

Choke hold death of Gallup man under investigation

Written by Staff Reports
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Also under the microscope: choke hold, law enforcement policies

At a point in time when use of excessive force by police is in the spotlight nationwide, New Mexico's Attorney General, Hector Balderas is calling on the legislature to institute a chokehold ban and a body-worn camera law.

Balderas office is currently investigating the June 28, 2019 death of Rodney Lynch 41, of Gallup.

Lynch, who was believed to be intoxicated, was approached by two Community Service Aides and reportedly became aggressive when they attempted to take him to Na Nizhoozhi Center.

The senior aide, Justin Olvera, put a hold around Lynch's neck while he was on the ground.

Two Gallup Police officers responded to the call and the GPD duty sergeant started CPR and called for an ambulance.

Lynch was taken to an Albuquerque hospital where he died.

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According to a June 9 press release, the AG's office is trying to determine if Lynch's death was the result of possible illegal use of force by the Gallup Police Department.

Following Lynch's death, the New Mexico State Police conducted an internal investigation of the two CSAs and the two police officers. The police officers were returned to duty, however a longer investigation was done on Olvera and he was terminated from his job.

But there was no prosecution at the time.

District Attorney Paula Pakkala of the Eleventh District, Div. 2, told the *Gallup Sun* that her then-chief deputy R. David Pederson sent the case to Balderas' office in Nov. 2019 because of what she calls a conflict of interest.

"We represent the police here. We prosecute all their crimes for the city," she said. "We don't prosecute the officers."

Pakkala said Assistant Attorney General Collin Brennan now has the case.

AG CALLS FOR UNIFORM USE OF FORCE POLICIES

While the investigation into Olvera is underway in his office, Balderas is taking a long look at law enforcement policies. On June 9 his office called on the legislature to create uniform policies and create systemic reform.

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“Increased transparency and accountability protects the community as well as law enforcement,” he said. “I am asking that the Legislature immediately create uniform use of force policies that ban deadly tactics and ensure both officer and community safety statewide.”

Balderas doesn’t want to wait until legislation moves through the Roundhouse. He is asking that some changes be made immediately, including a requirement that law enforcement officers wear body cameras on duty and be prohibited from using choke holds during arrests.

In the past, Balderas helped pass legislation requiring the recording of police custodial interrogations, as a member of the N.M. House.

In 2016, Attorney General Balderas ordered the Law Enforcement Academy Board to undertake a statewide review of use of force policies in every law enforcement agency in the State. While the Board does not govern department policies, the review was undertaken to begin to identify gaps in department policies and to build recommendations for best practices to be used by those agencies. Ultimately, the review exposed a patchwork of policies across the State, with some agencies not reporting any policy on file.