



STATE OF NEW MEXICO

First Judicial District Attorney
Santa Fe, Rio Arriba & Los Alamos Counties

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February 11, 2025

Chief Paul Joye, Santa Fe Police
Department Agent Victor Rodriguez, New Mexico State Police

**Re: *Use of Force: Officer Involved Shooting – Officers Mitchell
Torres and Rachel Cortez, and Sgt. Charles Laramie; NMSP 24-
12729***

Chief Joye and Agent Rodriguez:

The First Judicial District Attorney's Office has completed its review of the New Mexico State Police ("NMSP") investigation regarding the use of force incident on September 5, 2024, in which Santa Fe Police Department ("SFPD") Officers Mitchell Torres and Rachel Cortez and Sergeant Charles Laramie discharged their firearms in performance of their duties as a public officer. It should be noted that Officer Matthew Humphrey and Nick Chavez also fired their firearms, but were using less than lethal rounds, so were not included in the analysis of the use of force. Said incident having occurred at 3001 Cerrillos Road, within the City of Santa Fe, Santa Fe County, New Mexico.

Based upon a review of the information provided to our office, the evidence demonstrates that all three Officers' use of force was justified and reasonable. *See*, NMSA 1978, §30-2-6(A) and §30-2-6(B), *see also State v. Mantelli* 2002-NMCA-033, *see also* UJI 14-5173.

Santa Fe Police Department Patrol Officers were dispatched to the area of 2308 Cerrillos at approximately 9:30 pm on September 5, 2024, in reference to a suicidal male. The welfare check was called in by the male who notified 911 dispatchers that he had a gun and was suicidal. Initially Officers could not find the male but as they continued searching for him, they found his car near the Denny's at 3001 Cerrillos road.

Officer Mitchell Torres made contact with the suicidal male who was later identified as Jesus Rafeal Contreras. Officer Torres emphasized multiple times that he was only there to help and did not intend to hurt Contreras, nor was he in trouble. Torres requested that Contreras first roll down his driver's side window, and then eventually to get out of his car. As he was contacting Contreras, Officer Cortez, Sergeant Laramie, Officer Humphrey and Officer Chavez all arranged their units around the Gas station and Denny's parking lots to take defensive positions and set a perimeter.

Contreras, Officer Cortez, Sergeant Laramie, Officer Humphrey and Officer Chavez all arranged their units around the Gas station and Denny's parking lots to take defensive positions and set a perimeter.

Contreras would not initially get out of his car, but eventually he opened the door and started to get out of his car. However, he kept the driver's side door partially blocking his body and only showed the left side of his body. His right side was hidden inside the car. Contreras said nothing during the entire encounter. Meanwhile, Torres kept attempting to engage with Contreras. Torres spoke to Contreras for 9 minutes. He was calm and measured and attempted to get Contreras to show his whole body and his hands.

Eventually, Contreras did step farther away from the car and revealed that he was holding a gun in his right hand. Officer Torres commanded Contreras to put the gun down; however, Contreras raised his hands above his head and then pointed his gun at Officer Torres. Immediately, six officers shot at Contreras. Officers Torres and Cortez used their handguns, Sergeant Laramie shot his rifle and Officers Humphrey and Chavez used less than lethal firearms at Contreras. He was hit three times and fell to the ground. Officer Torres told him to put his hands up and Contreras finally complied, Officer Torres then immediately ran to give first aid.

Jesus Contreras was hospitalized for several months, but he eventually succumbed to his injuries. NMSP located the gun he has in his hand near where he fell.

Under the facts and circumstances of this incident, Officers Torres, Cortez and Sergeant Laramie acted reasonably in response to an immediate threat to protect their lives and the lives of the other officers. Therefore, all Officers were justified in the use of force.

New Mexico State Police and the Santa Fe Police Department may release any evidence to the rightful owners of the property provided there are not any pending criminal charges or civil action arising out of this incident.


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