



Timothy M. Keller  
Mayor

# City of Albuquerque

## Albuquerque Police Department



Eric J. Garcia  
Interim Superintendent of Police Reform

September 2, 2022

### Interoffice Memorandum

**To:** Deirdre Ewing, Executive Director, CPOA

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

**Subject:** Non-Concurrence of Action re: CPC-071-2022

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-B-2	Sustained/Written Reprimand	Sustained/NDCA

#### Rationale for non-concurrence of action for 2-73-2-B-2 :

The investigation revealed Officer F failed to submit seized items into safekeeping by the end of his shift. Officer F stated he was sharing a vehicle with Officer R and the items fell under the seat and were not located until a later time. Officer R did call Mr. Stewart directly and left a message detailing the mistake and when the items would be ready for pickup.

I concur with the CPOA finding of sustained for this violation. The presumptive discipline for a class 6 violation is a written reprimand, however there are two mitigating circumstances drawn from this investigation that makes it appropriate to reduce the penalty to a Non-Disciplinary Corrective Action (NDCA). Officer F stated in the investigation that his failure to tag the items by the end of shift was a mistake and he accepts full responsibility. Additionally, Officer F employee card does not have any previous disciplinary history.

#### Conclusion:

Based on these considerations, I have decided it is appropriate to deviate from the presumptive level of discipline, a written reprimand, and apply the minimum level of correction, a NDCA, which is within the range for a violation of this class.

Respectfully,

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

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OCT 4 '22 PM 2:21

Cc:

Eric Garcia, Interim Superintendent of Police Reform/DCAO