

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-7254
Facsimile: (916) 324-2960
E-Mail: David.Lowe@doj.ca.gov

August 12, 2019

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

RE: Abuse of Discretion Review: OIS - Tyler Rushing

Dear Mr. Ramsey:

In February of 2018, Mr. Scott Rushing asked our office to review the circumstances surrounding his son, Tyler Rushing's, July 23, 2017, death, which occurred at the Mid Valley Title Company in Chico. As you are aware, our office agreed to review your office's filing decisions not to criminally charge private security guard Edgar Sanchez or Chico Police Sgt. Scott Ruppel. To this end, we obtained all of the material generated by the Butte County Officer Involved/Critical Incident Protocol Team, and Mr. Rushing also presented us with additional material over the course of the past year. All of the relevant documentation has now been considered.

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 Sanchez or Ruppel. 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