



TNY Store



THE NEW YORKER

NEWS CULTURE BOOKS & FICTION SCIENCE & TECH BUSINESS HUMOR MAGAZINE VIDEO ARCHIVE **SUBSCRIBE**

LETTER FROM ALBUQUERQUE | FEBRUARY 2, 2015 ISSUE

YOUR SON IS DECEASED

The city has one of the highest rates in the country of fatal shootings by police, but no officer has been indicted.

BY RACHEL AVIV

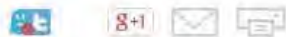


TABLE OF CONTENTS

Stephen Torres was meeting with a client at his law office, in downtown Albuquerque, on April 12, 2011, when he received a call from a neighbor, who told him that police officers were aiming rifles at his house. He left work and drove to his home, in a middle-class suburb with a view of the mountains. There were more than forty police vehicles on his street. Officers wearing camouflage fatigues and bulletproof vests had circled his home. a



SIGN UP FOR OUR NEWSLETTER

E-mail address **SIGN UP**

RELATED STORIES



A REPORTER AT LARGE
THE SCOURGE OF CIVIL FORFEITURE
BY SARAH STILLMAN



OUR LOCAL

sand-colored two-story house with a pitched tile roof. Two officers were driving a remote-controlled robot, used for discharging bombs, back and forth on the corner.

Stephen's wife, Renetta, the director of human resources for the county, arrived a few minutes later, just after three o'clock.

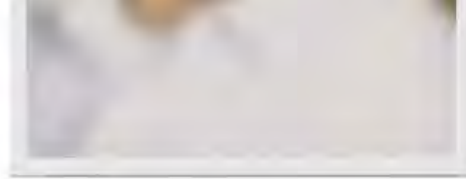
A colleague had heard her address repeated on the police radio, so her assistant pulled her out of a meeting. When Renetta saw that the street was cordoned off with police tape, she tried to walk to her house, but an officer told her that she couldn't enter the "kill zone." "What do you mean 'kill zone'?" Renetta asked. "Ma'am, you can't go any further," the officer said.

Renetta and Stephen found each other at the southern end of the street. There were nearly eighty officers and city officials on the street, many of whom they recognized. Stephen saw a police-union attorney, who defended officers when they were in trouble. Renetta saw the city's attorney, who worked in the same building and on the same floor as she did, and the deputy chief of police, whom she'd known in graduate school. "I kept looking her way, but she would not make eye contact with me," Renetta said.

Renetta knew that the only person at home was the youngest of her three boys, Christopher, who was twenty-seven and had schizophrenia. Two hours earlier, he had stopped by her office for lunch, as he did a few times a week. Then he visited an elderly couple who lived two houses away. He said that he needed to "check up on them"; he often cleaned their pool or drove them to the grocery store. Because he found it overwhelming to spend too much time among people, he tried to do small, social errands, so as not to isolate himself.

When Stephen asked the police what had happened to Christopher, he was told only that there was an "ongoing criminal investigation." Stephen offered to let the officers inside the house, but they refused. Stephen called a close friend on the force, who said that a person had been taken off in an ambulance earlier in the afternoon, at around two o'clock. Stephen called the three main hospitals in Albuquerque, but Christopher hadn't been admitted to any of them.

Stephen called a neighbor, Val Aubol, who lived across the street, to find out



After nearly every death, the police announced that the person the officer had shot was violent, a career criminal, or mentally ill.

ILLUSTRATION BY OLIVER MUNDAY



CORRESPONDENTS

THREE YEARS ON
RIKERS WITHOUT TRIAL

BY JENNIFER GONNERMAN

MOST POPULAR

1. Columbia and the Problem of Dr. Oz
BY MICHAEL SPECTER
2. The Man Who Broke the Music Business
BY STEPHEN WITT
3. Daily Cartoon: Thursday, April 23rd
BY CHRISTOPHER WEYANT
4. "Clinton Cash" Attacks Could End Up Aiding Hillary
BY JOHN CASSIDY
5. Exclusive Video: Violence Inside Rikers
BY JENNIFER GONNERMAN

what she could see. Aubol peeked through the shutters of her front window and saw ten officers lined up against a neighbor's garage, next to the Torreses' house. The SWAT team's Ballistic Engineered Armored Response Counter Attack Truck was parked in front of them. When Aubol went into her back yard, she saw a rope dangling from her roof. An officer had climbed up and was pointing his gun at the Torreses' house. Another officer was crouching behind the gate at the side of her house. She told the officers that she'd spoken with Christopher's father, but an officer waved her back inside. "Stay in the house!" he shouted.

At around five-thirty, a female officer stepped out of a mobile crime unit, an R.V. where detectives processed evidence, and waved the family over. "She was so detached," Renetta said. "All she said was 'I regret to inform you that your son is deceased.'" She did not tell them how their son had died or where they could find his body. The Torreses asked if they could go home, but the officer said that it was still an active crime scene.

About half an hour later, Val Aubol heard a booming noise, and her ceiling shook. The officer on her roof had shot a flash-bang grenade, which produces a concussive blast of noise and light, onto the Torreses' front patio. The device temporarily blinds and deafens anyone near it.

It is not clear what the officers thought they were doing at that point. In a report filed later that day, one officer wrote, "Detectives believed another person was inside the house refusing to exit. Supposedly they saw movement in the house." Another wrote, "There may be three people still inside the residence and all were possibly armed."

Not long afterward, several officers used a battering ram to open the Torreses' front door, which had on it a "Welcome" sign decorated with an Easter bunny. The officers searched the laundry room, the basement, the attic, and four bedrooms, dumping the contents of drawers onto the floor. No one was home.



