



City of Albuquerque

Civilian Police Oversight Agency



Diane McDermott
Executive Director

To: Kenneth Johnston, Acting Commander IAPS
From: Diane McDermott, Executive Director
Subject: CPOA Report on In Custody Death APD Case # 24-0003814

Incident Summary:

The incident occurred on January 14, 2024. It began in the evening of the 14th and continued until approximately 3 in the morning of January 15th. Initial dispatch indicated a call was made regarding an individual making suicidal statements. The caller informed dispatch that a female subject was lying down with her eyes open and not breathing, and that a male subject was armed with a gun, threatening suicide. The caller reported that the male was holding the gun to his head and stated that if police officers arrived at the residence, he would shoot himself.

Officers arrived at the residence and successfully evacuated all occupants except for the male subject threatening to shoot himself, later identified as Mr. E. Officers established charges against Mr. E, and a criminal felony arrest and search warrant was issued. Multiple gunshots were heard from inside the residence while officers were on the scene. Valley Area Command officers set up a perimeter and force arrays around the residence, and the tactical unit was summoned to assist. Mr. E's failure to exit and his decision to remain barricaded resulted in a tactical activation.

Tactical Officers arrived and relieved field units on the perimeter of the residence. No movement was detected from within the residence once the tactical units arrived. Two Noise Flash Diversionary Devices (NFDDs) were deployed without eliciting a response from inside the residence. A drone and a robot were sent inside and observed a blanket on the floor of one of the bedrooms. A human foot was seen sticking out from under the blanket, and a large amount of blood was noted in the area around the blanket. The robot attempted to pull the blanket off the subject but was unsuccessful. Tactical Officers then entered the residence, conducted a safety sweep, and discovered the individual deceased under the blanket from an apparent self-inflicted gunshot wound. No force was used as officers did not make contact with Mr. E until after it was determined he was deceased.

Case Review:

Computer-Aided Dispatch Reports
APD Field Reports
Internal Affairs Report
On-Body Recording Device Videos
MATF Investigation
CPOA Director's attendance at the Force Review Board Briefing 7/11/24
IAPS Misconduct Investigation
Office of Medical Investigator Report

Involved Officers:

- Officer (1)
- Officer (2)
- Officer (3)
- Officer (4)
- Officer (5)
- Officer (6)
- Officer (7)

Policy Consideration and Outcome:

The applicable policies that Internal Affairs Professional Standards investigated for all involved officers are:

SOP 1-62-8.E.1.b Internal Affairs Professional Standards (IAPS) Division

8. Investigations Procedures

E. IAPS Division Call-Out Procedures

1. The ECC shall call-out the on-call IAPS Division Investigator/Detective under any of the following circumstances:

b. In custody deaths;

This policy provision was investigated for all officers involved at the scene. The investigation by IAPS concluded, based on a preponderance of the evidence, that the alleged conduct occurred but did not violate Department policies, procedures, or training.

Additionally, no SOP violations were identified, and no tactical unit personnel were sent letters regarding the subject of the investigation. The review focused on the in-custody death incident and not on specific personnel. As a practice, the initial responding officers were examined regarding the provision mentioned above.

Findings:

The CPOA and CPOAB agreed with APD's determination in this case. No force investigation was conducted.

Additional Policy and Training Considerations:

Two additional misconduct investigations were initiated due to this incident involving an officer's behavior towards a citizen, concerning handcuffing, and a failure by the officer to call the supervisor when requested by a community member. A training referral to the academy was generated and completed for the officer.

The second investigation focused on the IAPS investigator regarding a procedural issue. A directive addressed the concern, and the investigation was administratively closed.

The Internal Affairs investigation into these matters appropriately addressed these concerns.

No additional recommendations were proposed.

The Civilian Police Oversight Advisory Board reviewed this case at its December 9th, 2024 meeting. The Board's discussion can be found in the December minutes here: cabq.gov/cpoa