

CITY OF ALBUQUERQUE

Albuquerque Police Department



Harold J. Medina, Chief of Police

March 15, 2022

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:

Policy	CPOA	APD
1-1-5.C.3	Sustained	Admin. Closed
1-1-5.A.1	n/a	Sustained
2-40-3.B.1.a.iii	Sustained	Sustained
2-17-2	Sustained	Sustained
2-41-3.A.1.b.ii	Exonerated	Exonerated
2-41-A.3.a	Exonerated	Exonerated

400 Roma NW

Albuquerque

New Mexico 87102

www.cabq.gov

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.

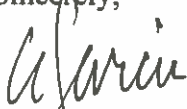
RECEIVED CPOA
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Discipline Imposed

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,

A handwritten signature in black ink, appearing to read "Eric J. Garcia". The signature is written in a cursive style with a large, stylized initial "E".

Eric J. Garcia
Interim Superintendent of Police Reform

EG:ml