



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Michael A. Neves
Assistant District Attorney

MEMORANDUM

DATE: April 19, 2019

TO: Sheriff Scott Jones
Sacramento County Sheriff's Department
711 G Street
Sacramento, CA 95814

FROM: Sacramento County District Attorney's Office

RE: In-Custody Death – Ryan Ellis (DOB 3/6/88)
SSD Report No. 17-145520
Date of Incident: May 4, 2017

Dear Sheriff Jones:

The District Attorney's Office has completed an independent review of the above-referenced in-custody death. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the death of arrestee Ryan Ellis. For the reasons set forth, we find no evidence of criminal misconduct.

The District Attorney's Office received and reviewed written reports and other items, including: Sacramento Sheriff's Department report number 2017-145520 and related dispatch recordings; witness interview recordings; 9-1-1 audio recordings; in-car camera and surveillance video recordings; photographs; diagrams; Sacramento County District Attorney Laboratory of Forensic Services Toxicology and Blood Alcohol reports; and the Sacramento County Coroner's Final Report of Investigation.

FACTUAL SUMMARY

On May 4, 2017, at approximately 7:58 p.m., Sacramento Sheriff Deputies Dick Mah, Timothy Mullin, and Bobi Griggs responded to the intersection of Galbrath Drive and Arutas Drive. A 9-1-1 caller reported Ellis was violating a domestic violence restraining order.¹ A records check

¹ It was later determined that the restraining order had not yet been served on Ellis.

revealed that Ellis had a warrant for his arrest for violating parole. Dispatchers further advised the deputies that Ellis had a history of resisting law enforcement and arrests involving firearms.

Upon arrival, the deputies observed a blue Ford Mustang parked on Galbrath Drive. Ellis and a female were sitting inside the car. Deputy Mullin exited his patrol vehicle and directed Ellis to show his hands. Ellis hesitated, shifted in the driver's seat, and moved his hands out of sight. It was unclear if Ellis was reaching for a weapon. Deputy Mullin pointed his service weapon at Ellis and ordered him to show his hands. Ellis slowly complied and stepped out of his car. Deputy Mullin instructed Ellis at least three times to turn around and place his hands on top of his head. Ellis eventually followed the orders. As the deputies handcuffed Ellis's hands behind his back, he became tense. They controlled Ellis's arms and searched him but did not locate any weapons or contraband.

At approximately 8:17 p.m., Ellis was escorted and placed in the right rear seat of Deputy Griggs's patrol vehicle. Deputies searched the Mustang and did not locate any firearms or narcotics. Deputy Griggs searched the female and did not locate any weapons. Deputy Griggs checked her criminal record with negative results. At approximately 8:34 p.m., Deputies Mullin and Mah left the scene and resumed other duties while Deputy Griggs began to transport Ellis to the Sacramento County Main Jail.

As Deputy Griggs drove, Ellis suddenly became angry and yelled that the handcuffs were too tight. Ellis moved around side to side in the back seat as if he was trying to reach for something in his pocket. Deputy Griggs ordered Ellis to stop moving around so the handcuffs would not hurt. Although she was aware other deputies previously searched Ellis, Deputy Griggs did not observe the search or know the extent of it. Ellis's movements caused Deputy Griggs to become concerned Ellis was reaching for a gun. Ellis then laid down in the car and kicked out the right rear passenger door window. He stated he was going to jump out of the vehicle. Griggs immediately called dispatch and requested assistance at 8:36 p.m.

