



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA



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August 27, 2020

Sheriff Eric Magrini
Shasta County Sheriff's Department
300 Park Marina Circle
Redding, CA 96001

Re: September 12, 2019 Officer Involved Critical Incident Death Investigation
Shasta County Sheriff case 19S034048
Redding Police Department case 19R059816
Shasta County District Attorney's case 19G0989

Involved Person: Teddy Abbie (DOB 3/5/1961)

Sheriff Magrini:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced officer involved critical incident death. For purposes of this review, the district attorney's responsibility is to review the evidence and make a determination as to 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.

Consistent with countywide officer involved critical incident death protocol, the lead agency in this investigation was the Redding Police Department with the assistance of the Shasta County District Attorney's Office. In conducting the investigation, police personnel 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 Inmate Teddy Abbie. 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 September 11, 2019, an officer from the Redding Police Department arrested Teddy Abbey for PC 241(c) and a parole violation per PC 3056. Abbie was booked into the Shasta County Jail on that date. Mr. Abbie had a significant criminal history, which included arrests for domestic violence, criminal threats, felony assault, burglary, theft, resisting arrest, and assault on law enforcement officers. Abbie had a history of threats, violence, and general noncompliance with orders exhibited during prior stays in the Shasta County Jail.

On September 12, at approximately 7:45 am, an attempt was made by jail custodial staff to move Inmate Abbie from holding cell #4 to the third floor for housing in the main jail. At this time, Abbie became noncompliant with jail staff and refused to follow the commands of the correctional deputies. Inmate Abbie refused to exit the holding cell and the correctional deputies continued to verbally command Abbie to move to a Level 3 housing unit. Abbie refused and said he would not go upstairs without his medication. Medical records later indicated that Abbie had earlier refused his medication. Abbie threatened that if sent upstairs he would immediately start a fight with someone. He also stated that he would harm himself and indicated he would hang himself if he was sent upstairs.

After discussion among the staff, the correctional deputies decided that Abbie should be moved to a safety cell for his own safety. This decision was based upon Abbie's suicidal statements. This safety cell is located within the holding area near the original booking cell. Abbie was informed that he was going to be moved into a safety cell.

Deputy Van Gerwen gave Abbie numerous verbal commands to move to the safety cell. Abbie remained noncompliant with the deputies. He refused to follow the orders of the deputies, and was observed to clench his fists and advance toward correctional deputies that were present inside the holding cell. Deputy Van Gerwen used a leg sweep take down to take Abbie to the ground. Other deputies then intervened in an attempt to gain control of Abbie. Abbie violently resisted the actions of the staff by kicking his legs and struggling with his body. Numerous commands to "Stop kicking", "Stop fighting" and "Stop resisting" were not obeyed by Abbie, who continued to violently struggle with the correctional deputies.

Deputies Van Gerwen, Vorhis and Schritter were eventually able to place handcuffs on Abbie, and, with the help of other correctional deputies, leg restraints were placed on Abbie. After a short time Abbie calmed down to the point that he was allowed to stand up and walk under his own power to the safety cell in the holding area.

A safety cell in the jail is a cell designed for inmates who, through their words or actions, are determined to be at risk for self-harm. The cell is designed to minimize opportunities that an inmate may have to harm himself. As part of the standard procedure for placement into a safety cell, an inmate's clothes are removed so the clothing cannot be used for self-harm.

Once inside the safety cell, deputies told Abbie to go down onto his knees and then onto his stomach. Once Abbie laid on the ground, he once again began acting violently. Abbie began to kick his legs and roll his body around in an attempt to fight with the deputies. Verbal

commands were given to Abbie to “Stop fighting” and “Stop resisting”. Abbie did not comply with these commands. Jail staff attempted to remove Abbie’s clothing. Due to Abbie’s noncompliance, scissors were used to cut Abbie’s clothing off of his body. OC spray was used to attempt to control Abbie, but he continued to struggle and fight with the deputies. The OC spray had no apparent effect on him. As Deputy Vorhis was attempting to cut the jail issued clothing from Abbie, Abbie bit Deputy Van Gerwen’s leg.

Eventually, deputies were successful in removing Abbie’s clothing. Once Abbie’s clothing was removed, deputies noticed that Abbie’s breathing became “raspy” and labored. By this point, Abbie had stopped resisting and seemed to be out of energy. Abbie was placed on his side in a recovery position for several minutes and his breathing became normal. Abbie then began violently resisting the deputies once more.

