

Civil rights groups request federal investigation of San Diego police brutality

Kevin Martinez
24 February 2016

The American Civil Liberties Union (ACLU), along with 27 other civil rights groups, recently requested that the US Justice Department investigate whether the San Diego Police Department “engaged in a pattern or practice of civil rights violations by using unnecessary and excessive force” against residents. The letter detailed numerous incidents between 2010 and 2015, which involved a fatal shooting by an SDPD officer and a person suffering from mental illness.

The announcement follows the aftermath of the April 30, 2015 shooting of Fridoon Rawshan Nehad, an unarmed Afghan immigrant who had suffered from mental illness and was shot dead by Officer Neal Browder. Although SDPD claims that Browder shot in self-defense have been disproven by a newly released video, the city’s District Attorney declined to press charges and Browder was cleared of any wrongdoing.

This incident along with many others involving the mentally ill, led the ACLU and others to conclude that the SDPD was involved in “a pattern or practice of violating the fundamental rights of people with mental illness or experiencing a mental health crisis.” They detailed a series of incidents where lethal force was used and situations were worsened and escalated by police.

As recently as March 17, 2015 the Justice Department released a critical report of the SDPD, which revealed “gaps in policies and practices, a lack of consistent supervision at many levels, and a failure to hold personnel accountable. .. (which) allowed misconduct to occur and go undetected for some time.”

David Loy, legal director for the San Diego ACLU, said, “These deadly incidents cannot be ignored, particularly because they continue in spite of the Department of Justice’s recent report documenting longstanding leadership and accountability failures

within the San Diego Police Department.” He added, “The fact that these violent encounters span a period of years demonstrates either an inability or unwillingness on the part of the SDPD to learn from experience and take measures to avoid similar incidents in the future.”

The request seeks answers to a number of questions, including why police escalated confrontations, why officers perceived a threat from certain individuals, whether officers were properly trained in de-escalation tactics, whether SDPD officials gathered evidence properly and investigated instances of alleged brutality, and why there are contradictions between initial statements of police and other evidence.

Various Justice Department investigations under Obama and his predecessors have done nothing to stop escalating police brutality across the country. Although its appeals for reform will fall on deaf ears, the ACLU letter nevertheless sheds light on how the police in a major American city routinely treat the homeless and mentally disabled.

The following are some of the cited cases:

April 30, 2015: Fridoon Rawshan Nehad, an Afghan immigrant who suffered from post-traumatic stress after being captured and tortured in the army, was wandering in a dark alley when police were called to respond to a disturbance. Upon exiting his patrol car, Officer Browder shot and killed Nehad within two to three seconds, not once identifying himself or telling Nehad to put his hands up. The SDPD initially said Nehad was armed with a knife, which turned out to be a pen. The new video proves Nehad never charged or threatened Browder, who was 25 feet away.

The SDPD failed to interview Browder immediately after the shooting and only resumed questioning five days later, after he and his attorney watched the video of the incident. District Attorney Bonnie Dumanis

refused to release the video because she said it could lead the public to “rush to judgment.” Dumanis, however, released a completely unrelated video “of someone else twirling a butterfly knife to help visualize how menacing Mr. Nehad might have looked as he twirled a pen.”

February 16, 2015: Philip McMahon, 27 years old, was shot and severely wounded by an SDPD officer after his neighbors called the police following a manic episode in which a naked McMahon had broken and cut himself on their window. The SDPD claimed McMahon had charged them before they shot him.

July 12, 2014: Ja Ma Lo Day, a 21-year-old Burmese refugee, threatened to kill family members, prompting them to call police. When they arrived, Day was alone in the house holding a knife and a stick. The police failed to use a translator for Day, who understood little English, and instead broke the door down and sent in an attack dog within 20 minutes of arrival. Day responded by injuring the dog with a machete, prompting two officers to fire multiple shots at Day, killing him.

May 20, 2010: Nathan Manning, a man with a long history of mental illness, was having a fight with a roommate when SDPD detective Edward Jones used lethal force, only after, according to Jones, Manning charged him and began choking him. District Attorney Dumanis concluded that Jones, “fired at Mr. Manning in self-defense and he therefore bears no criminal liability for his actions.”

However, Tom Montes, the roommate, told local media that he and Manning were not fighting when Jones arrived, and while Manning had bipolar disorder and manic episodes they were never violent. Manning’s family also reported alleged inconsistencies in the SDPD’s press release and their refusal to provide them with a copy of the police report.

April 26, 2010: Bradford Sarten had been living with mental illness since the early 1980s and had been committed numerous times. When family members called the SDPD to evaluate Sarten’s mental health, officers found him in his kitchen and ordered him to come out. According to SDPD Lieutenant Kevin Rooney, he emerged with a knife and told officers they would have to kill him. He then allegedly “advanced toward the officers with the knife” and was shot and killed.

The ACLU letter also mentions a recently

commissioned study by the city’s District Attorney’s Office that revealed that, of the 367 people shot by police in San Diego County between 1993 and 2012, 124 had a documented mental illness or were “exhibiting unstable behavior” or both. At least 67 shootings, or 19 percent, were considered “suicide-by-cop,” as the Bradford Sarten case was presumed to be.

Nationally one-quarter and as many as one-half of all fatal encounters with the police involve mental health disabilities.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact