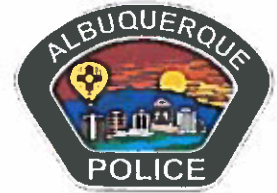




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Executive Director of Police Reform

November 15, 2022

Interoffice Memorandum

To: Deirdre Ewing, Executive Director, CPOA
From: Jimmy Collins, Deputy Director of Police Reform
Subject: Non-Concurrence of Action re: CPC-154-2022

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-E-2	Sustained/8-hr Suspension	Sustained/Written Reprimand

Rationale for non-concurrence of action for 1-1-5-E-2 :

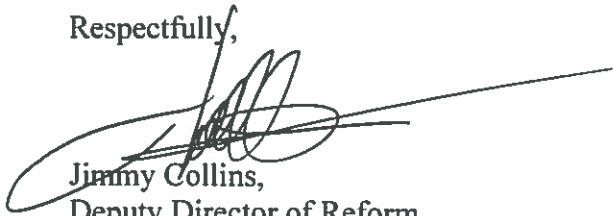
I concur with the CPOA recommendation to sustain this violation as there is sufficient evidence to prove Officer M did use his department issued OBRD to record personal interactions between him and his wife because they are experiencing marital problems.

The non-concurrence developed when Commander W and I reviewed the violation and decided it was similar to “abuse of authority” under the misconduct section of SOP 3-46, Appendix II. The rationale for this decision is Officer M is currently an APD officer and is only in possession of an AXON OBRD, paid for and maintained by the City of Albuquerque, because of that status as a police officer. This violation is now classified as a Class 6, 1st Misconduct and not a 2nd Performance. I do not consider the DAP to be incorrect only that the violation is better classified under the misconduct category.

Conclusion:

Based on these considerations, I have decided it is appropriate to deviate from the recommended discipline of an 8-hour suspension and issue Officer M a written reprimand, which is the presumptive level of discipline for this class.

Respectfully,



Jimmy Collins,
Deputy Director of Reform
Albuquerque Police Department

 Cc:

Eric Garcia, Executive Director of Police Reform