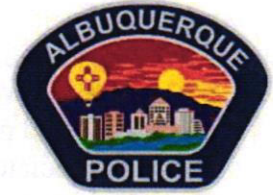




Timothy M. Keller  
Mayor

# City of Albuquerque

## Albuquerque Police Department



Eric J. Garcia  
Superintendent of Police Reform

September 10, 2024

### Interoffice Memorandum

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**To:** Diane McDermott, Executive Director, CPOA  
**From:** Jimmy Collins, Major, Office of the Superintendent  
**Subject:** Non-Concurrence of Action re: CPC-105-2024

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
2.100.4.B.8.g.iv	Sustained/Written Reprimand	Sustained/NDCA

#### Rationale for non-concurrence of action for 2.100.4.B.8.g.iv :

I listened to both the call from Ms. H ; to Mr. L and also the call between Ms. H ; and Mr. L's supervisor. Ms. H ; was calling to report what she believed to be a handicap violation at the Trader Joe's on Paseo and, clearly, at the beginning of the call she was frustrated with how a vehicle was parked and blocking the ramp. Mr. L was simply asking questions he was required to ask in order to create a call for service and it was apparent Ms. H frustration then began to focus on Mr. L. While I agree it is our responsibility as employees of the Albuquerque Police Department to remain professional/composed during confrontational situations, I found Ms. H ; to be extremely rude to Mr. L when he was simply attempting to do his job. I will, however, agree Mr. L was apparently being somewhat passive aggressive with Ms. H ; and made a comment that could be considered as rude or unprofessional. When I listened to the conversation between Ms. H ; and Mr. L's supervisor she sounded angry, frustrated, and very demanding. When the supervisor was attempting to explain the course of action he was going to take, Ms. H ; spoke over him and began telling him about a situation where the chief of police himself all the way down the rank and file apologized to her for a reported incident she had last year and when the supervisor attempted to gather information from her she would only reply that her name was "citizen" and she did inform him she was not a "Karen".

Ultimately, the call for service was created and two PSA's responded to the Trader Joe's and cited the vehicle for improper parking in a handicap spot. The call turned into a larger issue when a supervisor arrived and used his discretionary authority to void the citation.

I support the sustained finding reached by the CPOA in this investigation as I believe Mr. L could have been a bit more professional in his handling of the conversation with Ms. H . Again, Mr. L did acknowledge this during his CPOA interview.

Mr. L's disciplinary history dates back to 2016 where he does have prior on duty conduct sustained violations. However, there have been no sustained violations of misconduct or performance issues since 2020 and no prior NDCA's in the last six years. In my opinion, this is a situation best addressed by his immediate supervisor to ensure this does not happen again. Since, Mr. L does not have any discipline issues in the last four years. Additionally, SOP 3-46 provides for a range of discipline within the given class and sanction. In this case, the violation is a class 6 where the range of discipline is a NDCA up to an 8-hour suspension. It is not the responsibility of the CPOA to consider any mitigating or aggravating factors in order to recommend discipline and generally all cases arrive at Professional Integrity with the presumptive level of discipline as the recommendation. It is, however, the responsibility of Professional Integrity and myself to identify and consider mitigating or aggravating circumstances in order to reach an appropriate and fair disciplinary resolution. It should be noted the fact that the discipline was reduced to a corrective action in no way reflects on the quality of this investigation as the investigation was complete and very thorough.

**Conclusion:**

The final discipline issued to Mr. L was a NDCA which was a departure from the recommended presumptive level of a written reprimand.

Respectfully,



Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform