

**EXECUTIVE SUMMARY**

On April 27, 2021, Commander (Cmdr.) Elizabeth Armijo completed a Blue Team entry alleging potential misconduct involving Lieutenant (Lt.) Jim Edison.

I, Detective Anastacio Zamora, was assigned this Internal Affairs administrative investigation on May 3, 2021. I began my investigation by reviewing all the evidence submitted in BlueTeam and I reviewed Cmdr. Armijo's memorandum.

The allegations were set out as follows:

Effective Saturday, April 24, 2021, Lt. Edison was transferred to the Homeland Security Division reporting to Cmdr. Armijo. On Friday, April 23, 2021 (the day prior to Lt. Edison's transfer to Cmdr. Armijo's supervision) Deputy Chief (DC) Smathers asked Cmdr. Armijo (via text message) to ensure Lt. Edison's transfer was completed and for Cmdr. Armijo to complete his payroll approval (April 23 was the pay period ending date).

On April 23, 2021, Cmdr. Armijo logged into Telestaff and checked, for the first time, to see if she had access to Lt. Edison's Telestaff entries and discovered that she did have access. Cmdr. Armijo observed that Lt. Edison had claimed a large number of overtime hours for the pay period. The Telestaff entries she looked over were the entries from April 9, 2021 thru April 23, 2021.

While Cmdr. Armijo reviewed Lt. Edison's Telestaff entries, she immediately became concerned with Lt. Edison's overtime entries and she did not feel comfortable approving the submitted overtime. Her concerns involved Lt. Edison claiming several hours of "call-out" overtime, nearly every day, when the justification for "call-out" overtime did not meet the requirement per Special Order 20-85 or the Albuquerque Police Officers Association (APOA) collective bargaining agreement (CBA). Much of this overtime should have been claimed as "administrative overtime." Lt. Edison was also claiming 8 hours of comp time for being "on-call" every week despite having at least three officers, a police service aide, and one civilian assigned to assist him with his duties.

After viewing the Lt. Edison's Telestaff entries for the pay period, Cmdr. Armijo had concerns with nearly every single overtime entry and she did not feel there was sufficient justification for what Lt. Edison was claiming. On April 23, 2021, Cmdr. Armijo informed Deputy Chief (DC) Smathers of her concerns with Lt. Edison's Telestaff overtime entries and she told him she was uncomfortable approving the overtime for the pay period. DC Smathers signed off and approved Lt. Edison's overtime, without proper review into the overtime that Lt. Edison claimed on his timesheet.

In conclusion, the investigation determined that Lt. Edison claimed 2-hours of "call-out" overtime for voicemails that he received regarding COVID-19 and he then forwarded the voicemail to COVID-19 case managers to investigate the cases. The investigation found that Lt. Edison often claimed "call-out" overtime that did not fall under COVID-19 or the definitions of a "call-out" per the APOA CBA or per Special Order 20-85.

The investigation determined Cmdr. Armijo told Deputy Chief (DC) Smathers she had issues of concern with Lt. Edison's Telestaff. Despite this, DC Smathers signed off on Lt. Edison's Telestaff without proper review into the items Lt. Edison was claiming on his timesheet.

In conclusion, Lt. Edison violated Department policy 1-1-4B2 and 1-1-4D19a. These issues of concern were SUSTAINED. DC Smathers violated Department policy 1-1-4B6b and 3-14-4A15. These issues of concern were SUSTAINED.



**Detective Anastacio Zamora**  
**IA Professional Standards**

**RECOMMENDED FINDINGS AND CONCLUSIONS**

Lieutenant Jim Edison

1. Did Lieutenant Edison comply with Albuquerque Police Department General Order 1-1-4B2 [1-7]? General Order 1-1-4B2 states:

*1-1 PERSONNEL CODE OF CONDUCT*

*1-1-4 Rules of Conduct*

*B. Compliance with Laws, Rules, and Regulations*

2. *Personnel will obey all federal, state, and local laws, all applicable rules and regulations. (Effective 11/14/17) [1-7]*

The alleged misconduct concerned whether or not Lt. Edison complied with all applicable rules and regulations (SO 20-26, SO 20-85, and SOP 3-20).

The investigation determined Lt. Edison claimed 2 hours of COVID-19 “call-out” overtime for listening to the voicemail, forwarding the voicemail to one of his detectives, and then reviewing the email generated by the detective.

