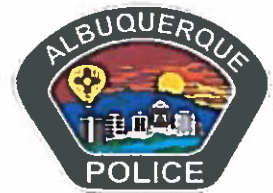




Timothy M. Keller  
Mayor

# City of Albuquerque

## Albuquerque Police Department



Eric J. Garcia  
Interim Superintendent of Police Reform

August 26, 2022

### Interoffice Memorandum

**To:** Diane McDermott, Lead Investigator, CPOA

**From:** Jimmy Collins, A/Deputy Superintendent of Police Reform

**Subject:** Non-Concurrence of Action re: CPC-058-2022

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
2-73-2-A	Sustained/Written Reprimand	Sustained/NDCA

#### Rationale for non-concurrence of action for 2-73-2-A

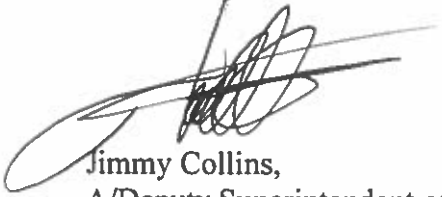
I did note four items in the investigation I would consider to be mitigating circumstances. The first is when Officer T stated she kept this document by accident. There is no evidence in the case demonstrating she kept this document to deprive the owner of its use or for any other nefarious reason. This appears to be a mistake. The second item is the fact she returned the document to the owner when she saw him at the substation. The document did not end up in the trash or under a pile of paperwork in the officer's trunk. It was returned to its rightful owner personally by Officer T. Third, this violation is a first class 6 performance for Officer T. While she does have other unrelated discipline on her card, they are minor infractions and are not the same in nature as this current violation. The last item I considered was the bill of sale did not appear to have any evidentiary value as the vehicle was not reported as stolen. Therefore, this is an item that would have been tagged as safekeeping and most likely would not harm her ability to move forward with prosecuting the weapon and drug charges because she failed to tag evidence.

#### Conclusion:

Based on my assessment of the facts derived from this investigation, I have deemed it appropriate to deviate from the CPOA's discipline recommendation of a written reprimand and instead impose a mitigated penalty of a Non-Disciplinary Corrective Action (NDCA), which is the minimum level of correction within this class range.

RECEIVED CPOA  
SEP 1 '22 AM 8:57

Respectfully,

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

Jimmy Collins,  
A/Deputy Superintendent of Reform  
Albuquerque Police Department

Cc: Eric Garcia, Interim Superintendent of Police Reform/DCAO