



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Interim Superintendent of Police Reform

Interoffice Memorandum

January 24, 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 224-21

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 discipline:

Policy	CPOA Recommended Discipline	APD Recommended Discipline
2-5-4(G)(4)	8 hour suspension	Written Reprimand

Rationale for non-concurrence of the above listed discipline against Officer A [redacted] G [redacted]:

I concur with the recommendation provided by Commander J [redacted] V [redacted] as concurred by Deputy Chief M [redacted] S [redacted] follows:

Through the investigation it was found through the preponderance of the evidence, that Officer G [redacted] did in fact use an E-cigarette while in his patrol car with a prisoner in the back seat. Officer G [redacted] clearly admitted this policy violation (2-5-4-G-4) to his direct supervisor, during his CPC interview and on his lapel camera. Officer G [redacted] also apologized to the prisoner for using his E-cigarette. Officer G [redacted] took full responsibility for this violation and took necessary self-corrective action so this violation would not occur again. The CPC investigator recommended an 8 hour suspension in the DAP. After my review of the investigation, the DAP and Officer C [redacted] discipline card, I recommend that Officer G [redacted] receive the minimum discipline for a first offense, Class 5 violation (**Letter of Reprimand**). This is his first sustained Class 5 violation in the last 2 years. This is the first time he has violated this policy, he took corrective action on his own and took full responsibility for his actions.

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Conclusion:

As a result of the above mentioned points of non-concurrence, the CPOA's recommended discipline will be changed from an 8 hour suspension to a Written Reprimand as the official resolution to this case.

Respectfully,



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

cc: Harold J. Medina, Chief of Police