City of Albuquerque

Albuquerque Police Department

Timothy M. Keller
Mayor

Eric J. Garcia
Superintendent of Police Reform

October 8, 2026

Interoffice Memorandum

To: **Diane McDermott, Executive Director, CPOA**

From: **Joseph Viers, Acting Major, Office of the Superintendent**

Subject: **Non-Concurrence of Finding re: CPC-118-2026**

This memorandum articulates 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-E	Sustained/NBOOC	Unfounded

Interim Commander Ortiz conducted the initial review of the investigation and did not concur with the CPOA finding of Sustained/NBOOC for the alleged violation of APD Procedural Order 2-8-4-E, involving the use of another officer's OBRD during the May 22, 2026, incident.

I concur with the assessment by Interim Commander Ortiz. The investigation established that the detective used an additional Department-issued OBRD after his assigned device was nearly depleted and his second assigned OBRD was not readily available, to ensure that the apprehension and arrest were fully recorded. The evidence did not establish that the detective used a personally owned or non-Department-issued recording device. While the OBRD was assigned to another detective, it remained Department-issued equipment, and the applicable policy does not expressly prohibit the temporary use of another officer's Department-issued OBRD. Additionally, the Grappler deployment constituted a mandatory recording event, making the use of available Department equipment particularly appropriate given the high-risk nature of the apprehension.

Accordingly, I do not concur with the CPOA finding of Sustained/NBOOC under SOP 2-8-4-E. Based on the totality of the circumstances and the applicable policy provisions, I find the amended disposition appropriate and recommend that the finding be amended to Unfounded, and no disciplinary action be imposed.

Respectfully,

Acting Major Joseph Viers,
Office of the Superintendent
Albuquerque Police Department

Cc: Ryan Nelson, Acting Superintendent of Police Reform