



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA



Stephanie A. Bridgett
District Attorney

Benjamin L. Hanna
Chief Deputy District Attorney

September 4, 2020

Chief Bill Schueller
777 Cypress Avenue
Redding, CA 96001

RE: December 22, 2019 Officer-Involved Shooting
Redding Police Department case 19R084084
Shasta County Sheriff's Office case 19S046270
Shasta County District Attorney BOI #19GC1387.PD
California Highway Patrol MAIT #NL-025-19
Involved Officer: Christopher Staup
Involved Person: Jesse Donnelly Adams (DOB 03/04/85)

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 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 shooting was lawful.

Consistent with county-wide officer-involved shooting protocol, 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 California Highway Patrol. In conducting the investigation, investigators and officers from the Shasta County Sheriff's Office and 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 fatal shooting of Jesse Donnelly Adams. 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 December 22, 2019, at approximately 3:20 am, Officer Kyle Corrigan observed a white Scion sedan fail to maintain travel within one lane, jerking erratically within the lane, and changing lanes without signaling. Officer Corrigan conducted a traffic stop on the Scion. The Scion stopped in a business parking lot and Officer Corrigan stopped his car behind the Scion. The parking lot where the vehicle pulled over was located at 2174 Pine Street. The lot itself was relatively small, measuring approximately 80 by 40 feet in area. Officer Corrigan got out of his vehicle and contacted the occupants. When he spoke to the occupants of the car, Officer Corrigan noticed that the driver displayed objective signs of being under the influence and radioed Officer Christopher Staup to conduct a DUI investigation. Officer Corrigan also believed that the driver had lied regarding his name and date of birth. The driver of the vehicle was later identified as the decedent, Jesse Adams. In the vehicle with Adams were two passengers, Brittany Quay in the front passenger seat, and Sergio Flores in the rear, driver's side seat. Officer Corrigan learned from SHASCOM that the vehicle was associated with a person named Jesse Donnelly Adams who was wanted out of the state of Washington.

Officers Staup and Edward McGinnis arrived at the scene to serve as cover officers. Officers Staup and McGinnis parked their patrol vehicles in a way that mostly blocked the lot's exit. Officer Corrigan briefed Officers McGinnis and Staup regarding his interactions with the occupants of the vehicle up to that point and discussed a plan to remove the occupants and conduct a DUI investigation.

When the officers approached the car, Officer Corrigan told the occupants to put their hands where he could see them. Adams replied, "For what?" Adams then began to roll up the driver's window. Officer Corrigan yelled at Adams to put his hands on the steering wheel. Adams became argumentative, but put his hands on the wheel. Officer Corrigan told Quay and Flores to put their hands on the dash and keep them where he could see them also. They both became argumentative and yelled at Officer Corrigan.

Officer Corrigan attempted to open the driver's door to the Scion, but it was locked. He told Adams to unlock the door. Officer Staup was standing on the passenger side of the Scion. He began shouting commands at Quay, and told Officers Corrigan and McGinnis that he could see something bulky in Flores' sweatshirt. Officer Staup then yelled that Adams had his hand on the gearshift and appeared to be trying to put the Scion in gear. At about this time, Officer McGinnis was able to have Flores open the back door to the Scion.

Officer Corrigan was standing near the driver's side "A" pillar and saw Adams put his hands back on the wheel. Officer Corrigan again yelled at Adams to open the door, but Adams yelled back that he was confused and didn't know why he had to open the door. Adams put his hand on the gearshift a second time and again attempted to put the car in gear. Officer McGinnis was standing near the open rear door. He knew that if Adams drove the Scion backward, he could be hit or dragged by the car and be severely injured or killed. Officer McGinnis drew his

firearm and held it at low ready. He then yelled at Adams that if he put the car in gear, he would shoot Adams.

Officer Corrigan also knew that if Adams was successful in getting the car in gear, all three officers, who were standing near the car, were in danger of being hit by Adams. Officer Corrigan broke out the driver's side window with his baton and grabbed Adams' wrist. Adams broke free and put both of his hands on the gearshift and tried to put the car in gear. Officer Corrigan sprayed Adams with a burst of pepper spray. Adams grabbed Officer Corrigan's wrist. Officer McGinnis moved from the rear door and grabbed Officer Corrigan's duty belt and pulled him backward. Officer Corrigan was able to break free of Adams' grip.

Adams put the car in gear and it lurched backward. Fearing for their safety, all three officers sought to get out of the car's path. Adams drove the car backwards into a sloped gravel and rock area, coming to a stop up against large rocks. Adams put the car in drive and drove directly at the patrol vehicles that were in the driveway to the parking lot. Not only were the officers endangered by Adams' actions, but Officers Staup and McGinnis also had civilian ride-alongs still seated in their vehicles at the time.

