

# San Diego, California: Family of Brian Umana still searching for answers one year after fatal police shooting

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Every year more than 1,000 people are killed by police in the United States. This year has seen more than 1,094 fatal shootings with just over two more weeks to go, according to a database maintained by the *Washington Post*. According to another independent tracker, killings are on track to set a record.

The vast majority of these killings are never mentioned in the corporate media or are passed over with cursory reports repeating the police account without raising any questions. Similarly little attention is paid to the thousands more people who are injured and brutalized by police every year.

The World Socialist Web Site was recently contacted by the family of a San Diego, California, man, Brian Umana, who was killed by police in the suburb of National City last year. They have filed a wrongful death lawsuit, claiming the officers used excessive force. The following is their story.

Umana, 28, was shot to death by National City officers Evan Davis and Michael Sportelli, after he was found pacing barefoot on a sidewalk and armed with a machete. The police were responding to an alarm from a self-storage company and a call from an employee around 4:30 a.m. on October 8, 2021.

Footage from the police body cameras shows officers warning Umana that they will unleash a dog on him if he does not drop the knife. Two other officers stand nearby, one armed with a taser and the other with a gun.

A few minutes later, officers shoot Umana with a taser while deploying the dog on him, eventually shooting him multiple times after he fails to respond to their orders and raises the machete. He was declared dead on the scene before he could be taken to the

hospital. In total, the brutal encounter lasted around 10 minutes.

Brian Umana suffered from bipolar disease and schizophrenia, according to his brother Roberto. According to the family, Umana's mental issues stemmed from his father's dying of pneumonia complications in 2014.

Umana's family was not notified of Brian's death until they called the Medical Examiner's Office the day after the shooting, which happened not far from their home. The family suspected Brian may have been shot after he did not return home that morning and a television news reporter provided details about a nearby shooting.

No autopsy report or police report was ever given to Umana's family. They had not seen the body camera footage until three months later when it was obtained by local media.

The Umana family, Brian's mother, brother, daughter and the mother of his daughter, in their lawsuit allege that the police "used unreasonable and excessive force." They also state, "instead of fully assessing and de-escalating the situation, Officers Sportelli and Davis brought out a threatening police dog and pointed their guns at Brian."

The lawsuit continues, "Impatient with Brian's aimless pacing and abnormal behavior, Offices Sportelli and Davis ran towards Brian and sicced their police dog at him."

In addition to filing a federal wrongful death lawsuit against the National City Police Department without an attorney to represent them, the family has also started an online petition urging the Mayor of National City, Alejandra Sotelo-Solis, to investigate their case.

The WSWs spoke to Roberto, younger brother of Brian, about the shooting and their family's struggle for justice. Roberto had been trying to talk to any media about his family's ordeal and found a WSWs article about a previous San Diego police killing involving a woman who was being evicted from her home (See: "San Diego police shoot and kill woman while serving eviction notice").

Brian "was a laborer," Roberto recalled. "He worked construction. He spent a good time in Los Angeles for a couple years. He moved back down here (to San Diego). He met his girlfriend and had a baby. You know, just a normal life, he was a good dad. Unfortunately, what happened with him took a toll on our family."

Roberto told the WSWs that their parents were immigrants originally from Mexico on the mother's side and El Salvador on the father's. He explained that his brother Brian had mental issues, including bipolar disorder, but was taking medication and would have mood swings.

He described how he learned of his brother's death, saying, "Well, we didn't actually get a call. My mother called me crying." His mother told him that there was a shooting down the street from her house and she had seen a person on the ground of the scene with a hoodie that she recognized.

Eventually someone spoke to the family and told them that a suspect tripped off the alarm at a nearby storage facility and attacked the police, prompting the officers to defend themselves.

"That was the story we initially got," Roberto explained. "Fast forward a few months. We see the body cam footage and we see my brother walking barefoot in the rain at 4:30 in the morning. He was pacing back and forth with a machete in his hand...we saw that the officers approached him with a dog and guns pointed at him. He raised the weapon and they shot him."

Roberto continued, "The police department doesn't really give us updates. We don't have the toxicology report or the autopsy or any police report at all. We don't have anything and we've been trying to but they always declined our request or they tell us that it's under investigation or it's still under review. And now it's been a year and we still are in the same spot."

Eventually the family called the police department

and found out that the mother's car was also towed "for evidence" as they had seen Brian in and out of the car from the security cameras. Roberto called the medical examiner and confirmed that the victim in the shooting was in fact, his brother.

After witnessing the body cam footage three months after the shooting, Roberto started looking for attorneys. "I personally feel that they should have done more. On top of that the whole ordeal ended in less than 10 minutes. They just rushed in with a gun and a dog and to me it kind of looks like they're looking for a reaction so they could just claim self-defense."

Despite the body cam footage being made public by local news, Roberto said there was little or no response from the police. "It's been the same story, it's still under investigation. I've been contacting the National City Police Department every week, every month. I've been calling everybody, the District Attorney, the police department medical examiner. I speak to the people in City Hall. I can't trust anyone anymore."

"So I just decided to have no contact with them. Either way, for lack of better words, they've been useless to me. There's no purpose in talking to them."

Roberto described how he came upon the WSWs and found an article that described a similar story of police violence saying, "I was just like, 'wow', same story, pretty much. So I decided to email and see if you could help me shed light on the situation now because I'm trying to get all the help that I can to bring more eyes to this and have more people aware of what's happening with police brutality and the injustice that's going on."



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