Although there were no suspects to apprehend, the neighborhood was still filled with cops, who had heard on the police radio that an officer had shot someone. According to Thomas Grover, a sergeant with the Albuquerque Police Department, who resigned a few months after

"You should only be worried if you never had it as a kid."

BUY THE PRINT »

Christopher's death, shootings by officers set off a ritual in the department: other officers quickly reported to the scene. "It was just team spirit, I guess," he said.

"Everyone would say, 'Oh, there's a shooting, we got to get there, everyone's going down there.' It was a place to be seen." He said that in the hours after a shooting cops would ask one another, "Was it a bad shoot? Or a good shoot?"

The Torres family learned how Christopher died from watching the news the next day. At a press conference, the department's chief public-safety officer said that two officers had tried to arrest Christopher at home, but, when he resisted and grabbed a gun from one of them, the officers felt that their lives were in danger. The local television stations ran an unflattering picture of Christopher with his eyes bugged out. One station reported that the "police suspected Torres is responsible for several violent road rage incidents around the city." The police department said publicly that Christopher had a lengthy criminal history, which was untrue. He'd never been convicted of a crime, though he had been arrested once, for public affray, disorderly conduct, and impersonating an officer: he'd fought with a man who had illegally carried his gun into a restaurant where Christopher was eating. Christopher told the man that he was a government agent, tackled him, and took the weapon. When asked to show his credentials, Christopher flashed his library card.

In the five years before Christopher's death, the Albuquerque Police Department shot thirty-eight people, killing nineteen of them. More than half were mentally ill. In Albuquerque, a city of five hundred and fifty thousand, the rate of fatal shootings by police is eight times that of New York City. Renetta vaguely remembered hearing about many of the deaths in the local media. Nearly every time, the police announced that the person who had been shot was violent, a career criminal, or mentally ill. "I just assumed that these men must have done something to merit being killed," she said. "On the news, they relayed these really sinister stories about the men, and they'd flash these horrible pictures. They looked frightening."

Grover, the former sergeant, said that when officers shot someone the department typically ordered a "red file" on the deceased. "The special-investigations division did a complete background on the person and came up with any intelligence to identify that, you know, twenty years ago, maybe, the person got tagged for shoplifting," he said. "Then they gave the red file to the

chief.”

More than a thousand people attended Christopher’s funeral, at the Catholic church where he prayed with his parents every week. Stephen, in his eulogy, said that he considered the chief of police, Raymond Schultz, his friend. The Torreses’ sons used to play soccer at the same neighborhood club as Schultz’s children; after the kids’ games, the fathers would play. “I called Ray’s office and conveyed a personal invitation for him to join us this evening,” Stephen said. “I promised him that he would be treated with all due courtesy and respect. If he’s not here, then I ask those police officers who are here, who are some of my dearest friends . . . please convey the following message to him.”

Stephen said that his son’s shooting resembled that of many young men in Albuquerque who were mentally ill and had been killed by police. He begged the chief and the mayor, who worked in Renetta’s building, to meet with him to discuss what had gone wrong. “My wife and I extend our hands to you, Mr. Mayor, and to you, Chief Schultz,” he said. “Please don’t reject our offers.” Schultz was not there. He and Stephen never spoke again.

Christopher had been an easygoing, athletic child, but when he was nineteen he grew more private and sensitive. He was reluctant to leave the house and, eventually, to emerge from his room. He often seemed distracted, as if he were listening to something. A voice kept saying to him, “Well, Chris, I’m here, so let’s get moving.” He wondered if Jesus was talking to him, but he also doubted it. “He felt like maybe he was coming under a depression,” Renetta told me. “He had a great sense of humor that seemed to have been dulled.”

After Christopher received a diagnosis of schizophrenia, in the winter of 2003, his older brother Daniel, who was twenty-four and worked at an auto shop, quit his job and moved home to take care of him. For two years, he tried to make Christopher’s days placid and predictable. Like many people with schizophrenia, Christopher had a low tolerance for abrupt movements or loud noises. When the family watched television or listened to music, they kept the volume low. If they argued, they did so quietly.

It took Christopher two years to adjust to the antipsychotic medications that were prescribed for him. Eventually, the voices he heard became less compelling, and he began working at a metal-fabrication shop. His boss, George Montez, described him as shy, focussed, and deferential. He said that

the only time he saw Christopher agitated was when colleagues bickered. "It was just horsing around, but it upset him," Montez said.



"He's made way too much money for one day."

BUY THE PRINT »

According to the treatment notes of Christopher's psychiatrist, Kevin Rexroad, Christopher was amiable and not inclined toward drama. When Rexroad asked how he was feeling, he responded, "I'm O.K. How are you?" Christopher's most persistent symptom was anxiety, which Rexroad traced in part to grief over the onset of his illness. Christopher felt that he was falling short of his own expectations. A therapist who briefly helped him with anxiety wrote that his goals

were to "feel good about self," be "proud of where I'm going," and "read a little more."

Occasionally, when Christopher was under stress, he imagined that he had a wife and children, somewhere in the city, whom he'd abandoned. Renetta reacted calmly and offered to look for them. "We'd get in the car and search for his family," she said. "Once we'd driven a while, Christopher, by the grace of God, would let go of the idea and feel O.K. and be ready to go home."

After Christopher had worked at the metal-fabrication shop for a few years, Stephen urged him to take classes at a community college. But the idea of being surrounded by peers who might think that he was odd caused him so much anxiety that he couldn't sleep. In August, 2010, Renetta e-mailed Rexroad to say that Christopher had been perceiving invisible dangers: when Stephen told him to do a household chore, Christopher reacted as if he'd been threatened. "Given a little bit of time and space he then comes back around," she wrote. "As you know sometimes we walk a very fragile line and strive not to cause any undue agitation."

