



Written by [Warren Mass](#) on April 4, 2014

Albuquerque Incident Highlights Police Actions Toward Mentally Ill

That fatal March 16 police shooting of James Boyd — a homeless man with a history of mental illness — in the Sandia Foothills near Albuquerque has raised questions about whether or not the police acted excessively.

AP, citing statements from local police authorities, reported that Albuquerque police fatally shot James Boyd following an hours-long standoff. Police say Boyd threatened to kill the officers attempting to arrest him with a small knife, after which police utilized stun guns and bean bags, deployed a flash grenade, and fired six rounds of ammunition at him. Boyd died from his injuries the next day.



However, [video taken by an officer's helmet camera](#) showed Boyd agreeing to walk down the mountain with the police, collecting his belongings, and obeying the commands of police to lie down. It is not certain from the video which sounds emanated from bean bag guns and which were produced by other weapons, so the sequence of shots is unclear. However, Boyd appeared to be compliant. The police justified the shooting, saying Boyd had pulled out two knives and threatened their lives.

Boyd had a history of mental illness and apparently believed he was a Defense Department agent, telling the officers: "Don't attempt to give me, the Department of Defense, another directive."

"I think that this issue [of police apprehension of the mentally ill] hits every city, every part of the country where you have people who are walking on the street who normally would have been under some kind of treatment or institutionalized," the *New York Times* quoted Chuck Wexler, executive director of the Police Executive Research Forum. The *Times* noted that the group, a Washington-based nonprofit, released a report in 2012 calling for minimizing the use of force by the police in situations involving mental illness.

The video footage of the incident released by the Albuquerque Police Department has fueled protests — some of them violent — in Albuquerque and prompted the Federal Bureau of Investigation to begin an inquiry into the fatal shooting.

The *Christian Science Monitor* reported on March 29 that the FBI had announced the previous day that they had launched a criminal probe into Boyd's shooting. That bureau's announcement was also the first acknowledgement of a civil rights investigation the Department of Justice has been conducting for several years in Albuquerque. The *Monitor* noted that Albuquerque officers have racked up 23 fatal shootings in the last three years, which places it among the highest per capita killing rates in the country.

The *Monitor* also noted that New Mexico's police academy has responded to the federal probe by



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changing its training to a “reasonableness standard model.” According to this new training procedure, officers have a choice whether or not to draw their gun depending on the level of real threat. The new curriculum teaches trainees to take distance into account and first try using a stun gun when dealing with a knife-wielding suspect. Under the old “reactive control” training, officers were instructed to draw their guns at the sight of any weapon, even a penknife.

Debate has often taken place as to whether police should ever “shoot to kill,” as opposed to “shoot to disable” a suspect. For example, an article in the *Anchorage Daily News* on July 10, 2012 quoted an explanation of the Anchorage Police Department’s policy from Chief Mark Mew. Mew said his department’s policy had been incorrectly described and wrote this explanation in a statement:

The police department does not have a “shoot to kill policy.” By law and APD policy deadly force can only be applied when there is an imminent threat of serious physical injury or death. Police are to shoot only under those circumstances, and when they do so it is with the purpose of instantly ending the attack. You could call it a “shoot to stop policy.” It is true these kinds of shots often have fatal results, but death is not the intended outcome.

When we read the Procedural Orders Manual posted online by the Albuquerque Police Department, we found the following:

Department policy is to thoroughly investigate all cases where department personnel are involved in the use of deadly force. This policy does not cover incidents of accidental discharge where no death or injury results or when an officer shoots an animal. The on-call “Police Shooting Team,” (PST), is responsible for coordinating the criminal investigation. The department recognizes that certain situations will require the deployment of deadly force to disable a vehicle to prevent the escape of a suspect as outlined in SOP, Procedural Orders, 2-52-3. Department policy is to thoroughly investigate these instances, however the level of response will not rise to the level as those circumstances that deadly force is deployed which has or reasonably could have resulted in death or great bo[dily harm].

The Albuquerque Police Department also has a procedure for responding to the mentally ill:

Department policy is to provide an effective response to situations involving subjects who are suspected and/or verifiably mentally ill, and/or people in crisis in order to avoid unnecessary violence and potential civil litigation, and to ensure that proper medical attention is provided. This policy is to serve as a guideline to enable officers to identify behavior indicative of a mental illness or crisis, and to utilize Department and other resources to bring incidents involving the mentally ill and people in crisis to a desirable resolution.

While the above procedures provide for investigating cases where police have used deadly force, the lack of guidelines for when deadly force is justified is glaring. Perhaps they are covered during other aspects of police training, such as at the academy. In determining whether the shooting of James Boyd could have been justified, and in the absence of any clearly delineated guidelines by Albuquerque’s Police Department, we might — as an academic exercise — apply the Anchorage Police Department’s policy to this case and ask whether Boyd presented “an imminent threat of serious physical injury or death.” From watching [the video of Boyd’s apprehension posted on You Tube](#), it is apparent that Boyd was already face down when police fired bean bags and unleashed a dog on him. While he did have what appears to be a small knife in one hand, using that knife against police officers while lying in a face-down position would have been extremely unlikely — and presenting “an imminent threat of



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serious physical injury or death” to anyone other than himself would be a far stretch. That it would take six rounds to subdue a man in Boyd’s posture seems obviously excessive.

Also at issue is the fact that Boyd had a long history of mental illness, a fact that may or may not have been known to the officers responding to what was basically a trespassing charge. As noted, however, the Albuquerque PD’s procedure “involving subjects who are suspected and/or verifiably mentally ill” is to “to avoid unnecessary violence.”

It must be noted at this point that *The New American’s* affiliated organization, The John Birch Society, many years ago launched (and still conducts) a campaign to “[Support Your Local Police — And Keep Them Independent!](#)”

The second part of that statement is as important as the first because a major impetus for originally launching the campaign was to keep local police under the control of the communities they serve, as an important bulwark against our nation ever coming under the dominance of a national police force, such as happened in Nazi Germany and in communist countries. Since having the support of local citizens is an important part of that objective, when some police departments exceed their authority and behave in an irresponsible manner, that support is sure to evaporate, leading to the end of local control. It is important, therefore, for the police to police themselves.

As we have seen in Albuquerque, the FBI has already launched a criminal probe into the department, which may have the result of bringing local police enforcement under federal control. The *Albuquerque News Journal* also reported that Senator Tom Udall has called the shooting death of Boyd “very disturbing,” and he has asked the U.S. Justice Department to make sure it evaluates the incident as part of its ongoing review of the city’s police department. Again, we see abusive actions leading to federal interference.

Another way that the federal government attempts to control local police is through bribery — federal funding for police. Federal “assistance” to local police was once channeled through the federal Law Enforcement Assistance Administration (LEAA) until JBS members, through educational campaigns, were finally successful in having the LEAA abolished. However, federal aid for state and local police departments continues, with all of the strings that come with federal funding still attached.

Responsible local police officials who want to continue to follow their mandate to “protect and serve,” independent of federal interference, must do two things: 1) ensure that their departments demonstrate good will and do not alienate the public they are supposed to serve by violating the rights of those citizens and using excessive force, and 2) turning down all federal funding, which always leads to federal control.

Photo: screen-grab from video of shooting taken by an officer’s helmet camera



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