



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

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October 24, 2005

Chief Bruce E. Hagerty
Chico Police Department

Re: Shooting of Nathan Daniel Butts, Chico Police Department Case #05-8340

Dear Chief Hagerty,

After careful review of the above case, it is this office's determination no criminal liability of any sort attached to the actions of your involved officers, Alec Lowe, Scott Ruppel, Mark Bass, Jacob Olsen and Matthew Seipert, in their October 14, 2005 shooting of the above individual. An analysis of the facts show the above officers' actions to be justified under both Penal Code Sections 196 and 197, as well as the general principles of the law of defense of others.

This office finds the above officers were discharging their legal duty of protecting the public when Officer Lowe spotted a vehicle closely matching the description and license plate of a vehicle earlier reported as involved in attempting to sell a car stereo and loaded revolver at the Chico Mall. When Officer Lowe pulled in behind the vehicle, it suddenly pulled into the parking lot of the closed Ledford Valero gas station. Due to the suspicious nature of the vehicle and its actions, Officer Lowe called for backup and the other involved officers arrived. Taking up positions behind the parked Hyundai, the officers began to order the five occupants out, starting with the front seat passenger and driver. As the occupants came out, they were taken back to the line of patrol cars for processing and custody. As the fourth subject, Robert Johnson, was ordered out of the back seat of the car, the fifth subject, Nathan Butts jumped into front driver's seat.

Seeing or hearing Butts start the car, Johnson went to the ground in a prone position to the right of the open passenger door. Officers yelled for Butts to cease his efforts to drive the car, but he put the car in reverse and "floored" the accelerator, and sped backwards toward officers Lowe and Ruppel behind him. In the meantime, Officer Seipert released his K-9 dog with the intent the dog jump in the Hyundai and control Butts. However the dog was distracted from his mission when Johnson, while on the ground and between the speeding car and the dog's launch point, moved. The dog went to Johnson and attempted to assert control over him.

Butts hit Officer Lowe's vehicle as Officer Lowe scrambled to safety. The impact was sufficient to move the officer's vehicle to the left approximately two feet and to bend and break the patrol

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vehicle's push bumper. Butts was momentarily stopped against Officer Lowe's vehicle with officers still yelling at him to stop. Officer Seipert moved to his dog to get him off the prone Johnson. In the same general area were officers Olsen, Bass and Travis Stelle. At that time, Butts "revved" the engine and put it in forward while turning the steering wheel to his right. This put the trajectory of the Hyundai in a path to either run over the prone Johnson on the ground or the officers near him. Recognizing the imminent peril to themselves and Johnson, the officers did what they are trained to do . . . stop the threat.

The above officers discharged their firearms, shooting a total of 20 times between them. The firing was done nearly simultaneously as a nearby store video recorded the audio of the shots lasting about three to four seconds. The Hyundai was struck 18 times, including three strikes to the right front wheel and tire as officers attempted to disable its forward movement. Nathan Butts was hit a total of six times. The Hyundai moved forward coming to rest with its front bumper over Johnson's right leg.

Immediately life saving attempts were made upon Butts by the involved officers and fire and ambulance arrived within minutes. Butts died of his wounds the next day at the hospital.

Interviews of the involved parties who had been inside the Hyundai revealed that while stopped by the police, Butts announced from the rear seat to the others that he was a parolee and that he wasn't going back to prison. As the front seats were cleared of the driver and passenger, Butts announced to the remaining passengers that "I'm not going back to prison, the key's in the ignition, I can do this!"

Interviews of civilian witnesses in the area, non-shooting officers and the forensic evidence corroborate the involved officers' statements of what happened. A non-audio video tape from the Ledford Valero gas station does not capture the actual stop and shooting as its field of view was to the south of the scene. However the video does capture evidence of the collision of the Hyundai with Officer Lowe's vehicle as Officer Lowe's vehicle is knocked slightly into the video's field of view.

As always, my thanks goes to the Butte County Officer Involved Shooting / Critical Incident Protocol Team for their rapid response and thorough investigation.

Very truly yours,

Michael L. Ramsey
District Attorney

cc: Butte County Officer Involved Shooting / Critical Incident Protocol Team