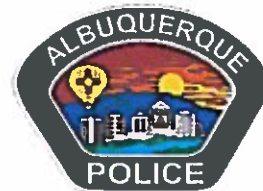




Timothy M. Keller
Mayor

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-035-2022

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/8-hr suspension	Sustained/Verbal Reprimand

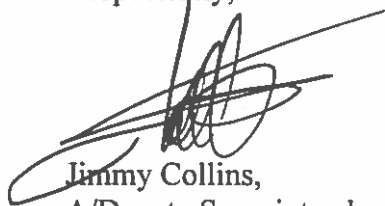
Rationale for non-concurrence of action for 1-1-5-A-1:

Officer G disciplinary card has what appears to be two prior performance violations, which were addressed with non-disciplinary corrective actions (NDCA), and one prior misconduct violation. For purposes of progressing discipline, this most current violation would be considered a first performance violation as the previous misconduct violation would not be considered, as it is contained under a different category in SOP 3-46. Additionally, NDCA's are not used for progression because they are designed to be a simple corrective action for minor misconduct. For a Class 6, Performance, 1st Offense the presumptive level of discipline would be a written reprimand, which Commander W recommended of which I did not concur with (action to be taken). However, I considered the fact Officer G admitted she should not have made those comments and took ownership of the violation. I also noted Officer C did not raise her voice or yell at the complainant, nor did she make any additional disparaging comments. As a result, I have decided to address this at the lower level within this range and spoke directly to her commanding officer, Commander I I , to inform him of my decision and to ensure she is adequately counseled on this policy violation.

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 an 8-hour suspension and instead impose a mitigated penalty of a verbal reprimand. I do concur with Commander W recommendation for Officer C to participate in interview training and the elements of cultural awareness/sensitivity. I concur with finding of exonerated as recommended by IAFD and Commander W

Respectfully,

A handwritten signature in black ink, appearing to read 'Jimmy Collins', written over a horizontal line.

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

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