A few months later, in February, 2011, when Christopher was driving, another vehicle pulled in front of him into the left-turn lane. At the red light, Christopher got out and walked to the car in front of him, pounded on the windows, and pulled the driver's door open. The woman driving the car said

that it seemed as if he had mistaken her for someone else. She shut her eyes and prepared to be attacked. When she opened her eyes, Christopher had turned around and clutched his hair, as if he realized what he'd been doing. The woman called 911 and reported the incident to the police. She described Christopher as “psycho” and told the police that if she'd had a gun in her car she would have shot him.

About two months later, C. J. Brown, a thirty-nine-year-old detective, interviewed the driver and then filled out a warrant for Christopher's arrest. Brown didn't know that Christopher had a mental illness, even though police records showed that he had stated, during his first arrest, that he had schizophrenia. Brown said, “So basically just—you know, at that point, I had a guy that just had a bad attitude while driving.”

Brown, who is five feet ten, weighs two hundred and twenty pounds, and has short, receding brown hair, had been an officer with the department for four years, since 2007. At the time, the department had been ordered by Mayor Martin Chávez to expand by at least a hundred officers, to bring the total number up to more than a thousand. Chávez had promised to reduce crime and quality-of-life infractions, and he developed a program that allowed officers to use nuisance-abatement laws to evict people from businesses and from homes.

The crime rate had been declining for nearly a decade, but the city still ranked in the top fifteen per cent in the country. To recruit new officers, the department advertised on billboards throughout the East Coast and the Midwest. In 2007, the department installed a twenty-five-foot billboard on a wall in downtown Manhattan: it featured a panorama of the Albuquerque skyline and promised a five-thousand-dollar hiring bonus, retirement after twenty years, a “take home car and more.”

Nevertheless, the department struggled to find qualified officers. “We took a beating from the city council,” Schultz, the chief of police, told me. “They berated us. They kept saying, ‘We've given you the money—how come you don't have those numbers?’”

The department accepted officers from other police forces, even if they had been disciplined or fired, and it sometimes waived the psychological exam. Steve Tate, the director of training at the Albuquerque Police Academy, said that, after the hiring push, he noticed new cadets “exhibiting some characteristics that I thought were a little strange.” “They were not in charge of

their emotions," he told me. "People were breaking down into tears." He spoke with the head of the department's psychological unit, and asked why so many officers seemed psychologically unstable. "I could pick up a sense of worry from her," he said. "She described to me feeling as though they were strong-armed into seating people that they didn't feel were ready." Peter DiVasto, a contract psychologist for the department, said in a deposition that psychologists felt that they were supposed to "err on the side of acceptance." He testified that "deputy chiefs had been threatened with firing unless those numbers went up."

At meetings with the police chief and his deputies, Tate said he pleaded to reject applicants who seemed erratic. He said that a "common phrase was 'Well, we got seats open, so let's give them a try.'" The department began accepting candidates whose "backgrounds were so bad it was just, like, wow," he said. There were cadets who had admitted to crimes and had been repeatedly disciplined in previous jobs. Of the sixty-three officers who joined the Albuquerque police force in 2007, ten eventually shot people.



"LinkedIn has finally paid off—it got me two new followers on Twitter."

BUY THE PRINT »

Brown had already been rejected by the Albuquerque Police Department, in 1995, because he had bad credit, which was seen as a sign of recklessness. He ended up in the Roswell Police Department, three hours south of Albuquerque. While he was there, a city councillor brought a civil-rights lawsuit against him—she alleged that he had arrested her for exercising her right to free speech—and five citizens filed complaints.

He was accused of injuring a man by throwing him to the ground; of humiliating a mother when arresting her for speeding; and of pointing his gun at someone who got out of his car too slowly. Later, he estimated that he had drawn his gun during a traffic stop on at least ten occasions. In 2005, he applied to work for the police department in Rio Rancho, just north of Albuquerque, but he was rejected for having a bad attitude.

Since the last time he applied to the Albuquerque Police Department, Brown had been in two car accidents and filed for bankruptcy—events that the department typically considered indications of instability—but his second

application was accepted, and he was given a signing bonus of five thousand dollars. He didn't take a psychological exam. His training lasted six weeks.

The day that Christopher was killed, Brown arrived at the Torreses' house wearing bluejeans, black sunglasses, and a shirt that said "Buell Motorcycles." He said that he found it easier to approach people when he wasn't wearing a uniform. He was joined by another officer, Richard Hilger, who wore jeans, an untucked T-shirt, and hiking boots. They rang the doorbell, but no one answered. They could see the living room through the slats of the window blinds; no one appeared to be home. They were about to return to their car when Hilger heard a noise in the back yard. According to statements made later by both officers, they walked toward the fence and Hilger called out Christopher's name.

"Yeah," Christopher said, approaching the fence from the other side. He wore plaid pajama pants, a white undershirt, and flip-flops.

"I just want to talk to you real quick," Hilger said.

"You're talking to me," Christopher responded.

"Well, can I talk to you face to face?"

"We're face to face right now."

"You have a felony arrest warrant," Brown said.

"No, I don't."

"Yes, you do. You have a felony warrant for your arrest."

"I haven't done anything wrong," Christopher said. "This is my back yard."

According to Brown, Christopher said that the officers would have to fight if they wanted to arrest him. When Christopher took a step backward, Brown jumped the four-foot fence, breaking part of it, and tackled Christopher. "He went to hit me, I punched him, and then the fight was on," Brown said. Hilger followed his partner into the back yard by removing a panel of the fence. "I basically bum-rushed them all," he said.

