



**City of Albuquerque
Office of the Mayor**

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February 9, 2022

Diane McDermott
Interim Executive Director
Civilian Police Oversight Agency
600 2nd NW, Room 813
Albuquerque NM 87102
Email: cpoa@cabq.gov

Re: CPC Case 122-21

Dear Director McDermott:

I received CPC Case 122-21 for review, because the allegations in this case are against Albuquerque Police Department Chief H M .

The investigation recommends finding that Chief H M violated APD Standard Operating Procedures (SOP) 3-14-4(A)(8) and imposing a verbal reprimand. This SOP requires "All supervisors, regardless of the level of supervision, will: ...convey a sense of pride and professionalism to all subordinates." The conduct in question involves a meeting in which Chief M is discussing issues related to a protest on Civic Plaza involving Emergency Response Team (ERT) officers. The meeting was with officers who had quit the ERT. In particular, the investigation found that the policy violation arose from Chief M stating that he did not care if officers quit the ERT.

I reviewed the full SOP 3-14 and the full recording of the incident in question. To summarize, there were two statements that appear relevant. After reviewing recent ERT incidents, Chief M apologized for difficulties in communication during the height of ERT incidents but suggests that quitting was not a helpful response to those difficulties. He stated, "We'll survive. I think we are letting down fellow officers. And like I said, I'm not here... Everybody quit, that's fine. We will be dispatching field officers." When heard as part of the totality of the conversation, it appears that C M was explaining that the impact of ERT members quitting the team was that emergency response would be carried out by field officers. It does not appear that he was encouraging officers to quit or minimizing the impact of their quitting; it was the opposite. He went on to explain the new policy of training all new cadets in ERT operations so that field operations would not be compromised by ERT deployments.

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Later, Chief M stated, "I said I wasn't here to ask anybody not to quit. But I hope everybody in here realizes the consequences and that we're a team." He went on to express his support for officers, saying, "I won't quit on this team." Chief M went on to take questions from ERT members who had resigned, and to address each of their concerns directly. Although some of these questions were not framed in a respectful manner, Chief M responses were respectful. At the end of the recording, Chief M stated, "Thanks again for your service while you did it – we'll figure it out."

SOP 3-14-2 states:

Leadership is a critical aspect of Constitutional policing. Indeed, leadership is the key component of an effectively run organization. The Chief and Command staff set the tone, provide the vision and instill motivation for all subordinates. They provide the department with overall leadership and a view of the future. They establish appropriate goals and objectives for a professional, highly efficient and well-run police department. The tenor and tone set by the Chief and Command staff provide the framework for achieving success.

While I understand the investigator's concerns, I do not concur with the proposed finding. When viewed in full context, it appears that Chief M was trying to deal with a difficult management situation and trying to illustrate to his employees the consequences of their actions. By speaking to these officers firmly and directly, and creating space for them to express their concerns, I find that Chief M was following both the spirit and letter of SOP 3-14. Although discipline is not warranted in this case, I have discussed this incident at length with Chief M

Thank you for the CPOA's diligent review of this case and please let me know if you have any questions.

Best regards,

DocuSigned by:

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Sarita Nair

cc: Chief Harold Medina
Interim Superintendent for Police Reform Eric Garcia