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June 20, 2024

Chief Scott Wahl
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Sheriff Kelly Martinez
San Diego Sheriff's Department
9621 Ridgehaven Ct.
San Diego, CA 92123

Re: Fatal Shooting of Jesse Nelson on August 29, 2023, by San Diego Police Officers Darwin Anderson and Matthew Steinbach; San Diego Sheriff's Department Case No. 23-136618; DA Special Operations Case No. 23-078PS; Deputy District Attorney assigned: Kristi Gill

Dear Chief Wahl and Sheriff Martinez:

We have reviewed the materials compiled by the San Diego Sheriff Department's Homicide Unit concerning the shooting of Jesse Nelson on August 29, 2023. A District Attorney Investigator responded to the scene and was briefed by detectives. This case was submitted to the District Attorney's Office for review on November 27, 2023. The Medical Examiner's Report was received on May 20, 2024.

Summary

On the evening of August 29, 2023, the San Diego Police Department (SDPD) received several calls from people reporting the sound of gunshots heard near 500 Iona Drive. Officer Anderson responded and found a woman and her dog, both lying motionless in the driveway of a house on Iona Drive. Both had been shot. As Anderson approached the woman to render aid, he came under gunfire from within the house. Anderson retreated behind his patrol car and used his department-approved Glock 45, 9mm semi-automatic pistol to return gunfire toward the house. Anderson broadcast a call for assistance and numerous officers responded to his location. The responding officers performed a tactical rescue of the wounded female and, while doing so, came under additional gunfire from the suspect, later identified as Jesse Nelson, who was inside the home. The officers evacuated the woman to a safe location nearby for treatment, but she died from her injuries. She was later identified as Nelson's mother.

SDPD SWAT personnel responded to the location and set up a containment perimeter around the house while evacuating residents from the surrounding homes. As SWAT attempted to establish contact with Nelson, Nelson continued to indiscriminately fire his weapon from the home,

endangering civilians and officers. The Commander of the SWAT unit broadcast an order to the SWAT officers stating if Nelson was seen armed with a firearm and not actively surrendering, he should be shot.

Officer Steinbach, a SWAT sniper, positioned himself on the roof of an adjacent home where he could observe the rear of Nelson's property. During this time, Nelson set a fire in the converted garage. As the fire grew, it engulfed the home and Nelson emerged from the rear of the garage into Steinbach's view. Nelson was armed with a long rifle and was quickly making his way to a side yard, and toward the front of the house where officers were positioned. Steinbach fired two rounds from his department-issued JP Enterprises .308 caliber rifle. One round struck Nelson in the back, fatally wounding him.

The Medical Examiner conducted an autopsy and determined Nelson's cause of death as a gunshot wound and the manner of death as homicide. Toxicological testing of Nelson's blood revealed the presence of benzoylecgonine (a cocaine metabolite) at a level of 5.6 mg/L, methamphetamine at a level of 0.24 mg/L, amphetamine at a level of 0.02 mg/L, and alcohol at a level of 0.066%.

Persons Involved

Nelson was a 43-year-old resident of San Diego. At the time of the incident, Anderson had been a police officer for 1 year and 11 months. Steinbach had been a police officer for 11 years.

Civilian Witness One (CW1)

CW1 is Nelson's brother and lives at the residence on Iona Drive along with Nelson and their mother. CW1 and Nelson had gone to a bar to have some drinks and shoot pool earlier in the day. CW1 left the bar first but stopped at the grocery store on his way home. Nothing had seemed out of the ordinary at the time. CW1 arrived at his mother's house and went to park in the driveway but could not because he saw his mother lying in the driveway. It took CW1 a moment to realize it was her and he left his car half-parked on the street. He did not see any blood on his mother and her dog was circling around her as though it was trying to protect her. He initially thought a car might have hit her. CW1 called out asking what happened and heard shots fired from inside the house toward him. One of the shots hit his mother's dog and it fell to the ground. CW1 saw Nelson at the window of the house looking out at him. Nelson held what appeared to be a firearm and he had a look of panic on his face. CW1 backed away and the police arrived.

