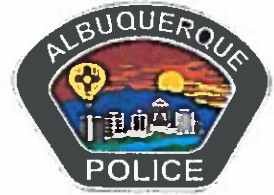




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Executive Director of Police Reform

October 13, 2022

Interoffice Memorandum

To: Deirdre Ewing, Executive Director, CPOA

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

Subject: Non-Concurrence of Action re: CPC-116-2022

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
2-8-4-B	Sustained NBOOC/Verbal Reprimand	Sustained NBOOC/NDCA

Rationale for non-concurrence of action for 2-8-4-B:

During the investigation of the aforementioned allegations, the investigation revealed Officer G while at the PTC, removed her OBRD from her person and placed it on the counter and pointed at Mr. F as she completed paperwork. Officer G, during her interview stated this was a procedure she had learned while on OJT with her FTO and was a practice she observed many officers doing the same while at the PTC. Officer C further stated she received information from her immediate supervisor an email came out back in June of July of this year advising all personnel to suspend this practice and to keep their OBRD's on their persons at all times, as there is no language in the policy that allows this.

When considering the final disciplinary outcome for this investigation I considered the following factors:

1. The call for service occurred on or about March 17, 2022
2. The complaint from Mr. Rudrogen was not filed until May 10, 2022
3. Officer C interview did not occur until September 13, 2022
4. Officer G stated she was informed by her supervisor, in June or July of this year, to stop placing their OBRD's on the counter at the PTC to record.

The alleged policy violation occurred in March of 2022 and, based on Officer G interview, the issue of concern had already been corrected, well prior to the discovery of the violation. Additionally, Officer G relied on instruction from her FTO believed this to be an allowable practice. Once she was corrected by her supervisor, she and her squad stopped removing their OBRD's. I also noted Officer C does not have any prior class 7, performance concerns on her employee card. Based on these considerations, I believe it is appropriate to deviate from the presumptive level of discipline and issue Officer G a Non-Disciplinary Corrective Action.

During the review of this case, Commander W notified me of a potential timeline concern with the investigation. The complaint was filed on May 10, 2022 and the case appears to have been assigned for

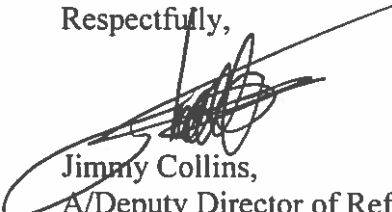
investigation on May 13, 2022. On May 20, 2022 the complaint was entered into the database and assigned a CPC number. Under the provisions of the current APOA Contract (Jan 1, 2022- June 30, 2022) section 20.1.16.3 requires investigations to be concluded within 120 days measured from issuance of the notice in writing to the officer or the assigning of the investigation case number to the disciplinary investigation, whichever is later and within the 15-day time period.

In this case, the CPC number was assigned on May 20, 2022 and the officer target letter was dated June 1, 2022. Based on the language of the contract, May 20, 2022 would be the start date of this investigation and 120 days would conclude on September 17, 2022. The Executive Director's form, which indicates the findings of the case, was not signed until September 29, 2022 and the case was not delivered to IAPS until October 3, 2022. By my calculation the duration was 136 days and if the officer were to be disciplined this would be in direct violation of the APOA Contract. Unless there is language to the contrary I am unaware of, I will consider this investigation to be beyond the agreed upon timeline in the APOA Contract and no entries will be made onto Officer G employee card for this matter.

Conclusion:

Based on these considerations, I have decided it is appropriate to deviate from the presumptive level of discipline, a verbal reprimand, and apply the minimum level of correction, a NDCA, which is within the range for a violation of this class. However due to the timeline issue addressed above, this decision will not be entered onto Officer G employee card.

Respectfully,



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

Cc: Eric Garcia, Executive Director of Police Reform