

July 17, 2020

Chief Michael Geier
Albuquerque Police Department
400 Roma Ave. NW
Albuquerque, New Mexico 87102

Re: Prosecutorial Review of the October 25, 2019 shooting
of Raymond V. Tahod by APD Officers Jacob Perea and Tomás Urioste.
DA Case #2019-06767-1
APD Case #19-0098480

Dear Chief Geier:

I have been appointed as a Special Prosecutor by Second Judicial District Attorney Raul Torrez to review, for potential prosecution, the October 25, 2019 shooting of Raymond V. Tahod by Albuquerque Police Department Officers Jacob Perea and Tomás Urioste. After a review of all available evidence, including police reports, witness interviews, lapel videos, surveillance video, photographs, a review of the evidence with Case Agent Michael Davis, and a visit to the scene of the shooting, I conclude that when Officers Perea and Urioste discharged their weapons, they were acting under a reasonable belief that Raymond Tahod's actions posed a significant threat of death or great bodily harm to the officers. Accordingly, criminal charges against Officers Jacob Perea and Tomás Urioste are not warranted and the case will be closed. This decision does not limit administrative or criminal action by other agencies, or civil actions by other parties.

RELEVANT FACTUAL BACKGROUND

On October 25, 2019, at approximately 5:40 p.m., Alycia Garcia-Chambers called 911 to report that a man pointed a black handgun at her and attempted to take her vehicle as she drove south on Monroe St., near Candelaria Rd. NE. Mrs. Garcia-Chambers feared for her life and for the lives of her two young children who were also in the vehicle, so she drove away from the man as he attempted to open the driver's side door of Mrs. Garcia-Chambers' vehicle. Mrs. Garcia-Chambers was afraid that she and her children might be shot, so she drove to a safe area and called Albuquerque Police.

Albuquerque Police Officers Jacob Perea and Tomás Urioste were dispatched to the area of Candelaria Rd. and Monroe St. to look for the offender, who Mrs. Garcia-Chambers described as a possible Hispanic male, 5'4" tall, thin, dark hair, facial hair, wearing blue jeans and a white T-shirt with black lettering. The Bernalillo County Sheriff's Office (BCSO) helicopter, Metro One, also responded to the area to provide aerial assistance in locating the offender of the attempted carjacking. At approximately 5:49 p.m., Sgt. Trevor Weeks, the tactical flight observer for Metro One, observed a possible Hispanic male subject wearing a white T-shirt with black lettering on the front, baggie blue jeans, and facial hair talking to another man in front of the residence located at 2938 Monroe St. NE. Sgt. Weeks believed that the male subject, who was later identified as Raymond Tahod, entered a blue Chevrolet pickup truck. Sgt. Weeks advised responding officers that the pickup truck was travelling south on Monroe St. towards Menaul Blvd. NE. The pickup truck turned west on Menaul Blvd. Sgt. Weeks utilized Metro One's camera to record the incident.

Following Sgt. Weeks' directions, Officers Perea and Urioste pulled behind the blue truck in their marked Albuquerque Police Department vehicles. Once the blue pickup truck passed Washington St., the officers engaged their emergency equipment to initiate a traffic stop of the truck. The driver of the truck, later identified as Daniel Chavez, turned north on Morningside Dr. and pulled over to the east

side of the street facing north. Officer Perea and Officer Urioste positioned their vehicles behind the truck to perform a high-risk felony stop. Sergeant Jonathan Mares pulled up behind Officer Perea's and Officer Urioste's vehicles to assist.

Raymond Tahod suddenly exited the blue truck from the front passenger door and walked south alongside the passenger side of the truck towards the police officers. Mr. Tahod immediately raised a handgun in the direction of the officers and discharged his handgun multiple times at the police officers. Officers Perea and Urioste discharged their firearms and stopped Mr. Tahod's actions. Mr. Tahod fell to the ground and his handgun fell to his side. The driver of the blue pickup truck, Daniel Chavez, complied with officers' commands to exit the vehicle. He was detained without further incident. Albuquerque Fire and Rescue (AFR) was called to the scene to render aid to Mr. Tahod. Resuscitation efforts were performed by AFR, but Mr. Tahod died of his injuries.