A twenty-four-year-old neighbor, Christie Apodaca, who lived behind the Torreses, heard someone shouting, "I live here. What are you doing? I live here." She ran to her fence and looked through a coin-size hole in one of the wooden panels. Christopher had gone to her high school, but she'd only spoken to him once or twice. She saw him on his hands and knees, about twelve feet away from her. One man pressed his weight onto Christopher's lower body and another punched his right side and his face.

Apodaca ran inside her house to call 911. She told the dispatch operator, "I think the other guys are trying to rob the place."

"Ma'am, are you on—is this on Sunrose?" the operator asked, naming the street where Christopher lived.

"Huh?"

"Is this on Sunrose?"

"Yes."

"O.K. Those are officers that are on that scene."

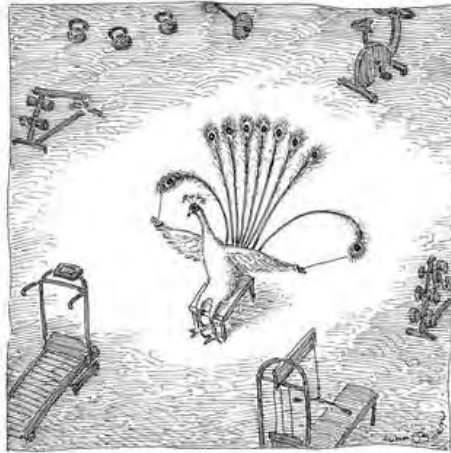
Outside, Brown and Hilger tried to handcuff Christopher, but he tucked his hands underneath him, and flailed his head and legs. On Hilger's police radio, which was on for just a few seconds, Christopher can be heard yelling, in a high-pitched voice, "I'm a good guy! This is my house!"

The officers tried to pin Christopher to the ground, but they said that he was somehow able to rip his right arm free and grab Hilger's gun. They said that he wouldn't let go, even as they punched him. Brown unholstered his pistol, a nine-millimetre handgun that he'd owned since he was sixteen. He pressed the muzzle against Christopher's back and pulled the trigger. He didn't hear any noise, and wondered if the gun had malfunctioned. He squeezed the trigger again. This time Christopher said, "Ow." Christopher was still trying to get up, so Brown shot him in the back a third time.

Apodaca heard the shots, and went back outside and looked through the same hole in the fence. This time, she saw Christopher lying down, facing the ground. He was handcuffed, but he wasn't moving. The two men stood next to Christopher's body, looking down. A few minutes later, Emergency Medical

Services arrived. One man picked up Christopher's legs and another lifted his shoulders, and they carried him out of the back yard.

The day after the shooting, Apodaca went to the office of a lawyer, a family friend, and told him that she had witnessed her neighbor's death. "The way I saw him treated—I just couldn't put that together," she said. While she was there, the lawyer called an officer he knew in the police department, and told him that there was an eyewitness to Christopher Torres's shooting. For several months, Apodaca waited in vain for someone from the department to call her.



BUY THE PRINT »

Albuquerque lies at the intersection of two interstate highways, one stretching from California to the East Coast and the other from Texas to Wyoming. A local saying is that many citizens, intending to drive from one coast to the other and start a new life, end up living in Albuquerque when they run out of money. A fifth of the residents live below the poverty line, many of them in the southeast part of the city, which is often called the "war zone." Wealthy residents tend to live in the northeastern corner, at

the foot of the Sandia Mountains. The division reflects the social climate throughout the state, which has the widest income gap between rich and poor in the country. Gilbert Najjar, the director of the police academy in Silver City, New Mexico, who worked for the Albuquerque Police Department for twenty-five years, told me that the department "did policing one way in the South Valley, where there were a lot of immigrant families and people of lower socioeconomic status, and we knew we could violate their rights. But we did not dare commit those tactics in the affluent neighborhoods, where we knew they would file complaints on us."

Since 1987, the police department has shot at least a hundred and forty-six people. The shooting of Michael Brown, in Ferguson, Missouri, looked almost routine to people in Albuquerque. They had seen such incidents many times before. Few people protested, and no one paid much attention. Police violence

appeared to be a matter of concern only to Albuquerque's underclass: those who are mentally ill, addicted to drugs, Native American, or Hispanic and poor. David Correia, a professor of American studies at the University of New Mexico, told me, "There's this myth here of tri-cultural harmony—indigenous people, Mexican-Americans, and Anglos—but this precarious arrangement is built on a long history of violence against Spanish-speaking and indigenous people that still plays out."

The city has hired a succession of experts, a new research team every few years, to analyze the police department's use of force, but officials seem to have viewed the act of commissioning a report as a proxy for doing something about the problem. Samuel Walker, an expert in police accountability who was hired in 1996 to co-author one of the reports, after the police killed thirty-two people in ten years, said, "When we gave an oral presentation to the city council, I had a very strong impression that many city-council members were not interested." He described his conversation with Martin Chávez, the mayor, as one of the most hostile interviews he's ever conducted. He said that the police chief would not look him in the eyes when he briefed him. One city-council member refused to meet with him or return his calls.

His report highlighted the department's incompetence in responding to people with mental illnesses. The city lacks a comprehensive mental-health-care system, and cops are often called to assist people in the midst of psychotic episodes. When these people don't follow the officers' orders, they are sometimes beaten or shot. Grover, the former sergeant, told me that "there was a running joke within the department: don't threaten suicide with officers, because they'll accelerate it."