It was at this point in time that a jail physician’s assistant came into the cell and checked on Abbie. After this check, a decision was made to administer medication to help control Abbie and his violent behavior. Prior to giving the medication, the physician’s assistant asked Abbie “Sir, would you like me to give you a shot to calm you down?” Abbie responded “yes” and nodded his head. The medication provided to Abbie consisted of an injection 5 milligrams of Haldol and 50 milligrams of Benadryl. This medication is a standard dosage and is commonly given in these types of situations to assist in calming inmates. Several minutes after the medication was administered, Abbie calmed down. The handcuffs and leg restraints that had been placed on Abbie during the struggle were removed and Abbie was left alone in the safety cell.

As part of the protocol for inmates placed into a safety cell, jail staff performs visual checks on the inmate every 15 minutes. This procedure was followed in Mr. Abbie’s case. Deputy Gibbs conducted the first two checks and observed Abbie to be laying on ground breathing normally. He was observed to have moved positions between the first and second check. Sergeant Reed performed the third check. When he observed Abbie, Reed noticed that it appeared Abbie was not breathing. Reed alerted other correctional staff and entered the safety cell to render first aid. CPR was immediately started and the jail medical staff was notified. A call was also made for an ambulance to respond. CPR and oxygen were continually provided by jail personnel until paramedics arrived and took over treatment. Prior to the paramedics’ arrival, jail medical staff attempted to use a computer assisted defibrillator to shock Abbie’s heart but the instrument did not recognize a heart rhythm. Paramedics attempted further life saving measures but were unsuccessful.

An autopsy was performed on September 13, 2019 on Abbie by forensic pathologist Dr. Deirdre Amaro. In her examination, Dr. Amaro noticed several minor injuries consistent with a physical struggle and use of restraints. None of these injuries were significant enough to contribute to Abbie’s death. Abbie also had several fractured ribs. These injuries could have been caused by the chest compressions administered during CPR, as part of the physical struggle, or by a combination of both. In the autopsy, Dr. Amaro noted evidence of hypertensive and

atherosclerotic cardiovascular disease including an enlarged, thickened heart. Past medical records indicated that Abbie's prior medical history included hypertension, previous heart attacks and kidney disease. Ultimately, Dr. Amaro opined that the cause of death of Teddy Abbie was hypertensive and atherosclerotic cardiovascular disease with violent struggle with restraint as a contributing condition.

LEGAL ANALYSIS

California law allows a peace officer to use reasonable force in order to detain or arrest a person, prevent the person's escape, or overcome the person's resistance if the force used is reasonable and if the officer has reasonable cause to believe that the person has committed a public offense or is a danger to others. (California Penal Code §835a, CALCRIM 2670.)

Whether force is reasonable is judged from the perspective of a reasonable officer on the 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.)

In this case, Inmate Abbie instigated a violent incident with correctional deputies while he was in custody. Abbie was known by many of the correctional staff as being noncompliant and resistive based on his prior behavior in the Shasta County Jail.

Abbie continued to escalate his combative behavior to a point that the deputies had no other choice than to use force to remove Abbie from the holding cell and place him into a safety cell, for his own protection. Abbie continued to struggle and batter the deputies, while the deputies used restraint techniques and OC spray to gain compliance from the inmate. These methods were not successful, and a decision was made to attempt medical intervention to calm Abbie. The medicine was administered in the proper medical dosage. Abbie calmed down and was left in the safety cell. A short time later, upon deputies performing a periodic cell check, Abbie was observed to not be breathing. Despite lifesaving efforts, Abbie died.

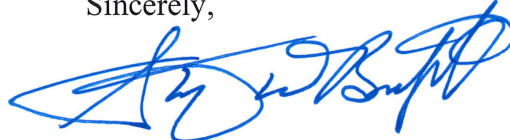
The cause of death was determined to be hypertensive and atherosclerotic cardiovascular disease with violent struggle with restraint as a contributing condition. While the struggle instigated by Abbie was a contributing factor to his death given Abbie's poor cardiovascular health, the actual force used by the jail staff in the situation was not excessive under the circumstances. Correctional staff gave Abbie numerous opportunities to avoid any physical confrontation and also to end the conflict he instigated. Abbie continued his violence, and the correctional staff had no other option than to use force to keep Abbie from hurting himself or others. Unfortunately, Abbie's own actions led to his death.

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CONCLUSION

Given the circumstances, the jail correctional staff's use of force was justified. We find the actions of those involved to be reasonable and lawful. Therefore, the District Attorney's Office will take no further action in this matter.

Sincerely,



STEPHANIE A. BRIDGETT
DISTRICT ATTORNEY

cc: Bill Schueller, Redding Police Department