In the aftermath of the shooting, a multi-agency task force, consisting of the Albuquerque Police Department, the Bernalillo County Sheriff's Office, and the New Mexico State Police Department, conducted an exhaustive investigation of the officers' actions and to determine if anyone had witnessed the shooting or the events leading up to the shooting. Both Officers Jacob Perea and Tomás Urioste provided voluntary statements detailing the events that preceded the shooting. Officer Perea and Officer Urioste were together at a field briefing along with several other officers near the intersection of Wyoming Blvd. and Montgomery Blvd. After the field briefing, both officers were dispatched to the area of Candelaria Rd. and Monroe St. in reference to a carjacking in progress. The information that was received in the initial dispatch was that a female victim had called 911 and stated that a male offender had attempted to steal her car from her by pointing a gun at her. The caller stated that she had two kids with her in the vehicle and that she was able to drive away and avoid the carjacking. Officer Perea stated that the reported crime was quite severe, that attempted carjacking, with the use of a

firearm, is a violent felony and that it could be charged as a federal offense. A short time after the original dispatch, the officers were informed that Metro One, the BCSO helicopter, was in the area and had a visual on a male subject who matched the description of the carjacking offender. Both Officer Perea and Officer Urioste turned on the emergency equipment on their patrol vehicles and proceeded to the area where the suspect was located.

While en route to the area of the carjacking, Sergeant Mares, the supervising officer, called for the officers to choose a meeting spot to go over the situation. Officer Perea stated that when responding to an incident of this severity, it was critical for officers to meet prior to rushing headlong into a potentially dangerous situation. Officer Perea believed that it would be beneficial to formulate a plan with the other officers and assign a force array, which would consist of a lethal coverage officer, armed with either a patrol rifle or a handgun, a less than lethal coverage officer, armed with a beanbag shotgun, a 40 mm munitions impact weapon or a Taser, a hands-on officer who would make contact with the subject and conduct handcuffing, and a voice command officer. Officer Perea stated that a meeting of the officers was crucial for responding to an incident like the one at hand because of the high likelihood of officers coming into contact with somebody who was armed and dangerous. Officer Perea chose the intersection of Candelaria Rd. and Quincy St., which was just one road to the east of Monroe St. While en route to the meeting point, Sgt. Weeks, from the Metro One helicopter, informed the responding officers that the suspect was talking to another male subject in front of a house located at 2938 Monroe St. Officer Perea thought that this second male subject could possibly be an accomplice or a second carjacking victim.

Officer Perea intended to continue with the plan to meet with all responding officers at the meeting point, assign a force array and then proceed on foot to the Monroe address. Officer Perea and Officer Urioste were the first to arrive at the meeting point. While waiting for other officers to arrive,

Officer Perea retrieved his patrol rifle from his patrol vehicle. Officer Perea believed that there were multiple benefits to deploying with the patrol rifle. He knew the carjacking suspect was armed, he was aware that because it was dusk, the rifle, which had a high lumen flashlight attached to it, would allow him to properly identify any potential threats in low light or no light situations, the rifle was equipped with a red dot optic, which aided in accuracy if he had to engage a potential threat, and the rifle allowed him to engage potential threats from a greater distance.

While Officer Perea and Officer Urioste were still waiting for other officers to arrive at the meeting point, Sgt. Weeks aired over the radio that the carjacking suspect was no longer in view and that a blue pickup truck was backing out of the 2938 Monroe St address. Sgt. Weeks could not confirm that the male suspect was in the blue truck, but he confirmed that the male suspect was no longer in sight and that the blue truck left from the same address where the male suspect was seen. Officer Perea was concerned that the offender was either fleeing the area with an accomplice or that the second male subject was another carjacking victim. Officer Perea radioed Sgt. Mares and requested that rather than continuing with the planned meeting, the officers could conduct a high-risk felony stop, detain the occupants of the truck and continue with the carjacking investigation from there. Officer Urioste was in agreement, because he believed that an aggravated assault had been committed and this justified a stop of the vehicle.

