Albuquerque, New Mexico: Family charges SWAT team drove son to suicide

D. Lencho
19 May 2015

The family of an Albuquerque, New Mexico man filed a lawsuit May 13 against the city of Albuquerque, the Albuquerque Police Department (APD) and two APD officers, Jim Fox and Moises Grossetete. Santiago Chavez, who was mentally ill, committed suicide after a 15-hour standoff with a SWAT team three years ago.

On June 20, 2012, APD officers arrived in the neighborhood of 20-year-old Chavez. He had been throwing rocks at passing vehicles and allegedly pointed a gun at a neighbor. Chavez then barricaded himself in his grandmother's house and a SWAT team was called to the scene. A 15-hour standoff ensued, which ended when Chavez turned his gun on himself.

Police and witnesses have provided conflicting accounts of what happened that day. The day after the incident, an APD officer, Tasia Martinez, told local media, "He opened fire at the officers and fired multiple rounds at the group of officers as they were close enough to give him that advantage to do that. … While they were retreating, one of the officers, Drew Bader, who is a SWAT officer, responded with gunfire."

Martinez added, "I don't feel like there's anything we could have done differently." Later, however, APD said that Chavez had fired one shot at the officers, who responded with eight rounds.

The lawsuit gives a very different account from the APD version, citing the neighbor who told police that before the standoff that "he was not assaulted" and that Chavez "didn't point the gun at him or threaten him with it."

In addition, according to the family's lawsuit, the APD violated Chavez's Fourth Amendment right to be secure against unlawful arrest without probable cause. "Shortly upon his arrival," the lawsuit noted, "Defendant Grossetete caused officers to block off Decedent's street with squad cars and to use a megaphone to order him from his home."

The lawsuit states that Chavez was not free to leave at any time after Grossetete arrived at 9:40 a.m. "Defendant Grossetete did not have probable cause to arrest Decedent, nor did he have a warrant or exigent circumstances which can, in some cases, obviate the warrant requirement," the lawsuit charges.

Shortly after arrival, according to the lawsuit, despite information given by Grossetete to Fox which "any objectively reasonable office would have known did not support an arrest under the circumstances," Fox deployed the SWAT team to build a perimeter around Chavez's home and continued the "in home warrantless arrest."

The house was surrounded by at least 11 SWAT officers, who "began deploying multiple different types of lethal and non-lethal munitions into the house, including flash bang devise, wooden batons, chemical agents, and in excess of 150 rounds of powdered and liquid gas fired out of launchers," in an effort to force Chavez out of the house and allow the SWAT team entry.

Between 2:51 p.m. and midnight, according to the lawsuit, the SWAT team sent in baton rounds, played sirens, and shot chemical munitions and tear gas into the home. They also sent robots into the home and used a bear cat to deploy chemical munitions. Chavez reportedly cried out, "The police are trying to kill me!"

The lawsuit states that officer Martinez breached the front door of the house with a V-100 vehicle after about midnight, ripping the door off its hinges. More gas was then launched through the front door, and Chavez "could be seen in the house holding a gun to his head." Chavez then shot himself and bled to death on the kitchen floor.

© World Socialist Web Site

Police lapel videos also show officer Bader “laughing at, and making fun of the Decedent.” Bader, who has shot several people while with the APD, was not placed on leave following the incident.

The lawsuit accuses the SWAT officers of violating Chavez’s constitutional rights, escalating a low-level incident and using unnecessary force. The Chavez family’s attorney, Rachel Higgins, charges, “Deployment of force was excessive and a cause of his death.”

Chavez’s mother Rachael Hernandez told KRQE News 13, “They were outside, they were yelling ‘Santiago, we are here to help you.’ Inside I was screaming, ‘Please don’t hurt my son’ … They weren’t there to help him.”

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site