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For immediate release

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APD Releases Details of Recent Officer-Involved Shooting

ALBUQUERQUE, N.M. – The Albuquerque Police Department released details today of a recent officer-involved shooting.

Summary of OIS

June 4, 2020 – 9815 Greenbrier Rd N.E.

- At 1:56 p.m., APD received a 911 call from Michael Mitnik who said his son, later identified as Max Mitnik, was diagnosed as having a mental illness, and wanted to be transported to the hospital. Michael said his son expressed fear that he would “hurt his parents.”
- Officers received additional information that Max had mental health episodes in the past and had cut himself. Officers learned that Max was diagnosed as having schizoaffective disorder and had stopped taking his medication the week this incident occurred. Max had not slept in two days.
- Officers contacted Max and his father in the front yard and explained they could take him to UNMH or another hospital. Max was asked which hospital he preferred and was advised that it was his choice.
- Max told the officers he wanted to go to UNMH. Officers asked him to turn around so they could check him for weapons. Max put his arms behind his back while Officer Ruiz started to handcuff his left wrist.
- Max told the officers “I don’t want to do handcuffs” and pulled his right arm away.
- Officer Ruiz communicated to Max that he was not under arrest, not detained and not in trouble. Officer Ruiz informed Max if he didn’t want to go with officers he could go with his parents. Max agreed to go with his parents.
- Max continues to change his mind about being handcuffed for transport and who should take him to the hospital. Officers discussed with Max the department’s

policy about being handcuffed for transport. Max approached Officer Ruiz with his hands out in front and told Officer Ruiz, "Let's do the handcuffs." Max again changed his mind and walked back to his parents and told them, "Let's just stay here." He then told Officer Ruiz, "I'm going to stay here; I'm not going to be violent." Max again approached Officer Ruiz with his hands out, and stated he was "ready" to go. Officer Ruiz then handcuffed Max.

- While walking to the police car, Max stopped and again changed his mind about going with the officers. Officer Eylicio suggests giving Max space because he appeared to be overwhelmed. Officer Ruiz then removed the handcuffs.
- Max walked inside courtyard and into the house with his mother following him. Officers requested a Mobile Crisis Team.
- Max's mother called out for help from the distance. Officer Ruiz ran toward the house and located Mrs. Mitnik inside.
- Officer Ruiz knocked on a closed door, calling out for Max. Mrs. Mitnik started to unlock the door, telling Officer Ruiz Max had a knife and was jabbing at his neck.
- Max exited the bathroom and walked toward Officer Ruiz while stating, "I'm going to suffer a lot if I don't kill myself, will you please kill me, sir. Kill me."
- As Max walked toward Officer Ruiz while making these statements, he is raising a knife. Officer Ruiz discharged two rounds from his handgun stopping Max's action.
- When Max exited the bathroom, Officer Ruiz reported he discharged his handgun from a weapon retention position because Max had gotten so close to him with the knife. Officer Ruiz felt he was going to be cut; furthermore; he thought he was going to be killed.

Involved Individual: Max Mitnik, 27

The officer involved in the shooting was:

- **Officer Jose Ruiz**, who has been with the department since 2007, has been not been involved in any prior officer-involved shootings.

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