

# City of Albuquerque

## Albuquerque Police Department



Eric J. Garcia
Executive Director of Police Reform

October 7, 2022

### Interoffice Memorandum

To:

Deirdre Ewing, Executive Director, CPOA

From:

Jimmy Collins, A/Deputy Director of Police Reform

Subject:

Non-Concurrence of Action re: CPC-100-2022

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
1-1-5-E-4	Sustained/Written Reprimand	Sustained/NDCA

#### Rationale for non-concurrence of action for 1-1-5-E-4:

I concur with the CPOA recommendation to sustain this violation. There is sufficient evidence to show Officer did violate this policy by exceeding the posted speed limit in order to catch speeding violators when they pass him.

While it is true most officers will allow for 10 miles per hour or more before initiating a traffic stop for speeding in an attempt to give the driver the benefit of the doubt for speedometer calibration or tire size, the same consideration it not provided to police officers when driving a police car. Officer J. did explain the methodology as to why he exceeds the speed limit by seven miles per hour, but the SOP does not allow for this practice and only states officers shall obey all laws when operating a department issued vehicle. Commander V does confirm this as well during his interview with the CPOA.

I agree with Commander W recommendation to issue Officer J a Non-Disciplinary Corrective Action for this violation. This is based on Officer J having no prior disciplinary actions and the consistency in which Commander W addresses speeding violations.

#### Conclusion:

Based on these considerations, I have decided it is appropriate to deviate from the presumptive level of discipline, a written reprimand, and apply the minimum level of correction, a NDCA, which is within the range for a violation of this class.

#### Timeline Concerns:

During my review I noted issues with the timelines of this case. According to the database entry log the dates are as follows:

4/29/2022- Complaint was recievied by the CPOA



5/9/2022- CPC case was created

5/9/2022- Date of target letter

9/5/2022- CPOA Investigator Juan Sotres' investigation is complete according to the Executive Director Recommendation Form

9/6/2022- 120 days

9/27/2022- Date the Executive Director Recommendation Form is signed

9/27/2022- Case delivered to IAPS

Based on these dates the case was held at the CPOA for an additional 22 days until it was delivered to IAPS. Therefore the investigation was in the possession of the CPOA for 141 days. The CPOA Executive Review does not fall within the APD 40-day command review and should be completed within the 120-day timeframe. Unless there is language and procedure to the contrary, I am considering this investigation to be time-barred, based on 20.1.16.3 of the APOA Contract, and no entries will be made in Officer.

Respectfully

Jimmy Collins,

A/Deputy Director of Reform Albuquerque Police Department

Cc: Eric Garcia, Executive Director of Police Reform