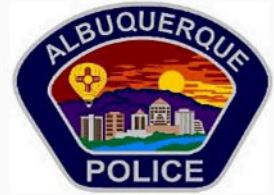




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

May 8, 2025

Interoffice Memorandum

To: Diane McDermott, Executive Director, CPOA

From: Jimmy Collins, Major, Office of the Superintendent

Subject: Non-Concurrence of Finding re: CPC-323-2024

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
1-1-6-A-1-c	Sustained	Exonerated

Rationale for non-concurrence of action for 1-1-6-A-1c:

Regarding the violation where Officer C stated in the essential remarks section of the traffic citation that the driver advised him that he was not paying attention, I am struggling to see how that would negatively affect the department's effective operation. Mr. Fisher points out that the essential remarks section assists the officer in prosecuting a traffic violation when appearing before a judge. There is no requirement in policy for officers to put anything in that section. In other words, they can choose to leave that section blank. Additionally, it becomes the officer's responsibility to testify before the judge about the reason for the stop.

I agree with the statement of the CPOA investigator, who said accurate documentation is essential to department operation. However, there is no other articulation or evidence how Officer C created an ineffective operation by misstating something on a traffic citation. I also agree with the CPOA's decision to avoid charging Officer C with a class one violation for knowingly making a false statement because it is more likely that he interpreted the driver's response as not paying attention than attempting to falsify information on a citation.

Officer C stated in his PDH that he did nothing to prepare for the CPOA interview, but after reviewing his video before the PDH, he realized he had misspoken in the initial interview and corrected the information during the PDH.

It was either the wrong policy, or there was not enough explanation for me to support the conclusion that this affected the Department's operations. Therefore, I have concluded that this violation should be exonerated.

Conclusion:

I have recommended that the finding be changed to exonerated and that no action be taken against Officer C. Superintendent Garcia reviewed these circumstances and concurred.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Collins', with a long horizontal stroke extending to the right.

Major Jimmy Collins,
Deputy Superintendent of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform