

Family of 75-year-old New Mexico woman fatally shot by police officer calls for murder charge

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In a press conference on Thursday, May 12, lawyers representing the family of an elderly woman fatally shot last month by a police officer in the southern New Mexico city of Las Cruces called for her killer to be tried for murder.

Sam Bregman and Daniela Labinotimade, attorneys for the family of 75-year-old Amelia Baca, announced that they would demand that the Doña Ana County District Attorney criminally charge the as yet unnamed Las Cruces Police Department (LCPD) officer.

"As far as the state case is concerned, we will be filing suit for the various torts obviously including aggravated battery resulting in death but also violation of New Mexico state constitution pursuant to the New Mexico civil rights act," Bregman told reporters.

Furthermore, "We also will be filing in federal court for the violation of the constitutional rights of Miss Baca in the Fourth Amendment and Fourteenth Amendment."

The incident took place on the evening of April 16, when Baca's daughter made a 911 call and told the LCPD dispatcher that her mother was suffering a mental health crisis and "getting really aggressive." She advised the dispatcher that her mother had a knife and that she was suffering from dementia.

LCPD officers were sent to the house, where they moved the daughter and Baca's granddaughter, Albitar Inoh, out of the kitchen where the elderly woman was standing with knives in her hands. In the space of less than a minute, the officer shot her twice at point-blank range in the chest. She was still alive when the officers dragged her out of the home, according to Bregman, like a "hunted animal they had just killed." Baca died on the ground outside her home.

On April 22, the city released an edited version of the officer's body cam video. Perhaps "sanitized" would be a more appropriate term. The video's narrator says in measured tones that Baca has two knives in her hands and that the officer "gives repeated commands for her to drop the knives" and that she "never complies with commands to drop the knives and moves towards the officer."

As for the footage of the minutes before and up to the shooting, the video only shows a few still shots with no sound. After announcing, "The officer discharged his service weapon twice, striking Amelia Baca. Amelia Baca was pronounced deceased on

the scene, no one else was injured in the incident," the narrator states, "The officer involved in this incident is currently assigned to the Patrol Division."

She continues, "He has approximately 9 years of service with the Las Cruces Police Department and more than 70 hours of Crisis Intervention Training [CIT] beyond what he received in the Police Academy."

The narrator concludes, "This incident is the subject of a criminal investigation by the Officer-Involved Incident Task Force, comprised of investigators from the New Mexico State Police, the Dona Ana County Sheriff's Department, New Mexico State University Police Department, and the Las Cruces Police Department.

"The investigation will be reviewed by the 3rd Judicial District Attorney's Office once completed."

In an interview with ABC 7 reporter Kate Bieri, LCPD Chief Miguel Dominguez gave standard replies to her questions, saying that "it was a tragedy. No family wants to be put in that position. No officer wants to face that situation. The video obviously shows some sort of crisis going on and the lady that was involved did actually have weapons in her hand. We put out some information as far as the 911 call to add a little perspective ... the officer also knew that there was [sic] people inside that were held up. Their lives were in danger as well."

He also mentioned: "The department is hugely invested in CIT. Everybody has to have 40 [hours], but we go well beyond that to make sure that officers get as much training as they possibly can to include de-escalation training. We try to get as much training as far as CIT is concerned."

Dominguez justified the shooting with the frequent police rationale that the officer feared for his safety. "The officers' safety was definitely at risk," and that "because of the distance and the way it played out, the officer really had limited options at that point." Dominguez added, "I'll say it: Officers do get scared at that point. That's why we train and train and train so when that does happen, officers have that training to rely on."

The unedited video tells a different story. After the officer tells Inoh and her mother to step outside, he immediately drew his weapon and screamed repeatedly—and at times obscenely: "Drop the f***ing knife now!"—at Baca, who is in the kitchen holding knives, but they are pointed at the floor. The officer rebuffed

efforts by the family to intervene and deescalate the confrontation. It was later revealed that Baca did not speak English.