Five years after Walker's report, and fourteen more fatal shootings, another task force concluded that the department needed to create an oversight system in which officers would suffer consequences for abusing their authority. In 2006, after sixteen more deaths, the city hired a team of consultants to do another report, which noted that "many recommendations made in this report are based on issues voiced by the prior consultants that are still valid and should be addressed."

When Mayor Richard Berry took office, in 2009, his transition team tried to draw his attention to a speech, delivered by an ethics scholar at an international conference for police chiefs, called "How Police Departments Become Corrupt." The speech described the four stages of dysfunction in police departments. The transition team said that the department

dysfunction in a police force. The transition team said that the department appeared to have entered the third: employees abide by the “unwritten rules of internal politics”; leaders are promoted because of their relationships, not their work; and officers “rationalize doing unethical things during conversations with each other.” In its report on the department, the transition team wrote that the department showed at least one sign of having entered the fourth stage, exhibiting a commitment to “keep corruption out of the newspapers at any cost.”

The report contained seven paragraphs about corruption; but, by the time it was submitted to the mayor’s office, in November, 2009, those paragraphs had been deleted. In their place was a discussion of the problem of “serial inebriates,” citizens who drained the department’s resources. Paul Heh, a senior sergeant, presented the original version of the report at a city-council meeting in 2011, but he was told after two minutes that he had exceeded the time limit for speaking, even though he had arranged to speak longer. The city council voted on whether Heh should be permitted to continue his speech, and ruled against him.

Heh worked for the department for twenty-four years, and he said that early in his tenure he noticed that small lapses went unpunished. The department’s rules stated that “personnel will not write a police report of alleged officer misconduct in the line of duty either by citizen request or of their own initiative.” Supervisors were responsible for handling claims of misconduct, a policy that allowed them to screen the account that entered official records. Samson Costales, a retired officer, said, “They tell us that we have to cover for each other, because we are a brotherhood, and brothers in blue don’t like rats,” a mentality that he said he learned from his training officers. “You don’t challenge another officer; you don’t testify against him—you lie if you have to. The code existed long before I was a police officer, and I can’t see it ever going away.”



It was widely known that many people in the department were having extramarital affairs with other officers. “These guys would pass these female officers from one to another,” Heh said. “It all grew from there.” Cassandra Morrison, a sergeant who retired in 2013, described the department as an “old boys’ club” where certain men

"Who's ready to hear a lot of adjacent keys played simultaneously?"

BUY THE PRINT »

old boys club, where certain men became untouchable. "As women, we were thought of as a subculture," she said. "If you wanted to move up, you had to kiss somebody's ass, rub somebody's elbow, take somebody

out to dinner, or have sex with somebody." The social hierarchy in the department rewarded an exaggerated masculine ethos, which Schultz seemed to encourage. When asked by a local reporter about extramarital affairs within the department, he pointed out that his officers were young, attractive, and in good shape. "There's nature at play," he explained.

In the legal-training materials distributed to officers, the lesson on strip searches featured a cartoon of five male officers staring through the window at a silhouette of a naked woman—with a shapely butt and enormous breasts, which she is fondling—the object of their search. The lesson on arresting prostitutes showed a drawing of a hairy transvestite with a single breast, which droops to her potbelly. "How d'ya know I ain't jus another purty face out shoppin' fer my family?" she asks the officer who has come to arrest her.

Morrison said that officers were socialized to be cynical about civilians. "We're taught to almost dehumanize them," she said. "It just got to the point where it's, like, they're a piece of shit. We don't care if they raped a baby or were speeding in traffic—everybody's a piece of shit." Early in her career, she was often injured, because she fought with people while arresting them. Then she took a forty-hour course offered by the department in crisis-intervention training, a model used by many police departments to help officers communicate with suspects, particularly those who are mentally ill. She never got injured on duty again. She became a senior instructor in the class, but it was held in low regard by many of her colleagues. By 2007, fewer than thirty officers were taking the course each year.

The Albuquerque Police Department acquired weapons and resources from both the U.S. Department of Homeland Security and the Defense Department, which lends police departments surplus military gear. Until recently, officers were also permitted to come to work with guns that they had bought themselves. For some, the weapons functioned as status symbols; expensive, military-style ones were valued highly. Najar, the police-academy director, said that the leaders of the Albuquerque police force, like those of many departments around the country, stated publicly that they subscribed to the theories of community policing, a model that encourages officers to embed

theories of community policing, a model that encourages officers to embed themselves in the communities they serve, but that those ideals never permeated the culture of the department. The people the cops arrested were usually strangers. Officers approached them with “all their fears and biases and prejudices,” he said.

Two and a half months after Christopher’s death, Stephen Torres wrote to Mayor Berry, alerting him that another unarmed man had just been killed by police. An officer hired the same year as Brown had shot a twenty-two-year-old man who appeared to be in the midst of a mental breakdown. The officer, Sean Wallace, thought that the man was holding a gun. It turned out to be a spoon. Shortly after the shooting, Wallace received five hundred dollars from the Albuquerque police union, which routinely gave money to officers to help them “decompress” after a shooting, according to a statement issued by the union’s president and vice-president. Wallace had already shot two other unarmed men, killing one of them. He has since received a department award for outstanding service.

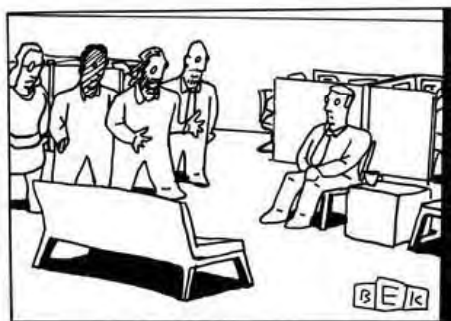
Stephen told the Mayor, “I trust that you agree with us that we do have a problem.” He noted that he still had not heard from Schultz or anyone in the police department. “May we please hear from you?” he wrote. A few months later, when Schultz’s mother died, Stephen wrote him a sympathy card. “I was still thinking maybe we would work on this together,” Stephen told me.

