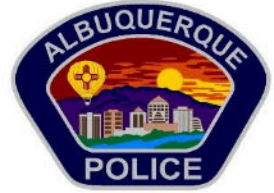




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

March 8, 2024

Interoffice Memorandum

To: Diane McDermott, Executive Director, CPOA
From: Jimmy Collins, Major, Office of the Superintendent
Subject: Non-Concurrence of Action re: CPC-261-2023

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.

Policy	CPOA Finding	APD Finding
1-1-5-A-1	Sustained/8-hour suspension	Sustained/Written Reprimand

Rationale for non-concurrence of action for 1-1-5-A-1:

Professional integrity concurred with the sustained finding of the investigation but concluded a written reprimand was more appropriate based on mitigating circumstances observed during the case review. The officer admitted the mistake and was remorseful by saying he would take the comments back if he could. APD SOP 3-46-4-C explains aggravating and mitigating circumstances when determining final discipline for an employee and under Section 3 mitigating circumstances may include sincere remorse and acceptance of responsibility, which was the basis for Professional Integrity to find mitigation appropriate. During my review, I discovered the officer’s retention card had an incorrect entry by labeling a missed court violation as a performance violation. This prior violation was used as progressive discipline to calculate the current violation as a second offense. In the category appendix in APD SOP 3-46, missed court is listed as an attendance violation and would not be counted towards an additional performance violation, therefore this violation to no fault of the CPOA should have remained a first offense class 6 where a written reprimand would be the presumptive level of discipline.

Conclusion:

Based on the overall circumstances of the investigation and through guidance of APD SOP 3-46, the officer will be issued a written reprimand for this sustained violation.

Respectfully,

Major Jimmy Collins,
Deputy Director of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform