



# PHOENIX LAW ENFORCEMENT ASSOCIATION

*The Professional Association of Phoenix Police Officers Since 1975*

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Press Release

## **Phoenix Law Enforcement Association Statement re: Richard Chrisman Trial Outcome**

From the day this incident occurred in October of 2010, the Phoenix Law Enforcement Association has, for the most part, remained largely silent with regard to the Richard Chrisman case. Silence aside, it's no secret we have supported Rich from day one. We have always believed that Rich acted appropriately and was justified in the level of force he used in dealing with the domestic violence call that ultimately resulted in charges of 2<sup>nd</sup> degree murder, aggravated assault and animal cruelty.

All of us agree that it is truly unfortunate when anyone is injured or killed, as a result of the application of force by law enforcement personnel. As police officers we are called upon to do a job that few others in society are prepared for or want to do. In a perfect world, we would not need batons, Tasers, pepper spray, handguns, shotguns or rifles. The world we operate in is anything but perfect. The law enforcement profession is one where we do not operate upon a level playing field. Ours is a world in which we are required to make split second decisions while operating under a complex set of rules. The downside is that we are forced to deal with suspects that don't operate by the rules and as such, suspects often drive the situation forcing us to operate in a reactionary manner.

This particular case is uniquely difficult. Not only was a police officer criminally charged for doing his job, it also pitted the word of one officer against another.

Domestic violence calls are one of the most dangerous and unpredictable calls that any police officer will ever respond to. While frequent in nature, most are uneventful and can be resolved fairly easily. The call that Rich Chrisman and Sergio Virgillo responded on turned out to be anything but uneventful or routine.

On October 5, 2010, Ms. Elvira Fernandez called the Phoenix Police for assistance because her adult son was so out of control she was in fear for her life. A transcript of the 911 call from Ms. Fernandez revealed the following:

- Her son had come home and was acting violent.
- He was throwing things around the house.
- He was hurting her dog.

When questioned further by the 911 operator, Ms. Fernandez reiterated:

- "Yeah you know, he's just real violent, I'm afraid he's going to hurt me. He's hurt me before."

- “I hate to do this, but...I’m just afraid for my life.”

Ms. Fernandez then told 911 her son had already broken a hole in one of the walls. Prior to the arrival of officers she was so in fear for her safety that she fled her own residence. When officers arrived and contacted her she gave them permission to enter her home.

Officer’s Rich Chrisman and Sergio Virgillo soon came into contact with the suspect in this altercation. From the outset, some in the media have chosen to portray Danny Rodriguez as an unarmed murder victim and has harped on the fact that a family dog was shot. Let us be absolutely clear with regard to a couple of points on this:

1. Police officers across America are seriously injured and killed every year by “unarmed” suspects. Police officers, from the earliest phases of their training, are taught, for safety reasons that all persons they come in contact with should be treated as armed until proven otherwise.
2. Danny Rodriguez was a 29-year-old adult and a meth-using thug with a criminal history. He was still living at home with his 60-year-old mother, who he had victimized in the past. When contacted by officers, he was operating in a meth-fueled rage. Danny Rodriguez, who had just caused his mother to flee her own residence, out of fear for her life, was in no mood to deal with anyone let alone the police, and certainly wasn’t about to submit to lawful authority.
3. To charge Rich Chrisman with animal cruelty for dispatching a dog that was posing a threat to his safety while dealing with an already volatile subject is absolutely ludicrous. Dogs, especially larger fighting breeds, can pose a significant threat to one’s safety, especially when a strange or unwelcome person enters the residence. The prosecutor would have us believe that the only persons lawfully authorized to dispatch animals are animal control officers giving the illusion that if a police officer does the same it is somehow illegal. This is complete fiction. Police officer’s valley-wide routinely dispatch aggressive and threatening dogs during the course of their duties and are not charged with animal cruelty.

On this particular day, the officers had an obligation to deal with an ugly and unpleasant situation. They didn’t have the luxury of walking away from it. We have a saying in our profession that police officers run to the fight while everyone else runs away from the fight.

This particular situation was rare in that force was escalated through a classic progression that went from officer presence to verbal commands, to going hands on, to use of chemical agents (pepper spray), to use of Tasers (two times).

During the course of this force escalation, officer Chrisman, for his safety, had to shoot a large pit bull that had become overly aggressive and had lunged at him. Danny Rodriguez then made several attempts to grab for officer Chrisman’s un-holstered firearm. At a certain point during the struggle to gain control of Danny Rodriguez, officer Virgillo disengaged from the fight. Officer Chrisman then found himself alone in the fight with Danny Rodriguez. This led to the use of lethal force when the situation deteriorated to the point where officer Chrisman felt he was going to be overcome by Danny Rodriguez and struck in

the head with a bicycle.

The past three years has been a long arduous journey for not only Rich Chrisman but for all Phoenix police officers. October 5, 2010 started out as just another workday for Rich. He didn't roll out of the station that morning with the intent of getting into a fight or shooting someone. This is a profession where you don't have to look for trouble; trouble will eventually find you. Before the end of his shift, Rich, after literally being in a fight for his life, was arrested, handcuffed and booked into jail on felony charges. He had his job taken from him and was faced with the immediate concerns of how he would provide for his wife and kids not to mention the specter of a trial combined with the very real possibility of being sent to prison. What Rich and his family have had to endure for the past three years is every cop's worst nightmare. Rich's life has been severely damaged as a result of this incident to the point that he may never fully recover from it.

Police officers are routinely thrust into volatile life and death situations requiring split second decisions. The ironic downside in this case is that a split second decision Rich made while in a fight for his life, has taken three full years to come to trial. A panel of 14 jurors in a comfortable, safe, well lit, climate controlled court room listened to witnesses and viewed evidence for four weeks. They then deliberated for four days and were still unable to determine if the split second-decisions made by Rich on two out of the three charges were correct or not. This process of scrutiny and deliberation is a luxury not afforded our men and women who work the streets.

Although disappointed in the outcome of this case and in disagreement with the verdict rendered, we recognize the jurors had a difficult task before them. Their service is appreciated.

The Phoenix Law Enforcement Association believes there was ample evidence to show that Rich Chrisman was more than justified in using the level of force that he did. We will continue to stand by Rich. Like any other citizen, he is entitled to due process and part of that due process is the right to appeal this verdict to a higher court.