Civilian Witness Two (CW2)

CW2 lives in the neighborhood where the shooting occurred. CW2 was lying in her bed when she heard gunshots. She looked out her window toward Nelson's house and called 911. CW2 saw something lying in Nelson's driveway but did not realize it was Nelson's mother. CW2 saw CW1 arrive at the house and heard him shouting at Nelson, "What are you doing? That's our mom!" CW2 saw blue laser dots moving around on Nelson's driveway and a dog approached Nelson's mother, who was still on the ground. CW2 heard more gunshots come from Nelson's house and realized Nelson was shooting at his mother and at CW1. CW2 saw the dog get struck by gunfire and saw CW1 run away. CW2 was on the phone with the dispatcher when she saw

Anderson arrive. CW2 saw Anderson walk toward Nelson's house when she heard gunshots again and saw Anderson run back toward his patrol car. CW2 was afraid she would be shot so she retreated from the window. She did not see anything else.

Law Enforcement Officer One (LE1)

LE1 is an acting detective assigned to Southeastern Division. She was working an overtime shift as a patrol officer on the night of the shooting. LE1 responded to Anderson's radio call for assistance. As she neared the scene, LE1 was flagged down by a citizen who reported hearing gunshots and said two people were in the driveway of Nelson's house, but that one of them was on the ground. When she arrived on scene, LE1 saw CW1 talking to Anderson at the passenger side of Anderson's police vehicle. LE1 heard gunshots but saw that neither Anderson nor CW1 were shooting and was unsure where the gunshots were coming from. LE1 saw Anderson run to the back of his police vehicle and CW1 run east on Iona Street. When Anderson made it to the back of his vehicle, he fired his gun toward Nelson's house. While Anderson was shooting, LE1 heard another gun being fired. LE1 believed the shooting was coming from the north side of Nelson's house because she had a full view of the front and south side and no shots were coming from that area. LE1 believed whoever was shooting at Anderson was also shooting at her and CW1. Since LE1 could not determine where the shooter was located, she did not return fire. Other officers arrived and formulated a plan to rescue Nelson's mother, who was lying in the driveway. At that point, LE1 was escorted from the scene to provide a statement to investigators.

Law Enforcement Officer Two (LE2)

LE2 is a patrol officer and a member of the SDPD SWAT Team as a sniper. On the night of the shooting, LE2 was partnered with Steinbach, who is also a SWAT sniper. When LE2 arrived on scene, he and Steinbach searched for an elevated position so that they could observe the perimeter of Nelson's home. LE2 reported that they were given permission from an adjacent property owner to climb on top of a shed in the yard of that home which gave them a view into Nelson's backyard about 30 yards away. LE2 was able to watch the north side of Nelson's house while Steinbach watched the east side of the house.

LE2 heard the SWAT Commander (LE3) advise over the radio that Nelson had killed his mother and shot at his brother and at officers. LE3 then gave an order stating that if any officer saw Nelson and Nelson was not actively surrendering, officers were to shoot him at the next opportunity. LE3 later modified the order, and stated that if Nelson was unarmed, he was not to be shot, but if Nelson was armed and not actively surrendering, officers should not allow him to leave the perimeter and lethal force was authorized. LE2 indicated that he believed this to be a lawful order given by his commanding officer based on information available at that time. He confirmed with Steinbach that both heard and understood the order correctly.

As LE2 and Steinbach monitored the house and yard, LE2 saw smoke coming from Nelson's home and eventually he saw flames. The fire began working its way from the front of the house to the back. Nelson's house became engulfed in flames and LE2 saw a light come on in the rear of Nelson's yard. LE2 heard Steinbach say something about Nelson before he fired two shots from his rifle. Nelson briefly came into LE2's view as Nelson ran from the back of the house to the north side of the house while carrying a rifle. LE2 lost sight of him. Steinbach moved to a

different part of the roof to gain a view of Nelson. Steinbach told LE2 he could see Nelson, who was not moving.

Law Enforcement Officer Three (LE3)

LE3 is a captain and the commanding officer of the SDPD Special Services Unit, which includes the SWAT team. LE3 received a Code-12 call, the highest priority response for the SWAT team. As he was responding to the scene, he was informed the suspect, Nelson, was continuing to shoot at officers. LE3 could hear gunfire over the police radio as officers were transmitting. An officer in the police helicopter was able to view the suspect and reported he had a long gun.

