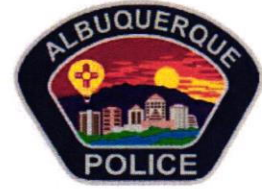




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Executive Director of Police Reform

May 12, 2023

Interoffice Memorandum

To: Diane McDermott, Interim Executive Director, CPOA

From: Jimmy Collins, Major, Deputy Director of Police Reform

Subject: Non-Concurrence of Action re: CPC-264-2022

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
2-60-4-A-5-b&f	Sustained/Verbal Reprimand	Sustained/NDCA

Rationale for non-concurrence of action for 2-60-4-A-5-b&f:

I concur with the CPOA recommendation to sustain this violation as there is sufficient evidence to prove the officer should have completed an incident report for this call for service.

The non-concurrence is only related to the action taken. CPOA recommended the presumptive level of discipline for this class 7 violation which is considered to a performance issue under SOP 3-46 (See Appendix for categories) and APD Professional Integrity decided to deviate slightly to the minimum level of correction allowable by SOP 3-46 which is a Non-Disciplinary Corrective Action (NDCA). Professional Integrity reached this conclusion based on the following:

The publication of APD Special Order 22-100, which does allow for some incidents to be documented only in the CAD.

The time in service of the officer. As in, this not a veteran officer and he is relatively new to the profession.

I also noted the officer's lack of prior disciplinary history.

Conclusion:

The use of an NDCA as a corrective tool is designed specifically for situation such as these. This is a minor policy violation, as denoted by the class 7 designation, and it is a performance issue. In other words, APD can work with this officer to improve his/her performance in order to reduce or prevent shortcomings of this nature in the future. Based on these considerations, I agree with Professional Integrity's recommendation to deviate slightly from the presumptive level (verbal reprimand) and issue the officer a NDCA.

RECEIVED CPOA
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Respectfully,

A handwritten signature in black ink, appearing to read 'J. Collins', with a large, sweeping flourish underneath.

Major Jimmy Collins,
Deputy Director of Reform
Albuquerque Police Department

Cc: Eric Garcia, Executive Director of Police Reform