



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Interim Superintendent of Police Reform

August 10, 2022

Interoffice Memorandum

To: Diane McDermott, Lead Investigator, CPOA

From: Jimmy Collins, A/Deputy Superintendent of Police Reform

Subject: Non-Concurrence Action re: CPC-003-2022

This memorandum serves to convey the articulation for APD's points of non-concurrence in the above captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
2-7-4-B-1-5	Sustained/Verbal Reprimand	Sustained/NDCA

Rationale for non-concurrence of action for 2-7-4-B-1-5:

Commander N and Deputy Chief E concurred with the sustained finding for this violation. Deputy Chief B elected to issue Officer St. J a non-disciplinary corrective action (NDCA) instead of the CPOA's recommendation to issue a verbal reprimand. Deputy Chief B stated on his form a NDCA is within the DAP (Disciplinary Action Packet) for proposed discipline. Commander N stated he concurred with the CPOA findings and recommended a letter of reprimand. This may be an oversight by Commander N as the proposed discipline from the CPOA was a verbal reprimand and not a letter of reprimand.

Conclusion:

Based on my assessment of the facts derived from this investigation, I have deemed it appropriate to deviate from the CPOA's discipline recommendation of a verbal reprimand and concur with the decision to impose a NDCA for the Class 7, Performance, 1st Offense. This policy violation was Officer St. J first performance offense and he admitted he did not document the incident as required by policy. Additionally, a NDCA is appropriate given the aforementioned information as well as falling within the range of the DAP.

Respectfully,

Jimmy Collins,
A/Deputy Superintendent of Reform
Albuquerque Police Department

RECEIVED CPOA
AUG 15 '22 AM 10:30

Cc:

Eric Garcia, Interim Superintendent of Police Reform/DCAO