



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 249-20

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
1-1-4(D)(15)	Sustained	Administratively Closed

#### Rationale for non-concurrence of finding for 1-1-4(D)(15) against Officer C L :

I concur with the recommendation provided by former Deputy Chief D C as follows:

After reviewing the facts in this case, I do not concur with the findings of the CPOA. The subject was extremely disrespectful towards Officer I and Officer C . Mr. A continuously challenged any questioning by the officers in which a back and forth conversation continued throughout their interaction. Both officers displayed patience in which at no point did they raise or escalate the situation. I saw this more of a dialogue and while one would hope for it to be more productive, it was not. There were bits and pieces of comments that could have been left out by Officer L but nothing that rose to sustaining him for violating the policy. This is considered a minor policy violation and not significant of a pattern of misconduct.

Based on the facts of the case, this violation will be found **Administratively Closed**.

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**Conclusion:**

Based on the aforementioned points of non-concurrence, The CPOA's recommended adverse finding will be replaced with the non-adverse finding of "Administratively Closed." As a result, no discipline will be imposed as it relates to this change.

Respectfully,



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

cc: Harold J. Medina, Chief of Police