LE3 arrived at the scene and met with his two SWAT lieutenants for a briefing. He learned Nelson had shot and killed his mother, had shot a dog, and previously had been in prison for 15 years for murder. LE3 further learned that since Nelson had been released from prison, he had been arrested for assault with a deadly weapon.

Because of the volume of gunshots Nelson had fired from his long gun, LE3 believed Nelson was actively seeking to shoot police officers. LE3 was also concerned the gunfire placed nearby civilians in danger. LE3 did not believe less lethal force options were viable due to the distance involved and since Nelson was using a long gun. Taking all of this into consideration, along with his tactical experience and training, LE3 issued an order that unless Nelson was actively attempting to surrender, he should be shot at the next opportunity. Approximately 15 minutes later, LE3 revised his order because Nelson had stopped firing his weapon. LE3 changed the order, stating that unless Nelson was actively surrendering, he was to be shot if he was armed; if he was unarmed, they would try to negotiate with him to surrender. Further, SWAT was not to allow Nelson to break the perimeter. While LE3 and members of the command staff continued to gather resources, LE3 learned Steinbach had shot Nelson.

Officer Darwin Anderson

Anderson is assigned as a patrol officer with Southeastern Division. On August 28, 2023, he responded to a call that gunshots were heard and a woman was lying in the driveway of a residence. When he arrived, Anderson saw a woman and a dog lying in the driveway of the residence. The woman appeared to be bleeding and did not display signs of life. Anderson believed she had been shot. CW1 was standing nearby on his cell phone so Anderson got out of his vehicle and asked CW1 what happened. CW1 told him the woman was his mother and he did not know what happened. Anderson began to approach the woman on the ground to administer first aid and asked the dispatcher to send an ambulance. As he approached, Anderson heard a loud popping sound. Anderson drew his firearm and began looking around. He heard three to four more popping sounds and realized he was being shot at. Anderson retreated to his police vehicle and continued hearing gunshots. Anderson could not see who was shooting at him but believed the shots were coming from Nelson's house. CW1 told Anderson it was his brother, Nelson, who was inside the house and shooting at them. Anderson began to return fire toward Nelson's house. Anderson fired a total of seven rounds with his handgun, firing in two round volleys and assessing after each volley whether shots were still being fired at him. Anderson fired one additional round and when he no longer heard gunshots coming from the house, he stopped shooting.

Anderson initially thought the person shooting at him was using a shotgun, but when he heard the gun being “racked” he believed it to be a rifle. Anderson was in fear for his life, and the life of CW1, as he’d just been shot at, and also believed that the individual shooting at the two of them had also shot the woman in the driveway. He felt his only force option was his firearm because he needed to use the same level of force he was confronted with. Anderson called out to Nelson and told him to come outside with nothing in his hands, but Nelson kept shooting. Other officers arrived and began to establish a perimeter around the house. Anderson was directed to leave the scene and go to a nearby command post.

Officer Matthew Steinbach

Steinbach is a patrol officer assigned to Western Division. He is also a member of the SDPD SWAT Team as a sniper. At the time of the incident, he was on call for any situation which would necessitate a SWAT response. He received a message alerting him to a SWAT callout and he responded to the scene. While on his way to the scene, Steinbach received information over the police radio that the suspect was actively shooting at officers.

When he arrived at the scene, Steinbach met with LE2, and they looked for an adequate location overlooking the house where Nelson was so they could monitor the perimeter. They were given permission to climb on top of a shed in the yard of a property that was adjacent to Nelson’s house. From the top of the shed, Steinbach and LE2 had a view of the backyard, garage, and a portion of the rear of Nelson’s house. Steinbach felt this position left him and LE2 exposed because they would have no cover if Nelson were to shoot at them with the rifle Nelson had been using. Nelson was throwing items at officers from the front side of the house and a fire had been started in the converted garage area. Steinbach saw smoke coming from the house as other officers reported seeing a fire in the house.

