



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 of Action re: CPC-024-2022

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
1-1-5-A-1	Sustained/16-hour suspension	Sustained/NDCA

#### Rationale for non-concurrence of action for 1-1-5-A-1:

The non-concurrence for this case resulted from an error in calculating progressive discipline. This current violation was determined by the CPOA to be a 3<sup>rd</sup>, class 6 offense, when it is actually a Class 6, Performance, 1<sup>st</sup> Offense. The other two violations on Officer H -2 card are misconduct violations, which fall under a different category in terms of progression. Commander W recommended the officer receive a written reprimand, to which I did not concur. I chose to issue the officer a NDCA and that decision was based upon the fact that I was more concerned with the overly emotional response versus what he actually stated to the complainant.

#### 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 16-hour suspension and issue a NDCA for the Class 6, Performance, 1<sup>st</sup> Offense. An NDCA does fall within the allowable range of discipline for this class.

Respectfully,

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

Cc: Eric Garcia, Interim Superintendent of Police Reform/DCAO

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