Diane McDermott  
Interim Executive Director  
Citizen Police Oversight Agency

Re: Non-Concurrence of Discipline reference CPC 202-21

Dear Ms. McDermott:

This letter serves to convey the reasons for APD’s non-concurrence in the above-mentioned administrative investigation conducted by the Civilian Police Oversight Agency (CPOA). The table below is a summary of CPOA and APD findings:

<table>
<thead>
<tr>
<th>Policy</th>
<th>CPOA</th>
<th>APD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1-5.C.3</td>
<td>Sustained</td>
<td>Admin. Closed</td>
</tr>
<tr>
<td>1-1-5.A.1</td>
<td>n/a</td>
<td>Sustained</td>
</tr>
<tr>
<td>2-40-3.B.1.a.iii</td>
<td>Sustained</td>
<td>Sustained</td>
</tr>
<tr>
<td>2-17-2</td>
<td>Sustained</td>
<td>Sustained</td>
</tr>
<tr>
<td>2-41-3.A.1.b.ii</td>
<td>Exonerated</td>
<td>Exonerated</td>
</tr>
<tr>
<td>2-41-A.3.a</td>
<td>Exonerated</td>
<td>Exonerated</td>
</tr>
</tbody>
</table>

Policy 1-1-5.C.3 – amended to 1-1-5.A.1

Policy 1-1-5.C.3 states “department personnel shall not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions” and it is a sanction 4 offense. It is APD’s opinion that this is not the correct policy to address the situation in question. Rather, the proper applicable policy is 1-1-5.A.1 (sanction 6), which states: “Department personnel shall treat the public with respect, courtesy, and professionalism at all times.” As such, a resolution of an administratively closed finding on SOP 1-1-5.C.3 while sustaining a violation of 1-1-5.A.1. This is a first offense, class 6 violation within the performance category. As such, a written reprimand is appropriate.

Policy 2-40-3.B.1.a.iii and Policy 2-17-2

APD is in concurrence with the sustained finding and the recommended written reprimand as the two violations are class 7, thus making a class 7 second offense. A written reprimand is appropriate for these two violations.

Policy 2-41-3.A.1.b.ii and Policy 2-41-A.3.a

APD is in concurrence with the exonerated findings.
Discipline Imposed

Violation of policy 1-1-5[6] – Written Reprimand
Violation of policy 2-40-3 (Performance)[7] & 2-17-2 (Performance)[7] – Written Reprimand

Sincerely,

[Signature]

Eric J. Garcia
Interim Superintendent of Police Reform

EG:ml