



OFFICE OF THE
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December 3, 2021

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

RE: June 9, 2020, Critical Incident
Redding Police Department case 20R035750
Shasta County Sheriff's Office case 20S017061
Anderson Police Department case 20A005005
Shasta County District Attorney Investigation Division Case 20GC0442JH1
Involved Officers: Redding Police Sergeant Gary Meadows
Redding Police Officer Kyle Corrigan
Redding Police Officer Nolan Guiducci
Redding Police Officer Timothy Jaegel
Redding Police Officer Kurt Melcher
Redding Police Officer Eddie McGinnis

Involved Person: Morgan James Davis (DOB 07/15/1982)

Chief Schueller:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced officer-involved critical 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 actions of those present and involved were lawful.

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In this critical incident death investigation, the lead agency in this investigation was the Shasta County Sheriff's Office, with the assistance of the Shasta County District Attorney's Office, and the Redding Police Department. In conducting the investigation, detectives and investigators from allied agencies interviewed witnesses and collected physical evidence in an effort to gain a full and complete picture of the events that resulted in the death of Morgan Davis. The findings of the District Attorney are based upon a review of the totality of the materials compiled in the multi-agency investigation.

FACTUAL SUMMARY

On June 9, 2020, at approximately 1:09 a.m., Redding Police dispatchers at SHASCOM received an anonymous call regarding a possible domestic disturbance at the Americana Modern Hotel located at 1241 Market Street, Redding, California. The caller reported hearing loud yelling, a woman screaming, and possible physical blows during the disturbance.

Redding Police Officer Eddie McGinnis was approximately one mile away at the time the call was received. He responded to the location and was the first officer to arrive.

When he arrived, Officer McGinnis observed a male, later identified as Morgan Davis, on the second-floor walkway of the hotel, directly in front of Room 210. Officer McGinnis noticed that Davis had blood on his hands and arms. Officer McGinnis called out to Davis from ground level, but Davis did not respond. About this time, a woman stepped out of a first-floor room and flagged Officer McGinnis over to her. The woman told Officer McGinnis that she was the one who called the police. She told the officer that she had heard Davis on the second floor, arguing with a female inside Room 210. She also told Officer McGinnis that it also sounded as if Davis were chasing and beating the woman in the room. She further reported that after she heard the commotion in the room, she observed Davis come out of the room and begin running back and forth on the second-floor walkway. She also told Officer McGinnis she never saw a female leave the room.

After receiving this information, Officer McGinnis radioed Dispatch to inform them of the possible domestic violence. He also reported seeing Davis with blood on his arms, and that he could not see anybody else in the room through the cracked open door. Officer McGinnis also requested a backup officer to come to the scene. Dispatch informed Officer McGinnis that Officer Timothy Jaegel was already on his way.

While waiting for Officer Jaegel to arrive, Officer McGinnis asked Davis for his name. Davis replied, "Mo mother fuckin' Morgan." Officer McGinnis asked Davis if he needed any medical help, to which Davis replied, "Nope." Officer McGinnis then asked Davis if there were an incident or issue tonight. Davis laughed and said, "Not anymore. I took care of it." Officer McGinnis then witnessed Davis bite his own left arm near his wrist and appear to take a chunk of flesh off his arm and spit it out. Davis then appeared to stick two or three fingers from his right hand into the bite wound on his left arm and dig around in the wound.

At about this point, Officer Jaegel arrived on scene. Officers McGinnis and Jaegel then saw Davis flop backward several times, landing flat on his back and appearing to hit his head on the concrete walkway flooring. Davis then removed his pants.

Sergeant Gary Meadows was the on-duty supervisor on the night of this incident. Sergeant Meadows heard the radio traffic regarding Davis' behavior and responded to the scene. Officers Kurt Melcher, Nolan Guiducci, and Kyle Corrigan also responded as backup. The officers collectively developed a plan to convince Davis to come downstairs to their location rather than attempt to control him up on the second-floor walkway.

The officers attempted several times to verbally convince Davis to come downstairs but were unsuccessful. Davis continued to make growling sounds, not forming any recognizable words. Davis continued to appear as if he were not conscious of his surroundings and was described by officers as having a 'thousand-yard stare.'

Eventually, Davis did walk down the stairs. Officers directed him to stop when he reached the ground level. Davis did not stop as directed. Instead, he continued walking toward the officers. In response, Officer Jaegel fired one round from his department—issued less lethal bean bag shotgun, hitting Davis in the abdomen or hip area. That round had no apparent effect on Davis.

