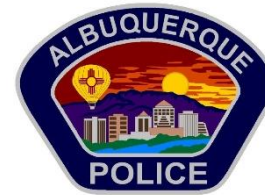




Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Eric J. Garcia
Superintendent of Police Reform

August 19, 2024

Interoffice Memorandum

To: Diane McDermott, Executive Director, CPOA

From: Jimmy Collins, Major, Office of the Superintendent

Subject: Non-Concurrence of Finding re: CPC-3-2024

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 |
|---------|--------------|-------------|
| 2-8-5-D | Sustained | Exonerated |

Rationale for non-concurrence of action for 2-8-5-D:

I reviewed Officer S's CPOA interview where he told the investigator he did speak with the driver a second time to give her the report information. The investigator told Officer S that he could not locate the OBRD for that contact and asked if Officer S had it to send it to him. However, Officer H stated in his interview that he (Officer H) was the one who provided the report numbers to both drivers. This statement is supported by Officer H's OBRD footage. Although Officer S did tell the investigator he spoke with the driver a second time, he corrected his statement during the PDH and told me that he did not provide the report numbers to the drivers, which again is supported by the objective OBRD evidence. There is no other evidence that shows Officer S had any contact with any other non-APD personnel after his initial contact with the driver of the jeep and the original complainant failed to cooperate with the CPOA investigation. Also, there is no evidence to resolve the discrepancy regarding who contacted the tow-truck driver. Officer S said it was Officer H and Officer H said it was Officer S and Officer Sk (third officer on-scene) did not have any direct observation of who contacted the tow-truck driver.

Regarding the language of this policy as it refers to "not deactivating the OBRD until all intended contact with the individual(s) is terminated" was intended to ensure the interactions between the officers and the public were captured completely. In other words, the Department wanted to ensure officers were not deactivating their OBRD's until the officer was finished speaking with that person and that intended contact was complete. It was not the intent to require officers to continually record if they were not in contact with a member of the public because if another need to contact should arise, the officer could simply reactivate their OBRD. The OBRD policy is currently undergoing additional revision to clarify some of the language and definitions in an attempt to avoid confusion in the future.

Conclusion:

I have concluded Officer S should be exonerated where by a preponderance of the evidence the conduct did occur (shutting off his OBRD while in his police with no contact of community members) but did not violate policy.

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