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Contact:

## **ACLU and Civil Rights Allies Request Federal Investigation of SD Police Department's Use of Force Against People with Mental Illness**

***Letter Signed by 25+ Community Leaders Calls for Dept. of Justice Investigation into SDPD Misconduct***

SAN DIEGO – Following the police shooting of a mentally ill man holding a pen, and the district attorney's decision not to press charges against the officer, the ACLU of San Diego & Imperial Counties compiled a list of disturbing incidents that suggest the San Diego Police Department's pattern and practice of improperly handling incidents with people with mental illness or who are experiencing a mental health crisis. Because the patterns that emerge are so disturbing, the San Diego ACLU and 26 civil rights and social service organizations and law firms today sent a letter to the Department of Justice's Civil Rights Division calling for an investigation into the department's use of force when encountering people living with mental illness.

The series of incidents detailed in the ACLU letter point to the San Diego Police Department's questionable use of lethal force, in numerous incidents, which appear to have been unnecessarily escalated with tragic results.

"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," said David Loy, legal director of the San Diego ACLU. "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 letter comes just weeks after San Diego District Attorney Bonnie Dumanis declined to press charges against Officer Neal Browder, who shot and killed Fridoon Nehad, a veteran of the Afghan army who was battling mental illness and post-traumatic stress disorder after being captured and likely tortured by rebel troops. Officer Browder, who was mistakenly informed that Nehad had a knife, pulled into an alley without activating his siren, light bars, or body camera, and shot and killed Nehad, who was walking towards the car's headlights, within two or three seconds of arriving. The SDPD initially claimed that a "knife-wielding man charged at [the officer] prompting him to open fire," but video footage from a nearby security camera incontrovertibly disputes that version of events.

"We are heartened that the ACLU is calling for a federal investigation of the SDPD, which once again has failed to make any reasonable accommodation to address people with a mental disability," said Benny Roshon, sister of Fridoon Nehad. "Too many families like ours have had loved ones violently wrenched from them. The volume suggests that the SDPD has declined to provide necessary training and resources to officers who respond to calls involving the mentally ill to achieve more positive outcomes."

In several of the five incidents detailed, SDPD officers used lethal force within only minutes of arriving at the scene. Title II of the Americans with Disabilities Act of 1990 requires “reasonable accommodations” to be made for a person with a disability who is being questioned or arrested by police officers. Types of accommodations include: attempting to defuse a potentially violent situation, waiting for back up, or employing less confrontational tactics. Families of people experiencing mental health crises need to know that officers will not deliberately engage in behavior that is reasonably likely to provoke a violent response, as appears to be the case in the incidents highlighted in the letter. Above all, people with mental illness and their families and loved ones need to feel confident that they can safely seek help from authorities when they are experiencing a crisis.

The letter requests the DOJ to investigate the cause of recurring incidents of use of force against mentally ill people, including determining and exploring:

- Why the police initiated or escalated the confrontations;
- Why officers perceived a threat from certain individuals;
- Whether officers are properly trained in de-escalation tactics;
- Whether SDPD supervisors properly gather evidence and fully investigate when excessive force is alleged;
- Why there are contradictions between initial statements of officers and other evidence;
- Whether the SDPD and the City of San Diego have allocated sufficient resources to train personnel to respond to incidents involving mental health issues; and
- Whether officers have made reasonable accommodations for people’s disabilities before employing lethal force and other force.

The letter also requests that the DOJ provide technical assistance, advice, and guidance to the City of San Diego to help improve equality, fairness, and public safety throughout San Diego.

The Civil Rights Division of the Department of Justice has launched similar investigations in Seattle, Cleveland, and most recently, San Francisco.

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*Spokespeople available to speak with the press:*

- *David Loy, legal director, ACLU of San Diego & Imperial Counties*
- *Benny Roshan, sister of Fridoon Rawshan Nehad*
- *David Trujillo, advocacy director, San Diego ACLU (Spanish)*
- *Norma Chavez-Peterson, executive director, San Diego ACLU*
- *Jenny Durkan, attorney, Quinn Emanuel Urquhart & Sullivan, representing Mr. Nehad’s family*