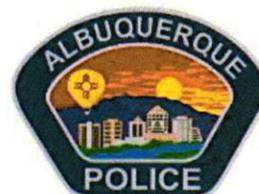




Timothy M. Keller  
Mayor

# City of Albuquerque

## Albuquerque Police Department



Eric J. Garcia  
Superintendent of Police Reform

January 15, 2024

### Interoffice Memorandum

**To:** Diane McDermott, Executive Director, CPOA  
**From:** Jimmy Collins, Major, Office of the Superintendent  
**Subject:** Non-Concurrence of Finding re: CPC-235-2024

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.1	Sustained	Exonerated

#### Rationale for non-concurrence of action for 2.8.5.D.1 :

Commanders Waite and Landavazo conducted the Professional Integrity review and did not concur with the finding of sustained for this violation. Both commanders provided a detailed explanation as to why they did not agree with the CPOA in this matter and returned a finding of exonerated.

Commander Waite and Landavazo both stated in their review of the evidence presented that Officer P and Officer T had appropriately recorded all of the contacts they both had with the community members on the call for service. When they were not engaged with any other persons, their OBRD's were deactivated. Furthermore, there is no requirement in policy that mandates officers record phone calls with supervisors, CYFD, or while completing administrative duties.

I agree with the non-concurrence recommendation by Commander Waite and Commander Landavazo on 2-8-5-D-1 as we interpret the policy as more in line with the CASA paragraph 228 which requires officers to articulate or in writing the reason they fail to record an activity that is required by APD policy to be recorded. The intent of the policy and the CASA is not to have officers document each time they turn their cameras off especially when the reason is apparent. Additionally, the recording of an officer who is not in immediate contact with any community member while doing administrative work is outside the intended use of the OBRD system. Also, CASA paragraph 229 allows for OBRD's to be turned off when officers are having conversations with other department personnel involving case strategy or tactics and makes no mention that the deactivation for these purposes needs to be documented verbally or in writing. In this case officers recorded the entirety of each intended contact with the citizens. SOP 2-8 is undergoing revision and currently being reviewed by City Legal.

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**Conclusion:**

I have recommended the finding be changed to exonerated and no action be taken against Officer P or Officer T. 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