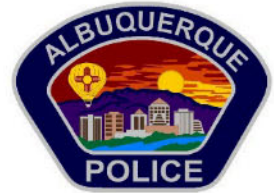




Timothy M. Keller  
Mayor

# City of Albuquerque

## Albuquerque Police Department



Eric J. Garcia  
Superintendent of Police Reform

December 4, 2025

### Interoffice Memorandum

---

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

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

**Subject:** Non-Concurrence of Finding re: CPC-122-2025

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-E-4	Sustained	Not Sustained
1-1-6-A-6-a	Sustained	Not Sustained
1-1-6-A-1-b	Sustained	Not Sustained

This memorandum has been written to explain the non-concurrence of findings for Officer F and Officer R.

Commander Waite and Commander Landavazo conducted an extensive review of these allegations, and based on their analysis, the following was determined:

#### **Rationale for non-concurrence of action for 1-1-5-E-4 (Officer F and Officer R):**

***1-1-5-E-4 states: Department personnel shall operate City-issued vehicles in a careful and prudent manner and shall obey all laws and all Department SOP(s) about such operation.***

There was no objective evidence indicating that the officers were speeding. Both officers stated that they only accelerated to conduct the traffic stop of the complainant. Additionally, the use of emergency lights to clear an intersection before proceeding is common practice, especially when the lights remain red in all four directions and other motorists do not treat it as an orderly four-way stop. There was no objective evidence suggesting that activating emergency equipment was done out of "mere convenience," but both officers stated that the lights were activated as a safety measure. The finding that Officer F and Officer R. violated 66-7-6 is incorrect because a sworn law enforcement officer did not issue a traffic citation to Officer F or Officer R., and this violation was not presented before a judicial authority. Based on the lack of objective evidence supporting the complainant's claims, the more appropriate finding is that it is not sustained.

**Rationale for non-concurrence of action for 1.1.6.A.6.a (Officer F):**

***1.1.6.A.6.a: "Department personnel shall not knowingly misrepresent or make any false statement in any verbal or written report or make any allegation to any other written/electronic document that has been completed in the course of their employment. Written documents include, but are not limited to: Reports."***

Based on the investigation's information, it is more likely than not that Officer F's report was inaccurate, as it was written nearly a month after the event. There was no additional information or evidence to support the claim that Officer F intentionally misrepresented the truth.

**Rationale for non-concurrence of action for 1-1-5-E-4 (Officer F and Officer R):**

***1.1.6.A.1.b: "All Department personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that: Brings discredit to the department"***

The investigation revealed that APD officers lack the authority to conduct traffic stops in Sandoval County. Routine traffic enforcement outside Bernalillo County is generally discouraged; however, based on the officers' testimony, this traffic stop was for reckless driving, which is not a minor, routine violation. Police officers have a duty to act in dangerous situations, but they must contact the appropriate jurisdictional agency for assistance. Officer F and Officer R did precisely that. They took no enforcement action, such as making an arrest or issuing a citation, and relied on the Rio Rancho PD to use the police team concept to summon the complainant to court. There is insufficient evidence to support the charge that the officers' actions brought discredit to the Department.

**Conclusion:**

I reviewed the investigation and agree with Commander Waite's and Landavazo's conclusions and recommendations to change the finding from sustained to not sustained for all listed violations.

Respectfully,



Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform