

The City of  
**SAN DIEGO**  
Police Department

NEWS RELEASE

**FOR IMMEDIATE RELEASE**

Monday, January 27, 2020

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**Officer-Involved Shooting in Oak Park Neighborhood**

**San Diego** – On January 24, 2019, at approximately 3:42 p.m., two uniformed San Diego police officers were in the area of 2900 54<sup>th</sup> Street when they attempted to make an enforcement stop. The contact turned into a foot pursuit, which ultimately ended in a fatal officer involved shooting.

Investigators from the San Diego Police Homicide Unit were called to the scene to investigate the incident. Although it is very early in the investigation, based on witness statements and the brief statement given by the officers involved, we know the man was uncooperative when the officers attempted to contact him. He ran from the officers and they chased him into the traffic lanes of 54<sup>th</sup> Street. The man then ran eastbound through bushes and onto the frontage road, at which time he began struggling with the officers. The officers gave him verbal commands to stop resisting but he refused to cooperate. One of the officers believed the man was grabbing his gun and alerted his partner, who eventually fired one round from his service weapon striking the man. The man continued struggling but was eventually taken into custody. The officers provided medical aid until San Diego Fire-Rescue personnel arrived and pronounced him deceased. One witness described the subject as having something in his hand as the officers struggled with him. It was later discovered the man not only grabbed the officer's gun, he was able to break the officer's holster and firearm completely off of his duty belt and was struggling to control the gun.

The officers involved in this incident are both patrol officers assigned to Southeastern Division. The officer who fired his weapon is Devion Johnson, a 2 1/2 year veteran of the Department. The second officer is Benjamin Downing, a 5 1/2 year veteran of the Department.

The subject involved in this incident has been identified as 31 year-old Toby Diller of San Diego.

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The investigation and review process for an officer-involved shooting is extremely thorough. When the Homicide Unit completes their investigation, it will be reviewed by the San Diego County District Attorney's Office to determine if the officers bear any criminal liability for their actions. The Internal Affairs Unit will conduct an investigation to determine if there were any policy violations, and the Shooting Review Board will evaluate the tactics used by the officers. The Community Review Board on Police Practices will conduct a review of the incident and provide any appropriate recommendations. The Federal Bureau of Investigations and the United States Attorney's Office will also be monitoring the investigation.

Anyone with information regarding this incident is asked to call the Homicide Unit at (619) 531-2293 or Crime Stoppers at (888) 580-8477.

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