Sgt. Mares approved the request to change the plan, so Officers Perea and Urioste returned to their patrol vehicles and drove away from the meeting point and towards the Monroe St. address. Officer Perea requested from Metro One a rebroadcast of the description of the pickup truck, and Sgt. Weeks informed the officers that it was a blue pickup truck with dark tinted windows. As soon as Officer Perea made a southbound turn onto Monroe St., he saw the blue pickup truck approach Menaul Blvd and make a right-hand turn onto Menaul Blvd. The officers followed the path of the blue truck.

Sgt. Weeks confirmed over the radio that the officers were behind the correct vehicle. Both officers activated their lapel cameras and the emergency lights and sirens on their patrol vehicles. The driver of the blue pickup truck continued driving for some distance, but eventually turned right on Morningside Dr. The driver of the pickup truck pulled over in front of the first house, which was on the east side of the street. Officer Perea positioned his vehicle directly behind the blue truck. Officer Urioste drove right behind Officer Perea and parked his police vehicle just to the left of Officer Perea's police vehicle.

As soon as Officer Perea placed his vehicle transmission into park, he saw the passenger door of the blue truck open about four to five inches. Officer Perea was immediately concerned because he did not give any commands or issue any statements through the PA loudspeaker system for the occupants of that truck to either open any doors or exit the vehicle. Officer Perea expected the occupants of the blue truck to remain in the vehicle until told otherwise by law enforcement officers conducting the stop. Officer Perea was concerned that the occupant opening the passenger door was either preparing to flee the scene on foot or preparing to fight with officers. Officer Perea quickly exited his vehicle and moved to the rear of his patrol vehicle. He knew that at least one of the occupants of the truck was armed, so he wanted to use his patrol vehicle to provide as much cover and concealment as possible, and he also wanted to distance himself from the pickup truck as much as possible. When Officer Perea got to the trunk area of his patrol vehicle, he observed the passenger door of the blue truck open completely and a male subject step out of the vehicle. The male subject, later identified as Raymond Tahod, started to move towards the officers and was quickly closing the distance between himself and the officers. Officer Perea first observed Mr. Tahod look in his direction and then look slightly to the right in the direction of Officer Urioste. Officer Perea believed that Mr. Tahod was attempting to pinpoint the officers' locations, possibly in order to identify a target. Officer Perea also immediately observed that Mr. Tahod was holding a handgun low by his knees. As soon as Mr. Tahod made eye contact with

Officer Perea, Mr. Tahod raised the gun, pointed it directly at Officer Perea and began firing. Officer Perea raised his rifle and immediately returned fire. Officer Perea feared that either he or Officer Urioste was going to be shot and killed by Mr. Tahod. Officer Perea stated that he put the red dot reticle that was attached to his patrol rifle on the center mass of Mr. Tahod and fired multiple times. Officer Perea observed Mr. Tahod fall slowly to the ground. Officer Perea did not know whether his gunshots were impacting Mr. Tahod or whether Mr. Tahod was trying to evade the officers, so Officer Perea continued to fire until Mr. Tahod rolled onto his back and stopped moving.

Officer Perea turned his attention back to the pickup truck. He thought it was possible that there were additional occupants of the blue truck. Officer Perea aimed his rifle back and forth from Mr. Tahod, who was on the ground, and the blue truck with the dark tinted windows. By this time additional officers arrived on the scene. Officer Perea observed these officers give voice commands and complete the high-risk felony stop. A male subject, later identified as Daniel Chavez, exited the blue truck and was taken into custody. The officers confirmed that there were no additional occupants inside the blue truck. Officer Perea then met with Sgt. Mares, who took possession of Officer Perea's patrol rifle.