Because Lt. Edison was “on-call” and received the phone call during his off duty hours, and performed the above tasks, he believed he was entitled to claimed overtime (automatic 2-hours). The investigation found the “work” Lt. Edison did, did not fall under the APOA contract due to Lt. Edison failing to follow and assume the full responsibilities of his duties for a “call-out.” Additionally he was not answering his phone and allowing the person to leave a voicemail. Lt. Edison was not asking the person questions about the employees contact with the “source” of COVID-19 as he stipulated from April 15, 2020, signed Special Order 20-26. Lt. Edison claimed overtime (automatic 2-hours) for listening to a voicemail, forwarding voicemails for case managers to work the investigations, and reviewing the emails his detectives generated.

Furthermore, on April 15, 2021, Lt. Edison held a team-planning meeting and claimed COVID call-out overtime from 1630-1900 hours. The team meeting does not appear urgent and appears to be a meeting that could have taken place during normal business hours. Special Order 20-85 section 3-20-4A5 in part reads: *“When possible, personnel working during normal working business hours shall schedule work-related meetings, interviews, or appointments during their shift(s).* Additionally, 3-20-4A4 (overtime) requires: *“All overtime, with the exception of court overtime and COT, must be preapproved by the on-duty supervisor...”*

On April 7, and April 20, 2021, Lt. Edison claimed overtime Starchase training. Lt. Edison said because he was the trainer, he was not required to adjust his hours however per Department Special Order 20-85 subsection 3-20-4E12a-b (Training Overtime) reads: *“Training shall normally be*

*conducted during designated duty hours. Work hours shall be adjusted to meet training needs."* Additionally, 3-20-4A4 (overtime) requires: *"All overtime, with the exception of court overtime and COT, must be preapproved by the on-duty supervisor..."* Per SO 20-85 he should not have been claiming the training as overtime and Lt. Edison was required to adjust his work hours to meet the training needs.

I recommend [REDACTED]



**Detective Anastacio Zamora**  
**IA Professional Standards**

**RECOMMENDED FINDINGS AND CONCLUSIONS**

Lieutenant Jim Edison

2. Did Lieutenant Edison comply with Albuquerque Police Department General Order 1-1-4D19a [1-7]? General Order 1-1-4D19a states:

*1-1 PERSONNEL CODE OF CONDUCT*

*1-1-4 Rules of Conduct*

*D. On-Duty Conduct*

19. *Personnel will not alter, misrepresent, or make any false statement in any verbal or written report or in any other written document that has been completed in the course of their employment. (Effective 11/14/17) [1-7]*
- a. *Written documents include, but are not limited to reports, citations, public records or documents, public vouchers, overtime slips, leave requests, personnel records, affidavits, or any other written instrument completed by Department personnel.*

The alleged misconduct concerned whether or not Lt. Edison misrepresented his Telestaff timesheets.

The investigation determined Lt. Edison was consistently claiming every day, 2 hours of “call-out” overtime for sending COVID stats sheets. Lt. Edison was not called back to work and began working at his own choosing. Working on and submitting COVID stats for review is not a “call-out.” DC Smathers did not order or direct Lt. Edison to send these stat sheets in the very early morning hours but Lt. Edison chose to work on and email the stat sheets during the hours that he did. DC Smathers said 99% of the time the COVID stats could have been emailed during Lt. Edison’s normal working hours; Lt Edison’s working hours are from 0830 hours to 1630 hours.

On April 15, 2021, Lt. Edison claimed 2.5 hours of COVID call-out overtime from 1630-1900 hours. On this same date, he also claimed 4.5 hours of call-out overtime from 1800-2230 hours. Because Lt. Edison was already being paid overtime from 1630-1900 hours, he should not have also claimed from 1800-2300 hours.

