



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Interim Superintendent of Police Reform

Interoffice Memorandum

February 7, 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 250-20

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
2-52-4(F)(1)(a)	Exonerated	Unfounded

Rationale for non-concurrence of the above listed finding against Officer S I

I concur with the recommendation provided by Commander G W as concurred by Former Deputy Chief D O as follows:

The act alleged against Officer L... related to the above listed policy does not constitute a Use of Force. Officer L... was alleged to have “squeezed” Ms. C...’s fingers during the pat down, but this could not be corroborated by the investigation. Additionally, Officer L... denied the allegation and the reported victim was not cooperative with the investigation. Since the above listed policy applies only to those situations involving a Use of Force, it is determined that the more appropriate finding in that regard is Unfounded. Moreover, applying the finding of Exonerated indicates that the act as alleged occurred but did not violate policy. This characterization would be inaccurate given the circumstances and since no UOF occurred, and instead, the characterization of Unfounded, which indicates that the allegation did not occur, would be more appropriate.

Conclusion:

As a result of the above mentioned points of non-concurrence, the CPOA’s recommended finding will be replaced with the finding of “Unfounded” as the official resolution to that portion of the case.

Respectfully,



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

cc: Harold J. Medina, Chief of Police