At this point, Deputy Griggs was concerned Ellis would jump out of the vehicle. She did not have anyone to help her detain Ellis if he escaped. Because Ellis attempted to slide his body up on the seat, Deputy Griggs drove at various speeds and applied the brakes to jerk the vehicle and cause Ellis's body to fall back down in the seat. She did not want to stop the vehicle and give Ellis an opportunity to jump out. Deputy Griggs continued to drive the patrol vehicle to allow time for other deputies to arrive at her location and assist her. Ellis managed to get his head and the upper half of his body out of the patrol vehicle. He then placed one foot on the window sill and the other foot on the rear seat as if to climb on top of the vehicle. Deputy Griggs observed these actions and slowed her vehicle. Ellis jumped out the window at approximately 8:37 p.m. Deputy Griggs stopped the patrol vehicle, exited, ran to the back, and observed Ellis lying on the ground right behind her vehicle. She communicated with dispatchers and advised she had Ellis at gunpoint south of the intersection of Watt Avenue and Elkhorn Boulevard. Ellis was lying face down with his hands still handcuffed behind his back in the number two lane of southbound Watt Avenue. He had a small pool of blood under his head and face area.

Deputies Mullen and Mah had heard Deputy Griggs's radio calls and responded to assist her. They arrived at the scene within moments of her stopping her patrol vehicle. They approached

Ellis and determined he was unconscious but breathing on his own. Ellis was searched and no contraband or weapons were located on his person. Deputy Mah held Ellis's right shoulder up, maintained Ellis on his side, and monitored his breathing.

Within a few minutes, Sacramento Metropolitan Fire District personnel arrived. They transported Ellis to Mercy San Juan Hospital for treatment. Ellis suffered a skull fracture and severe swelling of the brain. His injuries were life threatening. Ellis became intubated because he could not breathe on his own. On May 5, 2017, at approximately 10:17 a.m., Ellis was pronounced deceased.

During a medical exam at the hospital, a plastic bag containing two smaller plastic bags was located in between Ellis's buttocks. Deputy Mah used a NIK drug testing kit and discovered the plastic bags contained substances which tested presumptive positive for methamphetamine.²

Ellis's ex-wife was interviewed by detectives. She indicated that in the past, Ellis had told her he had nowhere to go, had burned his bridges with everyone, and did not care about consequences. He indicated to her he did not want to go back to jail.

Deputy Griggs's patrol vehicle was equipped with two in-car cameras. The front-facing camera video initially depicts the vehicle parked in a residential area. At 20:17:33, the video camera becomes inoperable. However, the microphone continued to function and recorded audio. Ellis is heard speaking to a male deputy while sitting inside the patrol vehicle. They are discussing the reason Ellis was arrested. Ellis never complained to the male deputy about the handcuffs or that he was uncomfortable. At approximately 20:33:54, the audio depicts Deputy Griggs driving the patrol vehicle away from the scene. Ellis suddenly complains about his handcuffs being too tight at 20:34:30. He becomes angrier and his voice gets louder. At approximately 20:35:43, the sounds of two bumps followed by a louder crash are heard on the audio. These sounds are consistent with Ellis kicking the window out.

The video returns at 20:36:40 and depicts Deputy Griggs driving the patrol vehicle on the road. It appears she is accelerating and decelerating the vehicle and proceeds through several intersections. At approximately 20:37:27, Deputy Griggs drives her patrol vehicle through the Watt Avenue and Van Owen Street intersection. A "thump" sound consistent with Ellis jumping out the window is heard at approximately 20:37:43 and the patrol vehicle quickly stops in front of 6425 Watt Avenue. An immediate request for medical assistance can be heard. Fire personnel arrive on scene at approximately 20:44:33.

The rear-facing camera was inoperable due to a faulty power cable connection and did not depict Ellis's actions in the backseat.

Deputy Mah's in-car camera video captured Deputy Griggs speaking to others after stopping her patrol vehicle at the scene. At approximately 20:38:41, another deputy asks, "He jump out?" Deputy Griggs responded, "Yup." Approximately two minutes later, Deputy Griggs told another

² The first bag contained a white crystal-like substance which weighed approximately .10 grams. The second bag contained a green powder-like substance which weighed approximately 2.28 grams.

officer that Ellis “jumped out!” Deputy Griggs tells fire personnel at approximately 20:44:52, “He just kicked out the window and jumped out while I was doing 40.”

