



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 214-21

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
2-1-10(D)(4)(a)	Sustained	Administratively Closed
1-1-5(A)(4)	Exonerated	Sustained

Rationale for non-concurrence of the above listed findings against Telecommunications Operator N G :

I concur with the recommendation provided by Emergency Communications Center Director E W as concurred by Deputy Chief J G follows:

A review of the investigation completed by the Civilian Police Oversight Agency on CPC 214-21 was completed.

Ms. N G was charged with two SOP violations. The first is 1-1-5 A.4 which states “Department personnel shall obtain information from the public in a professional, prompt, and courteous manner, and they shall then act upon it in a proper and judicious manner within the scope of their duties. The CPOA investigation found this SOP violation to be exonerated.

The second SOP is 2-01-1-D4a which states “The 911 Operator will be responsible for obtaining information necessary to determine if the call is an emergency as soon as possible. a. If the call is an emergency, the operator will obtain the pertinent information for dispatch and create a call for service using the incident initiate form in the CADS System”. The CPOA found this SOP violation to be sustained. No sanction is assigned to the specific SOP selected.

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In reading the case and reviewing her actions or her lack of actions, her failure to enter a call for service is certainly concerning.

I believe Ms. C is actually in violation of 1-1-5A4 since she did not act upon the information provided by the caller in a proper manner. She clearly realized, during her interview, that she should and would have entered a call for service, but after two checks in the CAD system, a call for service was not located. SOP 1-1-5A4 speaks to “.....act upon it in a proper manner.....” which she did not do.

I recommend Ms. G be found in violation (sustained) of SOP 1-1-5-A.4 which is a level 6 sanction and a written reprimand would be the appropriate discipline. 2-01-1-D4a is duplicative in language to 1-1-5-A.4 and I believe 2-01-1-D4a should be administratively closed due to 1-1-5A4 already stating personnel “shall obtain information from the public.....and act upon it in a proper and judicious manner”.

Conclusion:

As indicated above, the basis for the aforementioned points of non-concurrence is the suitability of the policy and sanction applied to the conduct/circumstances involved in this case. Policy 1-1-5(A)(4) was determined to be the more appropriate policy to apply due to the fact that it possess language and an applied sanction that are both appropriate for the issue(s) in the case. As a result, the CPOA’s findings will be revised as indicated above and we will proceed with a written reprimand as resolution for the adverse finding, rather than the CPOA’s initially recommended 16 hour suspension based on their application of a sanction 4 to the originally sustained policy.

Respectfully,



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

cc: Harold J. Medina, Chief of Police