



**Timothy M. Keller**  
Mayor

# City of Albuquerque

## Albuquerque Police Department



**Eric J. Garcia**  
Interim Superintendent of Police Reform

### Interoffice Memorandum

June 29, 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 238-21

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
1-1-5(A)1	Unfounded	Sustained
1-1-6(A)(1)	Sustained	Admin Closed
2-60-4 (A)5f	Sustained NBOC	Sustained

**Rationale for non-concurrence of finding for 1-1-5(A)1 and 1-1-6(A)(1):**

I concur with the recommendation provided by Deputy Chief Josh B as follows:

The investigation revealed that Officer A did not follow through with providing a welfare check on the complainant’s residence. Deputy Chief B found that Officer A did not conduct himself in a professional manner by not providing the requested welfare check. Officer A inaction does not cast doubt on his integrity, honesty, moral judgement, or character. In addition, a SOP revision for this section is needed as it is too broad in nature. The “efficiency of the Department” should be addressed in a separate section.

**Rationale for non-concurrence of finding for 2-60-4(A)5f:**

I do not concur with the recommendation provided by Deputy Chief J B as follows:

Deputy Chief B sustained the violation for this SOP section, which is consistent with the finding of “Sustained NBOC” by the CPOA. However, this SOP violation was not based on the original complaint. Therefore, I concur with your finding of “Sustained NBOC”, which is the appropriate finding.

Acting Commander B found that Officer A was remorseful and took ownership for the violations. Officer A was also receptive to the coaching and feedback provided by A/Commander B

**Conclusion:**

Based on the aforementioned points of non-concurrence, it is further deemed appropriate to reject the CPOA's discipline recommendation of a 16 hour suspension and a written reprimand, and instead impose the mitigated penalty recommended by Deputy Chief B of a written reprimand and non-disciplinary corrective action (NDCA).

Respectfully,



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

cc: Harold J. Medina, Chief of Police