LE3 issued an order over the radio that if Nelson was seen either armed or unarmed and not actively surrendering, officers were authorized to use lethal force to stop him. This order was based upon Nelson shooting his family member and then shooting at police. The order was later modified to authorize lethal force if Nelson was armed but not surrendering; if Nelson was unarmed, they would try to negotiate his surrender. In addition, an order was issued that if Nelson was observed trying break the perimeter, whether armed or unarmed, lethal force was authorized.

Steinbach saw flames in the garage as the fire grew and he thought Nelson was likely to exit the rear door of the converted garage into his field of view. A light suddenly illuminated the backyard of Nelson’s property and Steinbach saw Nelson through his rifle scope running toward the north side of the property. Nelson held a rifle in his right hand. Steinbach fired two shots from his rifle and lost sight of Nelson behind a shed. ABL was overhead and broadcast that Nelson was struck and fell to the ground. Nelson came back into Steinbach’s field of view and was rolling on the ground. Steinbach watched Nelson through his rifle scope while other SWAT officers made their way into the back yard to contact Nelson.

Investigation

The incident took place within the city of San Diego at a detached residence with a detached garage that had been converted to living space. The scene was secured and photographed. The officer-involved shooting was investigated and documented by San Diego Sheriff's homicide detectives. San Diego Police Department homicide detectives conducted a concurrent investigation as to the homicide of Nelson's mother. The District Attorney's Office conducted a complete review of all materials provided by both agencies. Materials and documentation included officers' and detectives' reports, crime scene investigators' reports, MAST (Major Arson Strike Team) investigators' reports, crime lab reports, audio recorded interviews of civilian and law enforcement witnesses, body worn camera footage, police helicopter video footage, surveillance video, cell phone video, and available medical reports. These items provided evidence corroborating the officers' statements.

At the time of the incident, Anderson was armed with his personally owned Glock 45, 9mm semi-automatic pistol. Anderson reported that prior to the incident, his pistol was loaded with a total of seventeen 9mm caliber cartridges - sixteen rounds in the magazine and one round in the chamber. Following the incident, a San Diego Sheriff's Department Field Evidence Technician collected Anderson's pistol for processing. Anderson's pistol was received with ten unexpended cartridges remaining in the firearm. Based on the number of rounds that were loaded into the pistol prior to the shooting incident and the remaining rounds in the pistol after the incident, it was determined Anderson fired seven rounds. Consistent with this determination, seven 9mm casings that matched the ammunition in Anderson's firearm were found at Anderson's shooting position. Based on the number of rounds loaded in Anderson's firearm and the number of spent casings found at the scene, Anderson fired seven rounds from his firearm.

Steinbach was armed with his department-issued JP Enterprises .308 caliber rifle equipped with a night vision scope and laser sighting system. Steinbach reported that prior to the incident, the rifle loaded with a twenty-round capacity magazine and one round in the chamber. Following the incident, a Field Evidence Technician collected Steinbach's rifle for processing. Steinbach's rifle was received with nineteen unexpended cartridges remaining in the firearm. Based on the number of rounds that were loaded into the rifle prior to the shooting incident and the remaining rounds in the rifle after the incident, it was determined Steinbach fired two rounds. Consistent with this determination, two .308 caliber casings that matched the ammunition in Steinbach's rifle were found at Steinbach's shooting position.

Nelson was in possession of a loaded .223 caliber rifle, a firearm that qualifies as an assault weapon. Following the shooting incident, a Crime Scene Specialist with SDPD collected the rifle for processing. Two rounds of .223 caliber ammunition were removed from the chamber of the rifle and four cartridges of .223 caliber ammunition were removed from the attached magazine. The rifle was examined by SDPD detectives and criminalists and found to be a "ghost gun" having no manufacturer markings or serial number. Ghost guns are untraceable firearms that can be bought online and assembled at home. They are often sold as "ghost gun kits," which include all parts and often the equipment necessary to build these weapons at home. These kits are

widely available and can be purchased by anyone, including prohibited purchasers, without a background check. Nelson's rifle was determined to be operable.