One of Renetta’s friends, Jewel Hall, the president of the Martin Luther King, Jr. Memorial Center, which promotes diversity and human rights in Albuquerque, met with Mayor Berry in July, 2011, and asked him to join her and other activists in inviting the U.S. Justice Department to investigate civil-rights violations by the police department. She believed that the shootings reflected an “elite attitude toward certain neighborhoods and certain citizens.” She added, “Their lives are not valued by those in charge.” The meeting was brief. Berry told her he thought that Albuquerque’s police force was one of the finest in the country. (Later, when the city council passed a resolution requesting that the Justice Department investigate the police force, Berry vetoed the measure.)

Renetta worked in the same building as Berry, and when they ended up in the same elevator they would greet each other awkwardly and then look away. When Renetta ran into him or other top city officials, she imagined that they were thinking, There must be some reason that they killed your son. (Berry told me, “We don’t think any less of the Torreses as a family and I hope they

wouldn't think any less of us, even though this is a tragic situation.")

Having worked in government for thirty-three years, Renetta said that she didn't expect the city to respond to her husband's pleas. "You don't know these people," she told him. Stephen worried that Renetta's cynicism was a symptom of grief. "She worries me," he said. "She doesn't think that the city gives a damn."



"Our brand is about talking about our brand."

BUY THE PRINT »

Ray Schultz told me he knew that Stephen Torres was waiting for him to call, but that he couldn't contact the Torres family, because he didn't want to compromise the internal-affairs investigation into Christopher's death. Although the internal review was completed roughly a month after the shooting—a police-department detective interviewed Hilger and Brown in the presence of a union attorney, a union representative, and a "buddy

officer," who provided emotional support—the case still had to be considered by an Independent Review Officer, who was supposed to produce another set of findings, which the department would then review. Schultz said that when he retired, in 2013, this process had yet to be completed.

According to Schultz, a few wayward officers were responsible for the shooting deaths. "Like any other organization, you have that two per cent that are making bad decisions," he said. In November, 2012, the Department of Justice announced that it would investigate the Albuquerque police force. In a memo, Schultz informed commanders that "most likely the DOJ will find that APD has its house in order. . . . Have your officers stand tall and be proud to be part of our great department."

Stephen and Renetta Torres met regularly with other parents whose children had been killed by the police. "We are the family that no one wants to be part of," Ken Ellis, one of the parents, told me. In 2010, his son, a twenty-five-year-old Iraq War veteran, threatened suicide by pointing a handgun at his head outside a convenience store. Several police officers tried to negotiate with him, until an officer saw him "twitch" and shot him in the neck.

Ellis drove a truck covered with images of the faces of his son and eleven other young men who had been fatally shot by Albuquerque officers. On one of the back windows, he had a picture of Christopher Torres, wearing a Hawaiian shirt and tentatively smiling. Ellis said that officers had approached him and advised him to take down the pictures, but he refused.

Like many of the families, the Torreses filed a lawsuit against the police department shortly after their son was killed. They also asked the district attorney to press charges. Renetta said that, among the families, paranoia became normal. On her iPhone, she kept seeing an invitation to join a wireless network called Surveillance Van 2. Her neighbor Richard Simes noticed it, too, and drove around the neighborhood looking for the source. He eventually installed surveillance cameras in front of his house and reviewed the footage every day. He said that if he found himself in a crisis he wouldn't call the Albuquerque police.

Christie Apodaca, the eyewitness, found herself minimizing the time she spent outside her house. The police department had not contacted her, but she noticed a police car parked on the street in front of her house almost every day for seven months. "He could have been there for another reason," she said. "But I found it very strange that when I walked out to see what was going on he would drive away."

The Torreses' daughter-in-law, Nicol, their son Daniel's wife, said she initially assumed that everyone was being skittish. Then she and her husband noticed that Albuquerque officers kept cruising around their small suburb, even though it was outside the city limits. She told me, "As a white person from the East Coast, with no run-ins with the law, I was very naïve." Nicol is a research psychologist for the county's juvenile-detention center, and she believes that her response to Christopher's death—she was vocal at city-council meetings—has foreclosed the possibility of promotions at work. People avoid her in the hallways. "I don't get invited to the meetings that I used to, because the mayor will be there or the chief of police will be there," she said. "No one is going to come out and say, 'Your career is ruined,' but these are the signs." One day after work, she found a note wedged underneath her windshield wiper. It said, "Shut up and watch what you're doing."

The Torreses' oldest son, Matthew, who is a lawyer, sometimes crossed paths with Officer Brown at the courthouse. It infuriated him to know that Brown was testifying in other cases, and that his statements were trusted in court. "He

still thinks he's a cop and I have no business glaring at him," he said. "I think he murdered my brother, and I'll do everything I can to make him uncomfortable."

When Matthew saw that Brown had arrested someone for marijuana possession and that the defendant had no lawyer, he took on the case for nothing, even though his practice is devoted to family law. At the first hearing, he requested that the judge allow him to interview Brown about his unethical behavior. Matthew said that the judge looked bewildered—the defendant hadn't even shown up in court—and called for a recess. Then she dismissed the case.

In thirty years, no officer in Albuquerque has been indicted for shooting someone. Until recently, officer shootings were evaluated by what the district attorney called an "investigative grand jury." The jurors did not have the authority to indict, even if they wanted to. They were tasked only with determining whether a shooting was "justified" or "not justified."



