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For immediate release

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APD Releases Details of Recent Officer-Involved Shooting at 3427 Chelwood N.E.

ALBUQUERQUE, N.M. – The Albuquerque Police Department released details today of the Oct. 12, 2020 officer-involved shooting at 3427 Chelwood N.E.

Summary of Homicide that Preceded OIS

Location: 1420 San Pedro NE

Time: 8:45 a.m.

Eva Montoya walked out of mass on Wednesday, Oct. 12, 2020, at 8:45 a.m. at the Queen of Peace Chapel, at 1420 San Pedro NE. A witness stated Eva's husband, Matthew Montoya, was arguing in the parking lot with Eva. Matthew produced a handgun and shot Eva multiple times. Matthew walked away, stopped, returned to where Eva was lying on the ground, and shot Eva again. Matthew fled the area in his silver 2001 Dodge Caravan with the right rear passenger window broken out.

Matthew drove to the Holy Child Catholic School in Tijeras, NM and attempted to remove his 9-year-old daughter from class. School officials, who were aware of an on-going custody dispute between Eva and Matthew, would not allow Matthew to take the child.

Detectives with the Investigative Support Unit (ISU) responded to assist with the homicide investigation and began attempting to locate Matthew and the van he was observed leaving in. Photographs of Matthew were distributed to officers and detectives; this included still shots from a surveillance camera at the Holy Child Catholic School captured that morning.

Homicide detectives interviewed staff of the Queen of Peace Chapel who said they were aware Eva had a restraining order against Matthew and threats had been made by him in the past threatening to kill Eva, their youngest daughter and then himself. The staff was also able to positively identify Matthew from the photographs obtained from the school surveillance.

Matthew drove to the home of an acquaintance at 3724 Chelwood NE. Matthew began making statements of how he missed Eva and just wanted to be with her. Matthew then left the residence, and began calling and texting his 18-year-old daughter, Grace. APD investigators feared Matthew would harm other family members based on his statements and actions. Uniformed officers were sent to known addresses associated with Matthew, including an address where Grace lived with Matthew's parents in the Foothills area command.

Matthew eventually returned to 3724 Chelwood NE and backed into the driveway. His acquaintance was no longer home and he began texting contacts in his phone asking them to pray for his soul.

Summary of OIS

Location: 3724 Chelwood NE

Time: 1:10 p.m.

Detectives received emergency GPS locations on Matthew's phone, which showed his phone was at 3724 Chelwood NE. Detectives drove to the Chelwood address and confirmed Matthew's van was backed into the driveway. A detective got out on foot and was able to verify Matthew Montoya was in the rear portion of the van, and he was talking on his cell phone.

Based on Matthew's actions and known statements about wanting to kill additional family members and himself, the Second Judicial District Attorney's Office confirmed that a probable cause arrest was supported, and a plan was formulated to take Matthew into custody.

Detectives ensured they had several less than lethal force options, to include a 40 mm less than lethal launcher and Tasers. Detectives performed a stationary vehicle block on Matthews vehicle in the driveway of 3724 Chelwood NE.

Matthew called a friend at 1:01 p.m. and during this conversation, Matthew told them he was on Chelwood and the police were coming after him. Matthew advised "They're going to kill me." The friend told Matthew to just surrender to police. Matthew replied he was not going to do that. Matthew then stated "They're here" and the call disconnected.

Detectives exited their vehicles, and gave verbal announcements of "Police! Hands up!" All the detectives were wearing vests clearly identifying them as police officers. Multiple detectives reported seeing a handgun being held up toward the roof of the van just behind the front seats. Detectives began giving commands "Police, put the gun down!"

Detectives then reported seeing the gun being pointed in the direction of detectives from behind the front seats of the van. Detectives were able to determine Matthew appeared to be laying down behind the front seats of the van. Detective #6, who was in a position which allowed him to see inside the van through the front passenger window, stated when Matthew would sit up in the van, he could see him pointing the gun toward other

detectives. Detectives continued with commands, which included, "This is the Albuquerque Police Department. Put your hands up. You are under arrest!" Detective #6 stated he observed Matthew sit up in the back of the van behind the passenger seat, and point the handgun out the driver's side of the van towards Officer #1.

During this time, Sergeant #1 moved to the front yard of the residence just east of the van in an attempt to get a better view into the rear portion of the van. Sergeant #1 later stated he observed Matthew's right arm extend upward, and he observed Matthew was holding the handgun in his hand. Sergeant #1 stated Matthew had the handgun leveled in the direction of other detectives. "I felt like at that point that the, the person inside the car was actively attempting to shoot or kill one of the officers that worked for me and that I had to do something to try and stop that." Sergeant #1 stated he could not see Matthew's body, but based on where he saw the arm extending from, he determined Matthew was laying in the area behind the front passenger seat.

At 1:12 p.m., Sergeant #1 discharged his first round from his rifle into the passenger side sliding door, in the area where Matthew was laying. After Sergeant #1 first shot, detectives continued to give commands "Police officers. Put your hands in the air!" Detectives reported Matthew still had the gun in his hand and was still pointing it at detectives. Detective #6, Detective #7, Detective #3 and Officer #1 each discharged their rifles at least once into the passenger compartment of the van where Matthew was laying in an attempt to stop Matthews actions.

Detectives began attempting to make contact with Matthew through verbal commands. Detectives observed blood coming out of the bottom of the rear driver's side sliding door. Sergeant #1 requested a 40 mm launcher be utilized to attempt to knock the glass out of the passenger side sliding door in the hopes it would allow for a better field of view into the van. Based on the amount of blood coming out of the van, Sergeant #1 determined in the interest of preservation of life and providing medical aid to Matthew, detectives would approach the van.

Upon approaching the van, detectives observed Matthew lying in the rear portion of the van with an apparent wound to his head. Detectives observed Matthew was still holding the handgun in his right hand and had his index finger on the trigger. Detectives did not detect any signs of life from Matthew, which was confirmed by members of AFR, who pronounced Matthew deceased.

Involved individual: Matthew Montoya (5/31/1968)

The officers from the Investigative Services Division who were involved in the shooting were:

- **Sergeant #1**, who has been with the department since 1999, has been involved in two prior officer-involved shootings.
- **Officer #1**, who has been with the department since 2018, has been involved in one prior officer-involved shooting with another agency.

- **Detective #3**, who has been with the department since 2007, has been involved in one prior officer-involved shooting.
- **Detective #6**, who has been with the department since 2008, has been involved in one prior officer-involved shooting.
- **Detective #7**, who has been with the department since 2005, has not been involved in prior officer-involved shootings.

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