City of Albuquerque

Albuquerque Police Department

Timothy M. Keller
Mayor

Eric J. Garcia
Superintendent of Police Reform

January 2, 2025

Interoffice Memorandum

To: **Diane McDermott, Executive Director, CPOA**

From: **Jimmy Collins, Major, Office of the Superintendent**

Subject: **Non-Concurrence of Finding re: CPC-212-2024**

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.

Ofc. M. recorded the entirety of his initial contact and interaction with the subject, deactivating his OBRD only after the subject was transported from the scene by another officer and Ofc. M. was seated in his vehicle. This concluded the intended contact by Ofc. M. with the subject at that location. Ofc. M. then followed the transporting officer to the medical facility to assist with transfer of the subject, where he reactivated his OBRD prior to initiating contact with the subject a second time. Although poorly worded, SOP 2-8-5 mandates recording during contact, not constantly. There is no intent that officers would record mere driving from the incident to the facility if the officer was not the transporter. (*Commander Sean Waite, Professional Integrity Review*).

In reference to SOP 2-8-5-D-1 (6M), the investigation details that Officer M. recorded the majority of the call with the subject on his OBRD. Officer M. followed the other officer who was transporting the subject to the hospital. While following in a separate vehicle, Officer M. dis-engaged his OBRD. When the officer arrived at the hospital, Officer M. re-activated his OBRD and began recording before he approached the subject who was in the other officers unit. I concur with Cmdr. Waite and the finding of exonerated as Officer M. had terminated intended contact with the subject while he was being transported. (*Commander Henry Landavazo, Professional Integrity Review*).

I reviewed the evidence presented in this investigation and I have concluded the conclusion reached by Commanders Waite and Landavazo was correct and reasonable.

Superintendent Garcia reviewed the circumstances of the non-concurrence and agreed with the finding of exonerated for this violation.

Conclusion:

Based on the totality of the information presented, Officer M. was exonerated and no action was taken against him.

Respectfully,

Major Jimmy Collins,
Deputy Superintendent of Reform
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform