



San Diego City Attorney Mara W. Elliott

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City Attorney Prevails in Police Shooting Case; Federal Judge Finds Officer Acted Reasonably

A federal judge yesterday dismissed a lawsuit filed against the City of San Diego, its police chief and a police officer who shot a man who had been threatening people in the Midway District in August 2015.

The United States District Judge William Q. Hayes found the officer reasonably believed the man, Fridoon Rshan Nehad, posed a risk of serious injury or death to the officer and others. Nehad, who had convinced multiple people that he was armed with a knife, was shot in an alley as he advanced on the officer.

Judge Hayes' ruling was on a motion for summary judgment filed by the San Diego City Attorney's Office. In ruling on such motions, the court is required to construe all the facts before it in the light most favorable to the plaintiffs, in this case the Nehad family.

The judge also found no evidence that Nehad's constitutional rights had been violated, as the plaintiffs had alleged, and no evidence, "based on the undisputed facts in this case," to support the plaintiffs' claim that San Diego Police Department policies or training was a "moving force" behind the officer's actions.

Judge Hayes also dismissed from any liability San Diego Police Chief Shelley Zimmerman and the officer, Neal N. Browder, whom the Nehad family had separately named as defendants.

In his 18-page order, which is attached, Judge Hayes wrote:

"In this case, construing the facts in the light most favorable to the Plaintiffs, the Court concludes that Officer Browder had a reasonable belief based upon the objective facts that Nehad posed a risk of serious injury to himself or others. Officer Browder had information that Nehad had threatened others with a knife, encountered Nehad advancing toward him in a threatening manner, and warned Nehad to "Stop. Drop it." While experts may offer the opinion that Officer Browder should have waited another second or allowed Nehad to advance a few feet before using deadly force, Officer Browder could have reasonably believed that Nehad posed a risk of serious injury or death. The Court concludes that Officer Browder's use of force was not obviously unlawful."

"In reviewing this tragic death of a homeless man with mental health issues, the judge was correct to not compound the tragedy by finding fault with the police officer who acted to defend himself and others," City Attorney Mara W. Elliott said. **"Not many of us would have entered a dark alley under these circumstances. Our police officers put their lives on the line every day to keep us safe."**

San Diego Police Chief Shelley Zimmerman said the judge made the right decision.

“No police officer ever wants to be involved in a shooting,” San Diego Police Chief Shelley Zimmerman said. **“Our officers put on their uniforms every day to protect and serve our community. This case was no different. We are pleased the judge looked at the facts and made the right decision in this tragic situation.”**

In the aftermath of the shooting, then-District Attorney Bonnie Dumanis reviewed the case for potential charges against the officer and determined the shooting was justified.

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