Officer Corrigan then deployed his taser at Davis. The taser caused Davis to fall to the ground. Several of the officers tried to detain Davis in flex cuffs due to his size but were unable to get his wrists close enough together. At one point, at least five officers were physically involved in trying to get metal cuffs on Davis. Despite this effort, Davis was able to push himself up onto his hands and knees. Officers pushed him down and struck him one time in the arm with a baton to get him back lying on the ground in a prone position.

Observing the lack of success thus far, Officer Guiducci deployed his police canine, Dozier, to assist in the detention of Davis. While the deployment of Dozier did not appear to be effective in stopping Davis' resistance, it did allow officers to concentrate on Davis other limbs. Two officers struggled to get metal handcuffs onto Davis' right wrist. Davis continued to resist, but Officer Corrigan was finally able to get one pair of handcuffs onto Davis' right wrist. Davis was able to nearly pull his right arm free from the grasp of Officers Corrigan and McGinnis, but Officer Corrigan was able to maintain a grip on the free handcuff and eventually attach a second pair of handcuffs to extend their reach.

Sergeant Meadows and Officer Melcher attempted to control Davis' left arm. Davis actively resisted their control as he fought to release his right arm. At one point during the struggle Davis was successful in pulling his left arm away from officers and tucked it under his body. Officer Melcher was able get control over Davis' left arm just in time to assist Officer Corrigan in detaining Davis in handcuffs.

Once officers had Davis detained, Officer Corrigan placed Davis in a "recovery" position, on his

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side, not laying prone on his abdomen, in order to facilitate his breathing. At this point, Davis was still making “grunting” sounds, indicating he was breathing. Officers radioed for medical assistance. Medical personnel, who were already staged in the area, soon responded to attend to Davis.

While medical personnel were en route, three officers checked Room 210 for possible victims of the earlier reported assault. No persons were in the room, but officers did see what they recognized to resemble a mixture of cocaine and methamphetamine.

During the investigation, Officer Guiducci spoke with a civilian witness who watched the interaction between Davis and police and recorded it on a cell phone. The witness livestreamed the video on the internet and also provided a copy of the video to police. This video was released to the public shortly after the incident took place. The witness told Officer Guiducci that they believed that officers had acted appropriately in their attempts to detain Davis.

After being restrained but while still at the scene, Davis began to kick his feet. Officers placed him into foot restraints which were attached to the handcuffs. Police officers assisted medical personnel in lifting Davis onto the gurney. Davis was a large man, with a height of approximately six feet, one inch and weighing approximately 375 pounds.

After Davis was placed in the ambulance, EMTs reported to officers that he continued to “buck” while on the gurney. Officer Corrigan followed the ambulance to Shasta Regional Hospital. When Davis was removed from the gurney, he was still lying on his side in the recovery position. Officer Corrigan could still hear Davis making grunting noises.

At the hospital, Officer Corrigan observed Davis lying on a hospital bed. Officer Corrigan briefed the hospital staff on Davis’ injuries and the possibility that he had ingested one or more controlled substances. Officer Corrigan then walked away from the immediate area of the room to clear space for the hospital staff to work. Officer Corrigan did not leave the emergency room department of the hospital and was always a close distance from the hospital room should the staff need his assistance with Davis.

Approximately three minutes after Davis’ arrival at the hospital, Officer Corrigan observed that Davis was not moving nor making any noises. Officer Corrigan noticed that Davis was still in restraints and that he was lying face down on the hospital bed. After examining Davis further, hospital staff told Officer Corrigan that it appeared that Davis had stopped breathing. Officer Corrigan facilitated the removal of the restraints on Davis so further medical treatment could be provided.

The efforts of medical staff to revive Davis proved unsuccessful. He was pronounced dead at the hospital.

Forensic pathologist Dr. Deirdre Amaro performed an autopsy on Davis on June 11. She determined his cause of death to be “toxic effects of multiple drugs (cocaine, ketamine, LSD)

and ethanol with hypertensive cardiovascular disease and morbid obesity as significant contributing factors.” Dr. Amaro specifically found no injuries on Davis’ body that she could attribute to causing death. She found no evidence of a head injury, nor internal neck injuries. She found that the bites to the arm, dog bite, Taser deployment, and bean bag deployment were not life threatening.

LEGAL STANDARD

Under California law, a police officer who has reasonable cause to believe that a person has committed a public offense may use objectively reasonable force to arrest the person, prevent him from escaping, or to overcome any resistance he may offer. (California Penal Code section 835a(b)).

