

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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September 18, 2018

Michael L. Ramsey
Butte County District Attorney
25 County Center Drive
Oroville, California 95965

RE: Abuse of Discretion Review: Desmond Phillips

Dear Mr. Ramsey:

As you are aware, in July of 2017, David Phillips asked our office to independently review the circumstances surrounding the March 17, 2017, shooting death of his son, Desmond Phillips. We agreed, and to this end, we reviewed all of the material generated by the Butte County Officer Involved Shooting/Critical Incident Protocol Team, as well as additional material provided by Mr. Phillips and his supporters.

As you undoubtedly know, the decision of whether or not to file criminal charges is typically left to the discretion of the local prosecuting agency, and our office will only review a district attorney's decision for abuse of discretion. Under this standard, we essentially ask if any reasonable prosecutor could have arrived at the decision made by your office in this case. With our review now complete, we have concluded that your office did not abuse its discretion in declining to file criminal charges against the involved City of Chico police officers. Consequently, no further action will be taken by the Attorney General's Office at this time.

Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "David A. Lowe".

DAVID A. LOWE
Deputy Attorney General

For XAVIER BECERRA
Attorney General