BUY THE PRINT »

The grand jury lent the process an illusion of objectivity: the district attorney could say that the decision rested with citizens. But prosecutors are dependent on their relationships with police, and the grand jury's decisions—every shooting in Albuquerque was deemed "justified"—may reveal less about the facts of each case than about the way that prosecutors presented it. After an article on investigative

grand juries in the *Albuquerque Journal*, by a reporter named Jeff Proctor—one of the few local journalists who consistently questioned the police department's narrative about its shootings—a judge asked the district attorney, Kari Brandenburg, to suspend the practice, in 2013. Brandenburg now reviews the details of police shootings herself and determines whether or not to put the case before a more conventional grand jury.

It took nearly three years for Brandenburg to decide that there was not enough evidence to charge the officers who killed Christopher Torres. She based her decision on the police department's internal report, which was finally released to the Torreses' lawyers, Randi McGin and Kathy Love, in 2013. The thirty-nine-page report never mentions Christie Apodaca. It notes that if Christopher

were still alive he would have been charged with resisting arrest, disarming a police officer, and aggravated battery on a police officer, in addition to the charges that brought the officers to Christopher's home. The report was titled "Aggravated Battery on a Police Officer." The first page identified Christopher as the suspect. The State of New Mexico was listed as the victim.

In the years leading up to Brandenburg's decision, the Torreses' lawyers met with Brandenburg three times. They tried to persuade her to indict the officers in Christopher's death, because the public had lost faith in the police department. Brandenburg, a chatty woman whose office is decorated with animal knickknacks, told the lawyers that she disagreed. She remarked that when she goes to the grocery store or the dentist's office people approach her and say, "I think the police are doing a good job, and they ought to shoot more criminals." Brandenburg told me that she still hears this sentiment. The people who make these comments are "not evil people," she said. "But they lack understanding. They talk as if it doesn't matter if somebody were to die."

Four months after Brandenburg declined to bring charges, the Torres family won its civil lawsuit. The judge referred to statements by Apodaca, who testified at the trial, and wrote that she found no credible evidence that Christopher had threatened the cops with a gun. Brown, in his testimony, wouldn't admit to regretting any decisions. "My choice to jump over the fence was a reaction to his choice not to partake in our conversation," he said. "If you are asking me 'would've's' or 'could've's,' I mean, I could have not gone to work that day."

Richard Hilger appeared more tentative. He said that Christopher, in his attempt to fight the officers, delivered only a "glancing blow" that did not injure anyone. He also acknowledged that some officers in the department might feel pressure to lie in order to corroborate a partner's story.

Shortly after the civil trial, the Department of Justice published a report detailing how the police fostered a "culture that emphasizes force and complete submission over safety." The Department of Justice then began negotiating a settlement agreement with the city and the police force. In an e-mail last June, the chief of police, Gorden Eden, who was appointed in early 2014, wrote to his dispatch operators, "Please comply and advise your people: NO one is to meet with DOJ—no one!! DOJ and its representatives have held several meetings with APD officers. This is a CRITICAL MATTER! No one. Make it clear to everyone, it's got to stop immediately."

The Department of Justice has investigated more than fifteen police departments in the past four years, and its description of police practices in Albuquerque is arguably the most disparaging. The settlement agreement, which was released this fall, requires that all officers use body cameras (which had previously been required but whose use had not been strictly enforced); that the specialized units, including the canine, bomb, and SWAT teams, more clearly document and justify their activities; and that the department establish a committee that will develop new policies for responding to people who are chronically homeless or mentally ill. To address what it called a culture of “pervasive and deliberate leniency,” the agreement instructs that supervisors in the department be far more vigilant about documenting misconduct. But it does not seek sanctions against officers who had previously used excessive force. Eden said that, in part because of the department’s contract with the police union, “it’s almost impossible to do retroactive discipline, once the time frame has expired.” If officers resist the reforms, Eden said, he will encourage them to retire.

Mayor Berry, who was reelected in 2013, told me he hoped that the department, by implementing the required reforms, would make Albuquerque a model for the rest of the nation. He traced the number of fatal shootings to the lack of mental-health services in the city, but declined to speculate about other factors that had led the department to its current state. “I just don’t spend any of my time or energy worrying about who did what, why, and when,” he said. “The last thing I want to do as mayor is play the blame game.”



“Maybe if your creativity had fewer outlets, it would come out of you with more force.”

DECEMBER 21, 2009

BUY THE PRINT »

The officers who killed Christopher Torres have never been disciplined. They returned to work after three days of paid leave. Renetta and Stephen Torres are skeptical that the culture and values of the department can change when the cops have not been held accountable. Many of the families who have protested the department’s shootings believed that officers would be charged in the deaths of their sons. When the district attorney declined to bring

charges in their own case, they had set their hopes on the cases of other families. Now there is only one case left that has a chance of going to trial: the shooting of James Boyd, a homeless schizophrenic man whose death, last March, was captured on video.

Boyd had been camping illegally in the mountains when an officer ordered him to gather his belongings, including two small knives, and sleep somewhere else. Boyd responded to the request by making threatening, nonsensical comments. Soon, forty-one officers reported to the mountain, and several of them pointed rifles at Boyd. An officer named Keith Sandy, who had been hired the same year as Brown, called Boyd a “fucking lunatic” and joked to a colleague that he’d like to fire a Taser shotgun at Boyd’s penis. (He later told detectives that he and his colleagues talked so much “garbage to one another” that they developed a safe word, “china,” so that they would know when to stop joking.) As Boyd bent down to pick up his belongings, Sandy threw a flash-bang grenade at his feet. When Boyd reached into his pocket and brought out his knives, Sandy and another officer fired six shots at him with their assault rifles. It was the department’s thirty-ninth shooting since 2010. (When citizens protested the shooting by marching through the city, an undercover officer, dressed as a hippie, walked along, videotaping activists.)