Officer Urioste's version of events closely matched that of Officer Perea's. After the blue truck pulled over, Officer Urioste stopped his vehicle and opened his door. Before Officer Urioste could exit his patrol vehicle, he observed a male subject, later identified as Raymond Tahod, exit from the passenger side of the blue pickup truck and walk towards Officer Perea's patrol vehicle while holding a handgun. Officer Urioste heard Officer Perea yell "Stay in your vehicle, stay in your vehicle." Mr. Tahod started firing his handgun in Officer Perea's direction. Officer Urioste drew his handgun from his holster and started firing at Mr. Tahod. Officer Urioste stated that he fired his gun because he believed that the offender was either going to kill or severely injure Officer Perea. Officer Urioste

believed that he fired four shots from his handgun. Officer Urioste observed Mr. Tahod drop to the ground and drop a handgun as he fell.

Officer Urioste assisted in removing Mr. Chavez from the truck and in confirming that there were no additional occupants of the vehicle. After clearing the pickup truck, Officer Urioste observed Mr. Tahod laying on the ground with his right hand near the handgun. Officer Urioste pulled Mr. Tahod away from the handgun because the handgun was still within Mr. Tahod's reach. Officer Urioste then turned Mr. Tahod over on his stomach and placed him into handcuffs. Officer Urioste then rolled Mr. Tahod back over on his side, conducted a quick pat-down search and then began to render aid.

Officer Perea stated that he fired his weapon to avoid being shot and killed by Mr. Tahod and to prevent Mr. Tahod from possibly killing Officer Urioste. Officer Perea believed that his life and the lives of other officers were in imminent danger, so he fired his weapon to stop Mr. Tahod's threatening actions. Officer Urioste clarified that he discharged his weapon at Mr. Tahod because he observed Mr. Tahod exit the blue pickup truck and, without saying a word, fire a handgun in the direction of Officer Perea. Officer Urioste was not aware if there were additional officers on the scene in the same area as Officer Perea or whether there were other bystanders in that area, but he was afraid that somebody in that area was going to get shot and killed by Mr. Tahod.

Sergeant Trevor Weeks provided a statement to investigators. He stated that he is employed by the Bernalillo County Sheriff's Office and that on October 25, 2019, he was working as a tactical flight observer for Metro One, the BCSO helicopter. On that day, he was responsible for operating the camera system and the radio as calls for service come out. At approximately 5:30 p.m., he heard a call come over the APD northeast air in reference to an attempted carjacking in the area of Candelaria Rd. and Monroe St. The Metro One camera system recorded the shooting and the events leading up to the shooting.

A review of the video from the Metro One helicopter camera corroborates the statements of the officers involved. The video first shows two men talking behind a white pickup truck and in front of a blue pickup truck, both of which are parked along the curb in a residential area. One man is wearing a white T-shirt and black pants and the second man is wearing a black shirt and blue jeans. The two men appear to be talking while holding canned beverages. The camera indicates that the address of the house where the two men are located is 2938 Monroe St. NE. The two men shake hands and then turn away from each other. The camera then loses sight of the two men when the view is blocked by trees. A minute later, the video camera records the blue pickup truck make a K-turn and begin to head south on Monroe St.

Sgt. Weeks states "it looks like he left in a truck southbound on Monroe in a blue pickup truck, extended cab." Although Sgt. Weeks stated over the radio that he is not certain that the suspect left in the blue truck, the video camera followed the movements of the blue truck. The blue truck continued past Claremont Ave. and past Phoenix Ave., and then turned right on Menaul Blvd. The blue truck continued westbound on Menaul Blvd. Just past Washington St., police vehicles can be seen behind the blue truck with their emergency lights activated. The blue truck continued westbound on Menaul Blvd. for a short distance and then turned right on Morningside Dr. As soon as the blue truck stopped along the curb in front of the first residence on the east side of Morningside Dr., the passenger side door opens. Officer Perea opens the door to his patrol vehicle. Within a few seconds of stopping, a man in a white T-shirt exits the passenger side of the blue truck and immediately raises his right arm in a shooting motion. It appears that the man in the white T-shirt first fires directly toward Officer Perea's position and then swings his arm to his right towards Officer Urioste's position. Sgt. Weeks can be heard saying "Shooting, shots fired." Officer Perea immediately returns fire from the rear of his patrol vehicle. The man in the white T-shirt falls slowly to the ground. A black object falls from the suspect's hand and