into the driveway of the Enterprise Rent-A-Car business. Officer Cowan saw people outside of the business and saw Bailey running eastbound on the sidewalk toward Officer Cowan's location. Officer Cowan could see Bailey holding a knife up nearly at shoulder height.

Officer Cowan became concerned for the people outside of the business and began to immediately engage Bailey by telling him to stop and drop the knife. Officer Cowan repeated these commands at least two and possibly three times and Bailey did not stop. Officer Cowan attempted to stop and deescalate Bailey's behavior by telling him to stop. However, Bailey did not stop and was now looking directly at and focusing on Officer Cowan. Bailey began to come directly at Officer Cowan. Officer Cowan knew that a knife could inflict serious bodily injury or death. Officer Cowan believed that Bailey was trying to kill Officer Cowan, and Bailey was not stopping his advance toward Officer Cowan. Bailey was approximately 6 to 10 feet from Officer Cowan when Officer Cowan fired his firearm at Bailey.

Officer Cowan fired multiple shots at Bailey and only then was Bailey's advance stopped. Officer Cowan approached Bailey who was still holding the knife in his hand. Officer Cowan continued to order Bailey to let go of the knife, it appeared that Bailey was now trying to let go of the knife and Officer Gilmette was able kick the knife away from Bailey's hand.

Facing the imminent threat to himself, Cowan chose to use deadly force to end that threat and by so doing he prevented Bailey from harming himself or any other individual introduced to that scene, including the civilians in front of the nearby businesses and the other law enforcement officers following Bailey.

CONCLUSION

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

Sincerely,



Stephanie A. Bridgett
District Attorney