Last October, Kari Brandenburg told a police-union attorney that she was leaning toward filing murder charges against the officers who shot Boyd. Within weeks, Brandenburg found herself the target of an investigation by the Albuquerque Police Department. Her twenty-six-year-old son, who was addicted to heroin, had stolen thousands of dollars of his friends’ belongings, and Brandenburg had offered to reimburse them. In late November, an Albuquerque detective gave the state attorney general an investigative file that he said showed that Brandenburg had bribed and intimidated witnesses. In a recording of a conversation between officers working on the case, a detective with the Criminal Intelligence Unit acknowledged that the evidence against Brandenburg appeared insubstantial. He said, “There might be charges—they’re super-weak—it’s probably not gonna go anywhere, but it’s gonna destroy a career.”

A week after the investigation became public, Brandenburg told me that she would continue as district attorney, despite calls for her to leave the office. When I asked her if she saw the investigation as a form of intimidation, a way to prevent her from indicting the officers who shot Boyd, she said, “I think right now it’s best if other people connect the dots.”

On January 12th, Brandenburg filed counts of murder against the two officers who shot Boyd. The case will now go before a district judge, who will determine if there is probable cause to send the officers to trial. At a press conference announcing the charges, Brandenburg said, "I am not going to be intimidated."

The next day, the Albuquerque police shot and killed another person. According to the police department, the man, who was suspected of stealing, ran away from the officers and fired his gun in their direction. Two cops returned fire, killing the man. One of the cops had killed a civilian in 2011 and the other had been sued in 2010 for using excessive force. Brandenburg sent a prosecutor from her office to the scene of the crime, as she has at every officer shooting in the past decade. But, for the first time, the police barred the prosecutor from attending the police briefing or participating in the investigation. The police department's attorney told her to go home, saying that her legal advice was not needed.

The Torreses disagree about whether the city has ever apologized to them. Last summer, Mayor Berry met with Stephen and two other fathers, Ken Ellis and Michael Gomez, whose sons had been shot by police officers, men who have since been promoted. Berry extended his condolences and said that he prayed for them. Stephen is satisfied that it was, he said, "as close to an apology as the Mayor's legal team would allow him." Renetta, who still hopes that someone will accept responsibility for Christopher's death, considered this another instance of a politician knowing when to use "nice little phrases." "It's hard to be encouraged when you've already seen so much double-talk," she said.

When Christopher's death was first described by the police department, Stephen had contemplated suing the city for slander, until he realized that the dead have no right to be protected from defamation. He couldn't understand how Christopher, in the course of an afternoon, had been turned into a stereotype: a dangerous schizophrenic. The family had rarely told people about Christopher's diagnosis, because they were wary of the meanings that people ascribed to the word. Christopher's first psychiatrist had told the family, "Let's hope it's a brain tumor and not schizophrenia, because a tumor we can do something about."

Renetta said that she struggled to



"Sure I play hard, but I also inherit hard."

MARCH 9 2009

[BUY THE PRINT »](#)

accept that "you can't always set things right in the world of your child." She believed that Christopher had been getting better every year. The side effects from the medications, like muscle stiffness and lethargy, had become less distracting. He was opening up to the idea of going to school. He still heard occasional voices, but, for the most part, he had stopped believing what they said. "Christopher was trying to figure out, 'How do I fit

in?'" Renetta said. "He was so close to finding his way." ♦



Rachel Aviv is a staff writer.

[BIO](#)

[ALL WORK](#)



YOU MIGHT LIKE



WHERE ARE THE CHILDREN?

BY SARAH STILLMAN



FREDDIE GRAY'S VOICE

BY AMY DAVIDSON



PEACETIME

BY LUKE MOGELSON



THE CATASTROPHE

BY OLIVER SACKS

JIGSAW
PUZZLE



STRONGBOX
SUBMISSIONS



GOINGS ON
APP



ABOUT
US



CAPTION
CONTEST



THE NEW YORKER
FESTIVAL



THE PERFECT SOMETHING FOR MOM, DAD, OR GRAD

GIVE THE GIFT OF THE NEW YORKER

BUY ONE GIFT SUBSCRIPTION - GET ONE FREE

GET STARTED



[ABOUT US](#) [FAQ](#) [CUSTOMER CARE](#) [CARTOON BANK](#) [ON THE TOWN](#) [RSS](#) [CONTACT US](#)

[THE NEW YORKER STORE](#) [CAREERS](#) [REPRINTS/PERMISSIONS](#) [PRESS](#) [THE NEW YORKER MEDIA KIT](#)

CONDÉ NAST

Subscribe to a m. ▾ Other Condé Nas' ▾

USE OF THIS SITE CONSTITUTES ACCEPTANCE OF OUR [USER AGREEMENT](#) (EFFECTIVE JANUARY 1, 2014) AND [PRIVACY POLICY](#) (EFFECTIVE JANUARY 1, 2014). [LOOK CALIFORNIA PRIVACY RIGHTS](#) THE MATERIAL ON THIS SITE MAY NOT BE REPRODUCED, DISTRIBUTED, TRANSMITTED, CACHED OR OTHERWISE USED, EXCEPT WITH THE PRIOR WRITTEN PERMISSION OF CONDÉ NAST. [AD CHOICES](#) ▶