A surveillance video at the Second Slavic Baptist Church depicts Deputy Griggs’s patrol vehicle slowly driving southbound on Watt Avenue past Van Owen Street. The video captures the right rear passenger window, but it is not clear if Ellis is kicking, leaning, climbing, or jumping out of the patrol vehicle’s window because the resolution is distorted. This intersection is approximately .2 miles away from where Ellis eventually jumped out of the patrol vehicle.

Deputy Mullin’s in-car camera video depicts when he arrived at the scene. Ellis can be seen lying on the street several feet behind Deputy Griggs’s parked vehicle.

Chief Forensic Pathologist Jason Tovar, M.D., conducted an autopsy and concluded the cause of Ellis’s death was craniocerebral blunt force injuries. He also noted Ellis suffered from cutaneous and subcutaneous blunt force injuries of torso and extremities, focal contusion of the tail of the pancreas, and methamphetamine intoxication. The Sacramento County District Attorney’s Laboratory of Forensic Services confirmed the presence of methamphetamine and amphetamine in Ellis’s blood sample.

LEGAL ANALYSIS:

The Office of the District Attorney reviews deaths that occur while in police custody to assess and apply the law relating to police use of force and to determine if the officers’ acts fall within the state laws of criminal responsibility. This office conducted its review by applying the facts of this case to the controlling legal authority. The authority applicable here included California Penal Code sections 834, 834a, 835a, 843, 192(b) and state and federal published cases.

Under the circumstances, the deputies had probable cause to take Ellis into custody based on his arrest warrant for violating parole. After being handcuffed and placed in the rear passenger seat of the patrol vehicle, Ellis kicked out the rear passenger window and attempted to flee while the vehicle was still moving. Given the circumstances of working alone at night, Deputy Griggs drove at fast and slow speeds to prevent Ellis from jumping out of the vehicle while waiting for other deputies to assist her. However, Ellis managed to get his upper body and head outside the patrol vehicle and his feet on the window sill and rear seat. After seeing this, Deputy Griggs quickly slowed her patrol vehicle.

Because the deputies’ efforts to detain and take Ellis into custody were lawful, and there is no credible evidence to support a finding that Deputy Griggs intentionally tried to harm him, the only possible source of criminal liability is under California Penal Code section 192(b), involuntary manslaughter. Involuntary manslaughter requires proof that a person acted in an aggravated, culpable, gross or reckless manner with disregard for human life or with indifference to the consequences of the act. (*Somers v. Superior Court* (1973) 32 Cal.App.3d 961, 968-969; *People v. Villalobos* (1962) 208 Cal.App.2d 321, 326-328; *People v. Rodriguez* (1960) 186 Cal.App.2d 433, 437-441.)

Ellis's injuries were initiated by his unlawful use of force to kick out the rear passenger window and attempt to flee. Deputy Griggs slowed down her patrol vehicle when she observed Ellis's upper body outside the window and believed he was trying to climb out. After Ellis jumped out of the moving patrol vehicle, the deputy immediately stopped her car and requested assistance. Other deputies arrived at the scene, checked Ellis's condition, determined he was unconscious, and monitored his breathing. As noted by the coroner, Ellis's blunt force injuries caused his death, while methamphetamine intoxication potentially played a role in his death.

It cannot be said that Deputy Griggs acted in an aggravated, culpable, gross, or reckless manner. She did not act with a disregard for human life or an indifference to the consequences of her actions. Therefore, her conduct on that evening does not constitute a criminal act under any theory of homicide.

CONCLUSION

While this case presents a tragic situation, our decision here, as in any case, must be based on what the evidence proves. Accordingly, there is no legal basis for any further action by our office.

cc: Sacramento Sheriff Deputy Bobi Griggs
Sacramento Sheriff Detective Marcos Camacho
Sacramento Sheriff Lieutenant Gail Vasquez
Office of Inspector General
Kimberly Gin, Sacramento County Coroner's Office