Additionally, on April 20, 2021, Lt. Edison claimed 1.5 hours of call-out overtime from 0700-0830 hours with the following Telestaff notes: *“Starchase training for Department at MHQ. Leading instruction and meetings with operators both old and new.”* Additionally Lt. Edison claimed 1.5 hours of COVID call-out overtime from 1630-1800 hours, with the following Telestaff

notes: "Covid 19 and starchase training: training multiple officers in starchase and follow up on Covid cases IE Bowie, Lamarcus." Lt. Edison said he did not adjust his hours for the Starchase training (per Special Order 20-85) because he was the trainer, not the trainee and because COVID did not stop, he still needed to work (**Lt. Edison's transcribed statements pages 23-25 lines 1022-1085**). Starchase training is not related to COVID. Furthermore, Det. Eichel generated an email to Acting Commander Bowie reference household COVID testing. Det. Eichel did not put in overtime for completing and sending this email (Note Det. Eichel's working hours are from 0800 hours to 1800 hours. Lt Edison's working hours are from 0830 hours to 1630 hours). Lt. Edison claimed reviewing and approving Det. Eichel's email as part of his overtime. Lt. Edison claimed credit for an email that was authored and sent by Det. James Eichel on Tuesday, April 20, 2021, at 1812 hours.

This overtime does not appear to meet the APOA collective bargaining agreement (CBA) contractual justification for a "call-out" or meet the requirement of a "call-out" per Special Order 20-85 (amended SOP 3-20-4E3) and appears to be proactive administrative work.

I recommend [REDACTED]



**Detective Anastacio Zamora**  
**IA Professional Standards**



**RECOMMENDED FINDINGS AND CONCLUSIONS**

Deputy Chief of Police Michael Smathers

1. Did Deputy Chief Michael Smathers comply with Albuquerque Police Department General Order section 1-1-4B6b [1-7]? General Order section 1-1-4B6b states:

*1-1 PERSONNEL CODE OF CONDUCT*

*1-1-4 Rules of Conduct*

*B. Compliance with Laws, Rules, and Regulations*

6. *Personnel will perform any act required by the City's or Department's rules, regulations, directives, orders, or settlement agreement.*
- b. All supervisors will also be held accountable for identifying and responding to policy or procedure violations by personnel under their command. (Effective 11/14/17) [1-7]*

The alleged misconduct concerned whether or not DC Smathers violated this policy by failing to follow Department rules and policies or identifying and responded to policy or procedure violations by Lt. Edison.

The investigation found that Lt. Edison was claiming large amounts of COVID "call-out" overtime each week to include 8 hours of comp time for being "on-call" each week. DC Smathers said in regards to Lt. Edison overtime, Lt. Edison ensured him he was following the spirit and the letter of the SOP. DC Smathers said he did not review Lt. Edison's Telestaff but was constantly having conversations with Lt. Edison about him ensuring him and his COVID Unit were documenting the overtime "correctly, properly and ethically."

Although it was alleged that DC Smathers had Lt. Edison conduct an audit to ensure the overtime he was claiming was correctly code, there is no evidence that DC Smathers conducted any follow-up with anyone (except Lt. Edison) to ensure things were done correctly.

Lt. Edison's overtime entries did not appear to meet the APOA collective bargaining agreement (CBA) contractual justification for a "call-out" or meet the requirement of a "call-out" per Special Order 20-85 (amended SOP 3-20-4E3) and appears to be proactive administrative work. DC Smathers failed to ensure Lt. Edison was correctly coding his overtime and failed to identify that the overtime claimed was not within Department policy.

I recommend [REDACTED]

  
\_\_\_\_\_  
**Detective Anastacio Zamora**  
**IA Professional Standards**



**RECOMMENDED FINDINGS AND CONCLUSIONS**

Deputy Chief of Police Michael Smathers

2. Did Deputy Chief Michael Smathers comply with Albuquerque Police Department Administrative Order section 3-14-4A15 [6-7]? Administrative Order section 3-14-4A15 states:

*3-14 SUPERVISORY LEADERSHIP*

*3-14-4 Procedures*


*A. All supervisors, regardless of the level of supervision, will:*

- 15. Review, and forward as appropriate any reports or documents prepared by subordinates. (Effective 09/29/16) [6-7]*

The alleged misconduct concerned whether or not DC Smathers violated this policy by failing to review Lt. Edison's Telestaff timesheets.

The investigation found DC Smathers did violate this policy by failing to review the Telestaff timesheets Lt. Edison submitted. DC Smathers took Lt. Edison for his word on what he claimed was accurate and appropriate. DC Smathers failed to review the documentation and overtime being claimed in April 2021 and to evaluate Lt. Edison's Telestaff timesheet to ensure what could and could not be claimed as overtime.

I recommend [REDACTED]



**Detective Anastacio Zamora**  
**IA Professional Standards**