

Family of Albuquerque, New Mexico, teenager killed in SWAT siege joins calls for “thorough, independent and transparent investigation”

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The family of Brett Rosenau, the 15-year-old resident of Albuquerque, New Mexico who died earlier this month of smoke inhalation from a fire that broke out during a SWAT (Special Weapons and Tactics) team siege, has joined the call for an investigation of the events leading to the tragedy.

The incident sparked protests and demands by civil liberties and police accountability organizations that the state Attorney General’s Office investigate the actions of the Albuquerque Police Department (APD) and Bernalillo County Sheriff’s Office (BCSO).

On the night of July 6, APD and BCSO SWAT team officers approached a house in the city’s southeast quadrant where 27-year-old Qiaunt Kelley was hanging out with Rosenau. Kelley ran into the house, followed by the teen. A standoff ensued during which police used flash-bang grenades, tear gas and pepper spray to try to force Kelley from the house.

At around 3 a.m., smoke was seen coming out of windows and the front of the house became engulfed in flames. As firefighters worked to extinguish the blaze, Kelley exited, was taken into custody and transported to a local hospital. The firefighters discovered Rosenau’s body inside. It was determined later that the teen had died of smoke inhalation.

The police waited for 40 minutes as smoke filled the home before Kelley came out. Neighbors pleaded with them to do something. Shela Rosenau, Brett’s aunt, told the Daily Beast, “Forty minutes of smoke inhalation will kill anybody. That’s common sense. ... So, for them to wait 40 minutes, that’s just not right. That’s horrible. I believe in that situation you save a life and they needed to go in there. ... I mean, that’s their job. They should not have sat back and waited for them to come out.”

Initial police statements asserted that there were state and federal warrants out for the “violent criminal” Kelley and that “a young person tragically lost his life,” standard fare

faithfully repeated by the media. “I know many people in our community are hurting right now and appreciate everyone’s patience while the incident is thoroughly investigated,” said APD Chief Harold Medina. In a July 10 statement, Democratic Mayor Tim Keller intoned, “Every single life is valuable and the loss of any one is devastating to the family and the community. We share our condolences to all who know him and loved him.”

The APD and a “multi-agency task force” are assigned to investigate the incident and hand over their findings to the District Attorney’s Office. According to a 2014 Settlement Agreement, the APD also has to report details of its investigation to a federal Department of Justice (DOJ) monitor.

The American Civil Liberties Union (ACLU) of New Mexico issued a statement July 11 calling on “New Mexico Attorney General Hector Balderas to conduct a thorough, independent and transparent investigation” into the incident. ACLU senior policy strategist Barron Jones noted, “This latest incident is another tragic example of an extremely deadly year for the Albuquerque Police Department. New Mexico regularly ranks first or second nationwide in the rate of people killed by police. This is a systemic statewide problem mostly affecting people of color who are disproportionately victims of police violence.”

While the shootings are disproportionate, the killings of Iraq war vet Kenneth Ellis in 2010—which resulted in a \$10 million judgment against the city—of James Boyd in 2015 and of Mary Hawkes in 2018, for example, make it clear that APD—as is the case with police across the US—targets the working class and poor of all skin colors and ethnicities.

The first story spun by the APD about the circumstances which led to Rosenau’s death is getting shakier every day. After maintaining that there have never been fire problems with its various “munitions,” the APD has admitted that one

or more of them, possibly the flash-bang grenades or “Flameless Tri-Chamber” tear gas canisters might have caused the blaze, requiring an investigation.

As for the federal and state warrants, a July 13 Source New Mexico report revealed that “a search of federal court records over the past month by Source New Mexico shows no federal warrant issued against Kelley or any property associated with him. There were no federal warrants for Kelley in New Mexico when SWAT was called out to the house Kelley was visiting on July 6, a spokesperson for the U.S. Attorney’s Office said Tuesday.

“Reached for comment on Tuesday, Albuquerque Police Department spokesperson Gilbert Gallegos said the references to a federal warrant were mistaken, and that detectives told him on Tuesday there is no federal warrant.”

The report further stated, “Albuquerque police have also noted in news conferences and releases that Kelley is a ‘person of interest’ in other crimes, but so far he has not been named as a suspect in any of them. His involvement in them, and whether he was involved at all, remains to be shown.”

The 3.9-square-mile neighborhood where the tragedy occurred is known as the International District. It contains a high diversity of working class residents, including Native, white and African American, as well as migrants from Mexico, Central America, Vietnam, Cuba and the Middle East. It is also situated close to Kirkland Air Base, where most military families live on-base.

The name “International District” was advocated in 2009 by residents who took umbrage at the more vernacular moniker “War Zone,” which many residents still use. It is the most densely populated area in the state, with high rates of poverty and nonviolent and violent crime, including many police shootings in a city known for its killer cops.

In a July 14 article, Source New Mexico reported that completion and submission by the APD to the federal monitor of “use of force” reports, required by the 2014 settlement agreement between the city and the DOJ, are lagging way behind: “Dating back to early 2020, hundreds of cases where APD rolled out SWAT or used physical force haven’t yet been reviewed, the monitor’s May report states.

“These numbers indicate the next great crisis confronting APD: Use-of-force rates by APD personnel are so high that existing oversight systems will be unable to keep up with required oversight,” the report states.

As a result, the federally mandated Use of Force Report from 2020 is still not finalized, still in the preliminary stage and “remains in question” by the US Department of Justice.

Despite the logjam and the delays, one statistic stands out: “According to the data in the preliminary 2020 report, the southeast part of the city that includes the International

District has the most cases, including 141 instances where police officers used what they call level 2 force. This means injuries caused by officers shooting beanbag shotguns or pepper spray. Direct physical contact like leg sweeps and kicks as people are arrested are rolled into this category, too.”

The International District accounts for up to half of police use-of-force incidents in the city, and if/when more reports are completed, that percentage may rise. Although some may find it offensive, the area’s unofficial name cannot be criticized for being untruthful. Considering the true function of police in capitalist society, the “Class War Zone” would be even more accurate.

In a press statement, Taylor Smith, an attorney representing Brett Rosenau’s family, described the police actions as “tragic and completely avoidable.” He added, “The police had every opportunity to save Brett’s life but instead chose inaction.” Smith said that the family was “trying to avoid the spotlight other than making sure that Brett’s story is told so that it doesn’t happen to others. ... Brett’s family and community are forever left without their son, brother, and friend. There will be an unfillable void by the loss of his life.”

Brett’s family described him as “full of life” and having a “pioneering attitude.” A statement by his mother said, “Whether he was trying to sport a new style that he came up with or taking apart a bicycle to rebuild it, he was always interested in creating something new. His teachers often believed that he would pursue engineering given his ingenuity and talents.”

The family has set up a crowd-funding page to pay for Brett Rosenau’s funeral, and a candlelight vigil is to be held tonight in Albuquerque Civic Plaza.



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