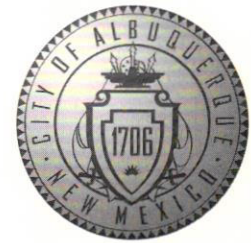


CITY OF ALBUQUERQUE



March 13, 2024

Diane McDermott
Director, Civilian Police Oversight Agency
P.O. Box 1293
Albuquerque, NM 87103

Dear Ms. McDermott:

Pursuant to Civilian Police Oversight Ordinance §§ 9-4-1-9(B), I have reviewed the Complaint and the disciplinary recommendation of the Civilian Police Oversight Agency in CPC #181-23. The complaint alleges that Chief M should be subject to discipline for violating SOP 1.1.5.A.1. I note that I am directing this letter to the CPOA because the complainant in this matter, J H, is deceased.

On July 9, 2023, local real estate developer D P posted a tweet asserting that the City of Albuquerque was on track for a record number of homicides. Chief M posted a tweet in response, disputing that assertion. A local attorney, T G, then responded to M, asserting that there had been 76 murders so far that year. In response, Chief M posted the following: "Hahahahahha, obviously math wasn't part of Law School. Have a good night T, you all crack me up. See you next week for the Depo." Several people responded, indicating they found the tweet inappropriate.

J H, a political consultant, submitted a complaint to the Office of Inspector General (OIG), asserting that the tweet was a misuse of City funds. The OIG referred the complaint to the CPOA. The CPOA conducted an investigation to determine whether the tweet violated SOP 1.1.5.A.1, which provides that "Department personnel shall treat the public with respect, courtesy, and professionalism at all times." The CPOA investigator, Robert Grooms, interviewed Chief M, during this interview, Chief M explained that he intended the tweet to be a playful joke. Mr. Grooms, however, noted that "not everyone found the joke funny." CPOA Director Diane McDermott sustained the allegation that Chief M violated APD policy and recommended that the administration issue a written reprimand.

I disagree with this recommendation. I believe that "unprofessional" is a subjective standard and the City should apply an objective standard when interpreting APD's SPOs. Additionally, although the tweet can be construed as unprofessional, it can also be considered an attempt by Chief M to diffuse what was likely to become a contentious and perpetuated inaccurate exchange. The question is not whether some individuals objected to the tweet, but whether a reasonable person would conclude that the tweet was disrespectful, discourteous or unprofessional. I do not agree that the tweet was

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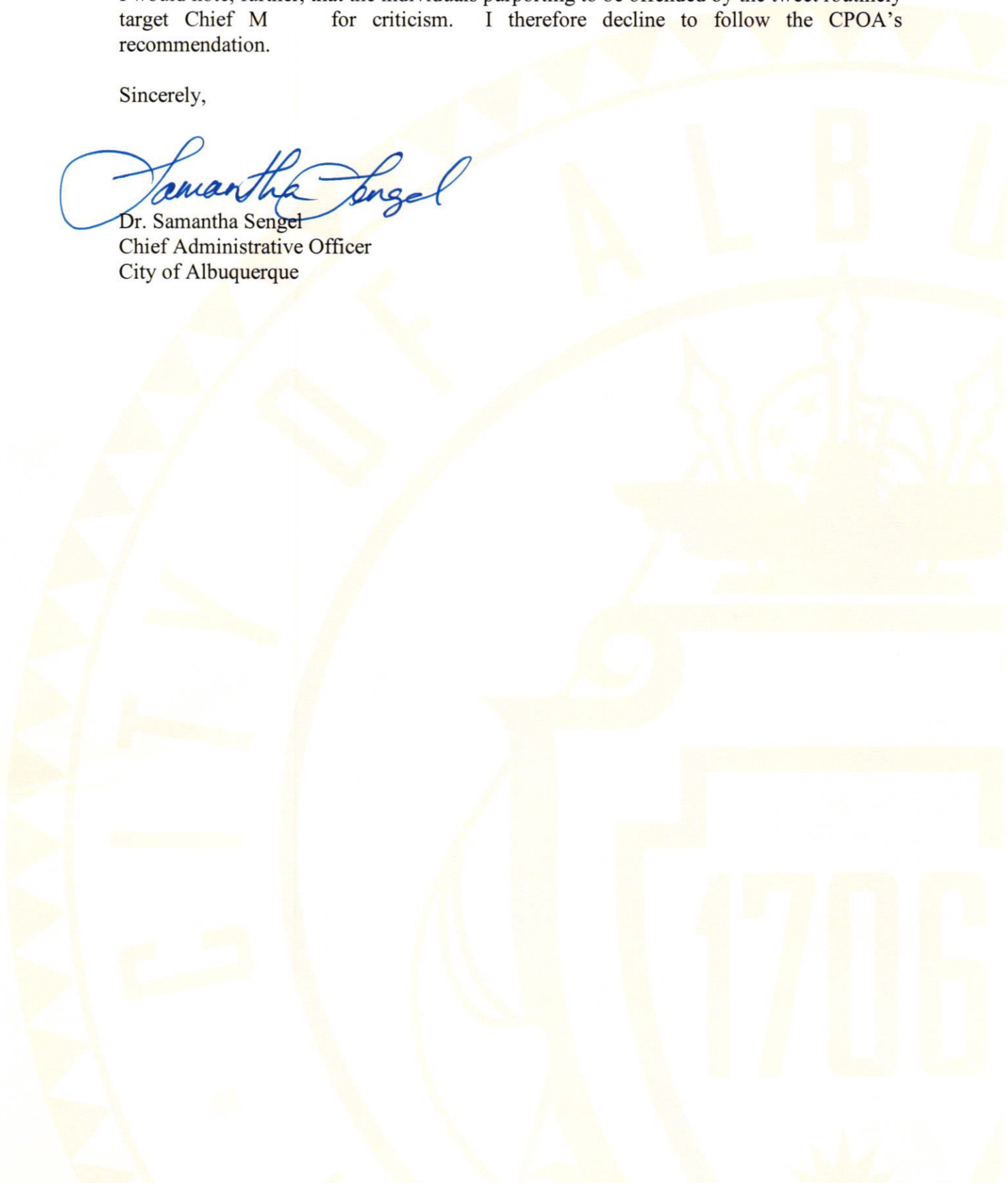
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disrespectful or discourteous toward Mr. G in light of the ongoing discourteous exchange initiated by Mr. G. Nonetheless, I do not find that a written reprimand is in order. Further, I find Chief M's intent to defuse the situation to be a mitigating factor. I would note, further, that the individuals purporting to be offended by the tweet routinely target Chief M for criticism. I therefore decline to follow the CPOA's recommendation.

Sincerely,



Dr. Samantha Sengel
Chief Administrative Officer
City of Albuquerque



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