Whether force is reasonable is judged from the perspective of a reasonable officer on scene. The concept of reasonableness should allow for the often split-second decisions that officers are forced to make in rapidly evolving situations. (*Graham v. Connor* (1989) 490 U.S 386.)

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 (California Penal Code section 835a(d)).

LEGAL ANALYSIS

In applying the above legal standards to the facts of this case, it is important to consider a number of factors, including the nature of the original call for service, the decedent’s actions before his death, the officer’s actions in response to the decedent’s actions, and, perhaps most importantly, the medical cause of the decedent’s death.

Officers were called to the scene to investigate a case of possible domestic violence. When they arrived, officers saw Davis acting erratically and yelling unintelligibly. Officer McGinnis could see only a portion of the interior of Davis’ room before Davis shut the door. Officer McGinnis looked into Davis’ room for a possible victim, but he did not see anybody in the room. When asked, Davis told Officer McGinnis that there was no incident or issue that night because he “took care of it.” Officers were otherwise unable to communicate with Davis to determine whether he was related to their investigation. Officers observed Davis throw himself to the ground, bite chunks of flesh from his own arm, dig his fingers into the wounds, and appear to be in an altered state. When confronted with these circumstances, any reasonable officer would be concerned that someone was injured, perhaps seriously, in the motel room. Additionally, Davis’ behavior and his own visible injuries required further investigation and assistance.

Officers were unable to further their investigation, however, due to Davis’ behavior. When Davis continued to advance on officers despite repeated orders to stop, Davis forced officers to detain him for the safety of the officers and the safety of Davis himself. Additionally, based upon the potential that Davis had committed a violent crime before officers’ arrival, they had every right

to attempt to detain him in order to further investigate the situation.

In response to the officers' reasonable attempts to detain him, Davis violently resisted. After initially not responding at all to police commands, Davis then walked directly toward officers without stopping as commanded. In light of the nature of the call and Davis' bizarre and aggressive behavior, it was more than reasonable for officers to believe he posed a threat to their safety. Police responded by firing at Davis with a less than lethal beanbag shotgun round. When that level of force did nothing to gain compliance from Davis, officers next resorted to another means at their disposal, a taser. Once again, given Davis' level of violence and continued noncompliance, this use of force was not at all unreasonable. Davis continued to violently resist detention even after the taser was used. Based on this continued violent noncompliance, officers utilized a police canine to attempt to gain control over Davis. This level of force was also appropriate given the level of violent resistance offered by Davis. It was particularly important for the officers to gain control of Davis so they could further investigate the very real concern that an injured person could be present in Davis' hotel room.

Throughout the confrontation, the police officers present also used their own physical force to attempt to overcome Davis' resistance. They did not strike, kick, or otherwise beat Davis' inappropriately. Instead, their primary efforts involved gaining control of Davis' arms and legs while simultaneously attempting to prevent him from standing up and posing a further threat to himself or the officers. Only through the concerted effort of five or six officers was Davis finally detained in handcuffs. Even then, officers needed to place additional restraints on Davis due to his kicking.

After successfully restraining Davis, officers took steps to ensure his safety. They placed Davis on his side in a position to allow him to breathe easier. When emergency response personnel arrived and transported Davis to Shasta Regional Medical Center, he remained in this recovery position. Shortly after arriving at the hospital, Davis died.

The autopsy performed on Davis' body after his death revealed his cause of death to be the toxic effects of numerous drugs and Davis' medical conditions. Davis' blood contained several different drugs, including cocaine, ketamine, LSD, and alcohol. Cocaine is a central nervous system stimulant which would explain Davis' erratic movements and actions. Ketamine is a pharmaceutical anesthetic, which explains Davis' lack of reaction to pain compliance techniques. LSD is a hallucinogen, which could also contribute to Davis's erratic behavior.

Significantly, the autopsy revealed no cause of death related to any of the mechanisms of physical force used by police in gaining custody of Davis. While there were signs of physical trauma on Davis body (including some apparently self-inflicted), according to the autopsy, these did not contribute to Davis' death.

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CONCLUSION

Under these circumstances, I find the officers involved acted reasonably under the circumstances. They were justified in using force given the level of noncompliance and violence demonstrated by Mr. Davis. Further, the force they used was not unreasonable and did not contribute to Davis' death. I find the actions of the officers to be lawful and will take no further action in this matter.

Sincerely,



STEPHANIE A. BRIDGETT
DISTRICT ATTORNEY

cc: Michael Johnson, Shasta County Sheriff