Adams first drove toward Officer McGinnis' patrol vehicle. Officer McGinnis' ride-along, Skyler Leak, was still seated in the front passenger seat and raised her hands in preparation for a collision. Adams side-swiped Officer McGinnis' vehicle, driver's side to driver's side, causing damage to the fenders and doors of both vehicles. He then drove directly into Officer Staup's vehicle. Adams hit Officer Staup's vehicle head-on with such force that the push-bar on the front of the patrol car had been pushed into the bumper of the car and caused additional physical damage to the bumper itself, as well as the grill and light assembly. The front bumper of the Scion suffered major damage, as did the grill, hood, and light assembly. The airbags on the Scion also deployed.

While attempting to get a clear line of fire on Adams, Officer McGinnis could see Officer Staup's ride-along, Babetta Staup. Ms. Staup had a look of fear in her eyes as Adams drove the Scion directly at her. Officer Corrigan could not obtain a clear line of fire due to the passengers of the Scion between him and Adams, and Ms. Staup beyond Adams.

The three officers were still on foot in the parking lot. Adams was still revving the engine of the Scion. If Adams were to put the car in reverse and drive in the manner he had been driving, the officers' lives would be in danger.

Officer McGinnis could see that Adams was leaning over toward the passenger side of the vehicle and that the Scion's back-up lights were activated. Officer Staup had maneuvered into a position in which he had a clear line of fire and shot Adams one time in the upper left chest as Adams continued to rev the engine of the Scion.

After securing the two other occupants of the Scion, officers rendered aid to Adams until fire and medical personnel arrived and took over. Doctors at a local hospital pronounced Adams dead several minutes afterward.

The coroner performed an autopsy on Adams' body. The coroner determined the cause of death was a single gunshot to his torso. A blood toxicology also determined that Adams had both marijuana and methamphetamine in his blood at the time of his death.

During the service of a search warrant, officers found a loaded .40 caliber pistol as well as \$5,547 cash strewn loosely on the passenger side floorboard of the Scion. None of the officers had seen the pistol at the time of the incident because it was at least partially covered by the cash.

California Highway Patrol Multidisciplinary Accident Investigation Team (MAIT) prepared a Crash Data Retrieval report based upon the digital information taken from the Scion's Airbag Control Module. Through this analysis, investigators determined that the Scion collided into the two patrol cars while Adams had depressed the throttle to 100%, and had 0% braking applied. At the time of the collision, Adams was travelling at 19 miles per hour. There was 0.3 seconds between the collisions with the two patrol cars.

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 section 835a, CALCRIM 2670.)

Under certain circumstances, reasonable force includes deadly force. Use of deadly force by a police officer is appropriate when the officer *honestly and reasonably* believes he or she is in danger of death or great bodily injury. (CALCRIM 505, 507, and 3470.) A police officer has the same right of self-defense as any other person. A police officer may also use deadly force in situations where other officers or members of the public are at risk of great bodily injury or death.

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* (1984) 490 U.S. 386.)

In this case, before Officer Corrigan or officer Staup could start a DUI investigation, Adams had already become uncooperative with the officers. Initially, he was simply noncompliant with their orders. Adams then quickly became defiant, rolling up his window, shouting at the officers, and repeatedly reaching for the gear shift, in an apparent attempt to get the car in gear.

Finally, Adams turned aggressive and dangerous. He put the car in reverse. He drove into the stone embankment, putting all three officers at risk of great bodily injury or death. Adams then put the Scion into drive, depressed the throttle to 100%, and drove directly at two patrol vehicles, both carrying civilian ride-alongs. He collided with both patrol vehicles, endangering the lives of the two civilians

Officers Corrigan, McGinnis, and Staup employed several tactics to prevent Adams from driving the car and becoming a danger to their safety. All three officers tried talking to Adams, warning him not to put the car in gear, to keep his hands where they could see them, and ordering him to roll down the window and open the door. When words alone did not gain compliance and ensure officer and civilian safety, Officer Corrigan used minor force to open the driver's side window by breaking it with his baton. Officer Corrigan then used minor force and grabbed Adam's wrists to try to prevent Adams from driving the car and injuring or killing the officers or civilians.

When Adams resisted him yet again, Officer Corrigan used his less-lethal pepper spray and sprayed a short burst at Adams' face. Adams tried to block the spray with his arms. Adams then grabbed Officer Corrigan's wrists. Adams put Officer Corrigan on the defensive. Officer Corrigan pulled his arms free of Adams' grasp, losing his baton and pepper spray in the process.

Adams then put the car in gear and drove in a manner that could have killed or severely injured the officers and civilians.

Even before Adams collided with the patrol cars, Officers Corrigan and McGinnis were attempting to obtain a clear line of fire on Adams because his actions had become so dangerous to human lives. In fact, Officer McGinnis recognized that his life was in danger and had told Adams before Adams put the car in reverse that if he did so he would shoot Adams.

Due to the aggressive actions taken by Adams in this incident, especially his extremely dangerous driving in the small parking lot with the officers on foot next to the car, Officer Staup was acting in lawful self-defense and defense of others when he shot Adams.

CONCLUSION

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

Sincerely,



STEPHANIE A. BRIDGETT
DISTRICT ATTORNEY

cc: Bill Schueller, Redding Police Department
cc: Sheriff Eric Magrini
cc: Elizabeth Barkley, California Highway Patrol, Northern Division