More than 100 patrol officers, SWAT team members, and a canine officer responded to the scene from various divisions across the city. Most of the officers had body worn cameras on and activated, but at the time of the first officer-involved shooting, the recordings of greatest evidentiary value came from Anderson and LE1, as they were the first officers to arrive. During the second officer-involved shooting, the footage of greatest evidentiary value came from Steinbach and LE2, given their tactical position on the roof of a shed in an adjacent yard.

Investigators recovered five firearms inside the Nelson residence: a Glock 9mm semi-automatic handgun, two shotguns, a bolt action rifle, and an assault rifle. The assault rifle did not have a serial number or manufacturer markings and is commonly referred to as a "ghost gun." Investigators also recovered a variety of live ammunition, expended cartridge casings, and magazines throughout the house. The west-facing window at the southwest corner of the house, which looks out over the driveway, had been shot out. The sofa below the window had expended 9mm cartridge casings lying on it. A pickup truck parked in the driveway in front of the window also had bullet holes in the windshield and body. Investigators recovered two expended shotgun shell casings in the living room below a west facing window and a shotgun was found inside the northwest bedroom. Two shotgun shell waddings were found in the street at the location where Anderson stopped his police vehicle upon arriving. The wadding is a part of a shotgun shell which holds the metal ball projectiles within the shell casing. When the round is fired, the wadding is projected out of the barrel along with the metal projectiles as it leaves the gun. The wadding falls away after exiting the barrel as the ammunition continues to travel toward the target. The fact that spent shotgun shells were found inside Nelson's house and two waddings were located near Anderson's vehicle provides further evidence shots were being fired at Anderson from inside the house. This corroborates Anderson's stated belief that someone was shooting at him from near the driveway and the house.

Body Worn Camera Evidence

All officers were equipped with body worn cameras, but Anderson's and Steinbach's cameras best captured the shootings. Other officers were positioned in various locations throughout the events and the majority of their camera footage consists of audio of what was happening or video of other actions taking place, including evacuating civilians, setting a perimeter, and directing firefighters and paramedics to a staging area.

Anderson's body worn camera footage captures him arriving at the scene. As he exits his vehicle, CW1 comes into view. Anderson asks CW1 what happened and CW1 says he does not know. CW1 points toward a woman lying on the driveway of the house they are in front of and says it is his mother and that she is dead. Anderson approaches the woman and advises dispatch of the woman on the ground next to a dog and requests paramedics. As Anderson is standing over the woman, one gunshot can be heard. Anderson draws his gun and CW1 is heard off camera shouting, "Stop it." Anderson asks, "What was it?" More gunshots are heard and Anderson retreats to the rear of his vehicle. Anderson broadcasts "shots fired" and fires four rounds toward Nelson's house. Anderson calls out to CW1 and asks him who is shooting but a

response cannot be heard. Anderson calls out “San Diego Police” and fires two more shots before he broadcasts his location to the dispatcher and fires one more shot toward Nelson’s house. Other officers arrive and begin coordinating efforts to move the woman in the driveway and contain the scene. A team is assembled to rescue the woman in the driveway and after the rescue and recovery of her body is completed, approximately 15 gunshots are heard coming from Nelson’s house.

Steinbach’s camera footage captures him on the roof of the shed with his rifle on a tripod pointing toward Nelson’s house in the distance while LE2 is to his right. Given the angle, the yard is not visible, but smoke and flames can be seen coming from the top of Nelson’s house. Steinbach and LE2 discuss what they will do if the fire comes toward them. They acknowledge that a light came on in the yard and Steinbach directs LE2 to broadcast that the light came on. Steinbach observes for several seconds and then fires two rounds from his rifle. Steinbach immediately calls out, “Shots fired.” LE2 reports to dispatch, “Sniper 3 shot away. Suspect armed still with the rifle, ran to the three side.” Steinbach stands to locate Nelson in the yard and inform other officers of his location.

ABLE Video

A helicopter unit from SDPD’s Airborne Law Enforcement (ABLE) Unit arrived over the scene and began circling Nelson’s property to provide information to the other officers. The helicopter is equipped with a camera that recorded the events on the ground. The footage shows Nelson come into view at the southeast corner of the garage holding a long object in his hands. Nelson begins walking along the east side of the garage and goes out of view under the smoke and flames billowing out of the garage. Seconds later, LE2 can be heard on the radio saying, “Shot away,” signaling Steinbach had fired the two shots. Nelson comes into view lying on his back on the north side of the garage and a rifle can be seen on the ground approximately two feet from him. Six minutes later, a team of SWAT officers enter the yard and evacuates Nelson to the street to render medical aid.

Autopsy

An autopsy was conducted on August 29, 2023. The Deputy Medical Examiner determined that Nelson suffered a gunshot wound to his upper back on the left side. The bullet perforated the skin and soft tissue on the back before entering the left lung and settling in the subcutaneous tissue of the upper left arm. During the internal examination, the bullet was recovered and collected as evidence by a Forensic Evidence Technician, who was present during the autopsy. The cause of death was classified as a gunshot wound and the manner of death was classified as homicide.

Toxicological testing was conducted on samples of Nelson’s blood. The testing detected the presence of benzoylecgonine (a cocaine metabolite) at a level of 5.6 mg/L, methamphetamine at a level of 0.24 mg/L, amphetamine at a level of 0.02 mg/L, and alcohol at a level of 0.066%.

Legal Standard

Penal Code section 835a(c) sets forth the circumstances in which a peace officer may use deadly force and the standard to evaluate the use of such force. The law provides that “a peace officer is

justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person.” Penal Code section 835a(c)(1)(A).

The statute defines “deadly force” as any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.” Penal Code section 835a(e)(1).

An imminent threat of death or serious bodily injury is one where “based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” Penal Code section 835a(e)(2).

The statute defines totality of the circumstances as “all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.” Penal Code section 835a(e)(3).

The statute further states, “In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(2).

“[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” Penal Code section 835a(4).

Additionally, a peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer should not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section “retreat” does not mean tactical repositioning or other de-escalation tactics.” Penal Code section 835a(d).

Conclusion

Officer Anderson responded to investigate multiple reports of gunshots. Upon arrival, he discovered a woman on the ground. CW1 stated the woman was his mother and stated she was dead. Anderson approached her to render aid and, almost immediately, came under gunfire from Nelson. Anderson retreated to his vehicle and returned fire toward Nelson's residence, where he reasonably believed the shots were originating. At that moment, Nelson had the present ability,

opportunity, and apparent intent to immediately cause death or serious bodily injury to Anderson and CW1. Based on the totality of the circumstances, Anderson's decision to respond with deadly force was reasonable as Nelson clearly presented an imminent threat of death or serious bodily injury to Anderson and others in the vicinity.

Multiple law enforcement officers, including the SWAT Team, responded as Nelson remained armed inside his home. Nelson persisted in firing numerous rounds at officers from within his residence. San Diego Police promptly evacuated nearby neighbors and civilians.

During the unfolding events, it was revealed that Nelson had a significant criminal history, which included a prior conviction for murder and a recent arrest for assault with a deadly weapon. The woman lying on the ground was identified as Nelson's mother. She had been shot and killed. The dog lying next to her had also been shot and killed. A short time later, Nelson set his house ablaze, further endangering nearby homes and public safety.

Law enforcement officers on scene considered these numerous factors in assessing the situation. The on-scene SWAT commander made tactical decisions and ultimately authorized the use of lethal force against Nelson unless he was observed unarmed and actively surrendering, and not attempting to break the perimeter. Officer Steinbach, a member of the SWAT team, acted upon the commander's order. When Nelson emerged from his residence armed with a rifle and ran from the back of the home toward the front where officers were located, Steinbach fired two shots, fatally wounding Nelson. Steinbach's actions were reasonable in light of the totality of the circumstances. When Steinbach shot Nelson, Nelson posed an imminent threat of death or serious bodily injury that, from all appearances, had to be instantly confronted and addressed.

For these reasons, neither Officer Anderson nor Officer Steinbach bear state criminal liability as a result of their actions. A copy of this letter, along with the materials submitted for our review will be retained in our files.

Sincerely,


SUMMER STEPHAN
District Attorney

cc: Captain Richard Freedman, San Diego Police Department
Captain Christopher Lawrence, San Diego Sheriff's Department