Her granddaughter, Inoh, told investigators, “[The officer] was outside the door, my grandma was inside the living room. He started yelling and I got out of the front of him, and my grandma was just standing there, she was standing looking at us with her knives down, not pointing, both of them are in her hand. She was just standing; she looked confused. She didn’t look like she understood what was going on.”

She begged the officer repeatedly not to shoot her grandmother: “I don’t even know how many times I yelled at him, ‘Don’t shoot her. She’s mentally ill’” while trying to calm her mother, telling her, mistakenly, that he was holding a taser gun. When Baca stepped forward, the officer shot her twice.

Three days after Baca’s death, the American Civil Liberties Union (ACLU) of New Mexico issued a statement calling for a “thorough investigation” of the killing. It decried the fact that LCPD’s crisis intervention team had not been deployed and called it “part of an alarming trend of people being killed by police across New Mexico.

“This situation demands comprehensive statewide use of force policy reform and increased oversight to ensure the public can rely on police following protective protocols already in place,” the statement declared and called on lawmakers “to pass this crucial legislation during the 2023 legislative session. Our communities will not be safe until police officers are held accountable to a clear and uniform standard.”

In fact, there have been a number of “reform” measures established regarding police violence in New Mexico over the years, the most well known being the November 2014 settlement agreement between the U.S. Department of Justice (DoJ) and the Albuquerque Police Department (APD). That accord followed in the wake of a DoJ investigation of the murder of James Boyd, a mentally ill homeless man, by two APD officers in March of that year.

The DoJ investigation had noted that “officers routinely use deadly force and less lethal force in an unreasonable manner,” accounting for nearly 50 shootings, 32 of them fatal, in the five previous years. An “independent monitoring team” was supposedly going to implement training and policy reforms to rein in the killing spree. The reforms were expected to set a standard for police departments statewide.

The extent of the settlement agreement’s success was revealed in a July 2021 admission by a New Mexico State Police official of “a significant increase” in shootings by law enforcement in the state. In addition, he admitted, “We have not seen a significant increase in violent crime outside of officer-involved shootings.”

In the May 12 press conference, the family’s attorney Sam Bregman slammed every aspect of the LCPD response to the 911 call. “This yelling was all done in English. Miss Baca is a Spanish speaker and does not understand anything. So, we had no de-escalation. We had no calm voice when that officer arrived. We had the officer not waiting for the other officers to arrive at the residence. We had no less lethal force used. We had absolutely no effort to protect and serve.

“What we had was two rounds, at point-blank range, in her

chest, execution style.”

Baca “laid [sic] on the ground, still alive. Rather than render aid to Miss Baca, the officer who just shot her ordered another officer to drag her out of her house like Miss Baca was a hunted animal they had just killed.” After announcing the plans to bring the case to the courts, Bregman said, “But nothing will bring back their mother and grandmother, but I can assure you, that we will do our best to hold the Las Cruces Police Department responsible for this terrible tragedy.”

Bregman then had the gut-wrenching video shown and made a few comments about it, contrasting the officer’s actions, which consisted of displaying a chart with LCPD policy. He also derided its edited video, “this propaganda, where they edit and cut the video, where they say that this officer had 70 hours, 70 hours of CIT training! That’s what you get with 70 hours of CIT training? A guy that goes in guns a-blazing. That’s twisted. And this family has suffered immensely.”

Before the question-and-answer period, Bregman concluded, “We’ll have our day in court, I can assure you that, but this gentleman needs to be prosecuted.”

That day in court will likely be long in coming, and the 2014 James Boyd case may serve as an instructive example of how the wheels of bourgeois justice turn. The trial of the two APD officers took place two and a half years after the crime, after media coverage and protests had died down. The prosecutor lowered the charge from first-degree to second-degree murder. The result in the end was a hung jury and no retrial.

New Mexico is not unique, as the ongoing wave of police violence across the US, indeed, worldwide makes clear. The crisis of capitalism is pulling the ruling class toward increasingly authoritarian and fascistic forms of rule, and the police who “protect and serve” the status quo are called upon to mete out repression and violence while accountability, transparency, community input and all other reformist palliatives to the scourge of police violence are stifled. The only way that the working class can stop these atrocities is through the overturning of capitalism and the establishment of socialism.



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