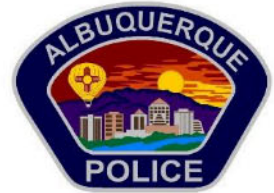




Timothy M. Keller  
Mayor

# City of Albuquerque

## Albuquerque Police Department



Eric J. Garcia  
Superintendent of Police Reform

December 17, 2025

### Interoffice Memorandum

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

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

**Subject:** Non-Concurrence of Finding re: CPC-167-2025

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
2-60-4-C-1-e	Sustained	Unfounded

#### Rationale for non-concurrence of action for 2-60-4-C-1-e:

This memorandum has been written to explain the non-concurrence of findings for PSA D.

Professional Integrity Commander Waite reviewed the investigation and concluded that he disagreed with the sustained finding for PSA D. Commander Waite explained in his review that PSA D. requested RTCC to determine if cameras at the intersection showed the accident. RTCC determined that the intersection cameras were inoperable. No evidence was provided to prove that PSA D. was trained to query surrounding businesses for footage. Although PSA D. did not directly interview Chief Durgin and LT Allison as witnesses to the crash, both wrote incident reports, which are attached to the file. Commander Waite finds that it fulfills the witness statement requirement. Finally, PSA D. spoke with the solid waste vehicle driver and recorded his statement in the UCR. I find no evidence that statements of the vehicle passengers would be required and would not add to the statement of the driver.

Ultimately, everyone agreed that the solid waste driver hit the bicyclist. Additional interviews or camera footage would not change that opinion. PSA D. conducted sufficient documentation of the accident scene, including witness and involved statements, which demonstrated that the driver of the solid waste truck hit the cyclist in the crosswalk.

#### Conclusion:

I reviewed the investigation and agree with Commander Waite's conclusion and recommendation to change the finding from sustained to unfounded.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Collins', with a large, sweeping flourish extending from the end.

Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform