

San Diego Sheriff's Deputy Is Charged With Second-Degree Murder

Sheriff's Deputy Aaron Russell, 23, is accused of fatally shooting an unarmed man, Nicholas Bils, 36, in the back.



By Jenny Gross

July 13, 2020

The San Diego County District Attorney's Office on Monday charged a sheriff's deputy with second-degree murder in the killing of an unarmed man in May — a rare instance of criminal charges being brought against an officer for actions on the job.

The deputy, Aaron Russell, 23, is accused of shooting Nicholas Bils, 36, while Mr. Bils was running from officers after escaping from a California park ranger's car on May 1.

Mr. Russell pleaded not guilty in a San Diego court on Tuesday and was released on bail. If convicted, he faces a minimum of 15 years in prison and up to a life sentence.

San Diego County's district attorney, Summer Stephan, said in a statement on Monday that the office had reached a decision to press charges after conducting a thorough review of the facts in the case.

She said that California state law allowed officers to use deadly force only when it was deemed necessary to defend against imminent threats of death or serious injuries to officers or other people.

“When a life is taken, we must make decisions based in facts and law, and not ones that are influenced by the status of the accused as a peace officer nor the status of the victim,” she said. “Every person must be accountable under the law.”

The District Attorney's Office pressed charges as millions of people in cities across the United States have marched in recent months against police brutality after the death of George Floyd in the custody of the Minneapolis police. Protesters have called for police reform efforts, such as shifting funding from police departments to social services like mental health counseling.

Prosecuting officers for violence against civilians remains difficult in the United States, where police unions have significant political clout and officers typically have wide latitude under the law to use force.



Officers cordoned off the scene of the San Diego shooting in May. NBCSanDiego.com

The San Diego County Sheriff's Department did not respond to a request for comment on Monday night. Barbara Medina, a spokeswoman for the District Attorney's Office, declined to provide any further details about the case.

Eugene Iredale, a lawyer for Kathleen Bils, Mr. Bils's mother, said that Mr. Bils had been mentally ill and had a lifelong fear of police.

Mr. Bils was putting golf balls at a San Diego park in a game of fetch with his dog when park rangers approached him and told him that his dog could not be off the leash and that the park was closed because of the coronavirus, Mr. Iredale said.

Park rangers told Ms. Bils, 66, that her son had swung a golf club at rangers and then fled, her lawyers said. The rangers caught him about a mile away and arrested him for assault with a deadly weapon. While he was in their vehicle on the way to a county jail, he reached through an open window, unlocked the car door and ran, the lawyers said.

When he fled, Mr. Russell, who was carrying a lunch tote and a water bottle in his left hand, shot at Mr. Bils five times with a gun in his right hand, according to a court document. Four of the shots hit Mr. Bils, including one that struck him in the back, the family lawyers said. They believe that was the fatal shot.

"The decedent was running away," Mr. Iredale said. "He made no assault on the officer who killed him." No other officers in the area drew a weapon, he added.

The District Attorney's Office said that there was surveillance video from the episode but that the office would not release the footage or more details about the shooting to the public because doing so could jeopardize Mr. Russell's right to a fair trial. The video is expected to be presented as evidence during court proceedings, the office said in its statement.

Jenny Gross is a general assignment reporter. Before joining The Times, she covered British politics for the The Wall Street Journal.