City of Albuquerque

Albuquerque Police Department

Timothy M. Keller
Mayor

Eric J. Garcia
Superintendent of Police Reform

July 1, 2025

Interoffice Memorandum

To: **Diane McDermott, Executive Director, CPOA**

From: **Jimmy Collins, Major, Office of the Superintendent**

Subject: **Non-Concurrence of Finding re: CPC-10-2025**

This memorandum articulates 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-4	Sustained	Exonerated

Rationale for non-concurrence of action for 1-1-5-A-4:

Commanders Waite and Landavazo conducted the Professional Integrity review and did not concur with the sustained finding for this violation. Both commanders explained why they disagreed with the CPOA and returned an exonerated finding.

Commander Waite reviewed the case and wrote the following in his review:

Officer Q. responded to the call for service in which the complainant alleged he was battered. The complainant admitted to intoxication and medication usage at least the night prior and possibly in the morning based on his response to AFR. The subject refused emergency care. As noted by Officer Q., no evidence of a battery can be seen on the subject's head. The complainant was insistent that the subject be evicted and arrested. Officer Q. mentioned a criminal summons but indicated officers would interview the subject first. After the subject/roommate interview, Officer Q. refers to providing a case number to the complainant, and the complainant mentions a summons. Officers then departed to assist another call. Officer Q. testified that he had found another call from earlier in the morning, during which officers could not determine the primary aggressor. As the complainant to AFR noted, the incident occurred earlier in the morning, "3 hours ago," so the prior response is consistent with that call for service. Officer Q. determined the event was a continuation of the previous call, had it been appropriately reported by Officer R., made notes to that effect on the CAD, and the case was cancelled. Based on those factors, reviewing OBRD and the interview of Officer Q., I find Officer Q. responded to the scene, acted professionally, and took appropriate action.

Commander Landavazo reviewed the case and wrote the following in his review:

Officer Q. advised that the incident had already been investigated, which was documented in a police report by Officer D. R.. In his interview, Officer Q. indicated the complainant appeared to be

intoxicated. Officer Q. initially indicated that he would file a report, but Officer R. had already investigated the incident and found his call duplicative of the call handled by Officer R., so he canceled his report as it was already investigated and documented. Officer R. could not determine the primary aggressor and did not issue a summons. The report indicated that the situation has been an ongoing problem between the two, in which the tenant rents a room in the house. It was noted in the complainant's complaint that he wanted the tenant arrested. Since the alleged crime was committed outside of Officer Q.'s presence, an arrest could not be made. If Officer Q. had filed a summons, it would have been contrary to what Officer R. had already investigated and would have put the department in a bad position. I concur with Commander Waite's finding of exoneration.

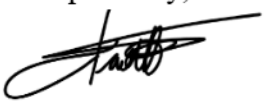
I reviewed the evidence presented in this investigation and have concluded that Commanders Waite and Landavazo's conclusion was correct and reasonable.

Superintendent Garcia reviewed the circumstances of the non-concurrence and agreed with the finding of exonerated for this violation.

Conclusion:

Based on the totality of the information presented, Officer Q. was exonerated on this violation, and no action was taken against him.

Respectfully,



Major Jimmy Collins,
Deputy Superintendent of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform