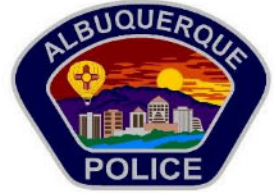




Timothy M. Keller  
Mayor

# City of Albuquerque

## Albuquerque Police Department



Eric J. Garcia  
Superintendent of Police Reform

July 11, 2024

### 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-44-2024

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
2.80.4.L.2.d.vi	Sustained	Exonerated

#### Rationale for non-concurrence of action for 2.80.4.L.2.d.vi :

Professional Integrity did not concur with the sustained finding for this alleged policy violation. This specific policy is actually intended for holding cells at APD substations. In holding cells of this type, there might be some time frame where the arrestee is not being viewed by the officer and the policy was created to provide guidance for these occurrences. In this case, the officers were at the Prisoner Transport Center PTC and, although not staffed by PTC personnel, the officers were always with and supervising the arrestee. The area in which the arrestee was allowed to move about was an area designed for non-violent arrestees versus the holding cells within the PTC. Furthermore, Professional Integrity determined the arrestee was passively non-compliant and was not aggressive and did not make any threats towards the officers. In considering the policy for the PTC 1-80-4-C-2, there is no requirement to anchor an arrestee to the metal benches while inside the PTC. Professional Intergroty will submit a policy recommendation for both SOP 2-80 and SOP 1-80 to better clarify the language for proper guidance.

#### Conclusion:

Based on these circumstances, the finding of sustained was overturned to exonerated.

Respectfully,

Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform