



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Interim Superintendent of Police Reform

Interoffice Memorandum

January 11, 2022

To: Diane McDermott, Interim Executive Director, CPOA
From: Eric J. Garcia, Interim Superintendent of Police Reform/DCAO
Subject: Non-Concurrence of Findings and/or Discipline re: CPC 155-21

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.

Summary of non-concurrence of finding(s):

| Policy | CPOA Finding | APD Finding |
|--------------------|--------------|-------------|
| 1-1-5(A)(1) | Sustained | Exonerated |
| 2-92-4(C)(4)(b)(i) | Sustained | Unfounded |
| 2-60-4(A)(1) | None | Sustained |

Rationale for non-concurrence of the above listed findings against Officer T W :

I concur with the recommendation provided by Deputy Chief J B as follows:

After review of the attached documentation the alleged violation of SOP 1-1-5 did not occur. Officer W did use the word “damn” when speaking to the caller but it was not used in a profane and unprofessional manner and does not violate policy. I do not concur that Officer W is unprofessional but did lack follow up when alerted to possible narcotics possession and the reason the female stated she was angry. The actual SOP that should have been issued for the lack luster investigation and follow-up is 2-60-4A1

A. Preliminary Investigations

1. Field Services officers will conduct preliminary investigations on all felony and misdemeanor crimes and any other incidents of a suspicious nature. ie. Possession of meth

I do concur with Commander S that SOP 2-92-4C4bi does not apply statutorily in this case. I also followed up with Commander R. E who wrote the CACU, SOP and he concurred that it does not meet the statutory requirements.

This is the Officers first infraction of said offense and does not have a continued pattern nor practice of policy violations. NDCA sustained, No further action required.

Conclusion:

Based on the aforementioned points of non-concurrence, APD is revising the CPOA's recommended findings as indicated above. Additionally, based on the new findings (which replaced two sustained sanction 6's with a sustained with a sanction 7), the CPOA's recommended corrective action is being downgraded from a written reprimand to an NDCA due to the Officer W lack of previous history of policy violations

Respectfully,



Eric J. Garcia
Interim Superintendent of Police Reform/DCAO
Albuquerque Police Department, Police Reform Bureau

cc: Harold J. Medina, Chief of Police