1-62 INTERNAL AFFAIRS PROFESSIONAL STANDARDS (IAPS) DIVISION

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

2-105 Destruction/Capture of Animals (Formerly 3-5 and 4-26)
3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)
3-52 Policy Development Process (Formerly 3-25 and 3-69)

B. Form(s)

PD 1106 Chain of Command Discipline Recommendation Form
PD 4201 Request for Forensic Service
Policy and Procedure Unit SOP Recommendation Form

C. Other Resource(s)

Agreement Between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO
Agreement Between the City of Albuquerque and Prisoner Transport Officers
City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees (AFSCME, Local 2962, AFL-CIO, CLC)
City of Albuquerque and the Albuquerque Officers' Association Local 1888
City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)
Internal Affairs Professional Standards (IAPS) Division Procedural Manual
ROA 1994, §§ 9-4-1-1 to 9-4-1-14 Civilian Police Oversight Agency
United States of America v. City of Albuquerque, No. 1:14-cv-01025 – Document 465 (D.N.M. 2019)

D. Rescinded Special Order(s)

None

1-62-1 Purpose

The purpose of this policy is to outline the requirements of the Albuquerque Police Department (Department) Internal Affairs Professional Standards (IAPS) Division's procedures, processes, and practices. This policy ensures that internal and external complaints about alleged policy violations by Department personnel are investigated in compliance with the Court-Approved Settlement Agreement (CASA) and best practices.

1-62-2 Policy

It is the policy of the Department to thoroughly investigate allegations of misconduct by Department personnel in a manner which maintains the integrity of the Department and to provide the capacity to analyze in-field activities relating to established Department policies and procedures. The Department's policy is to use data-driven analyses of trends and activities in the field that can be used to improve decision-making processes related to policy compliance.

N/A

1-62-3 Definitions

A. Apparent Criminal Misconduct

An action or omission that appears to violate federal, state, and/or local criminal laws.

B. Civilian Police Oversight Agency (CPOA)

An independent agency of City government, not part of either the City Administration or City Council, which was created by City Ordinance, consistent with the Civilian Police Oversight Agency Ordinance, ROA 1994, §§ 9-4-1-1 to 9-4-1-14.

The CPOA receives, investigates, and reviews complaints and commendations submitted by community members concerning Department personnel. The CPOA also reviews Department policies, practices, and procedures, in order to provide recommendations throughout the policy development process and ultimately to the Chief of Police.

C. Crime Scene Specialist (CSS)

A civilian employee who is responsible for recognizing, collecting, analyzing, reporting, and preserving all forensically-significant evidence at crime scenes and properly submitting that evidence to Scientific Evidence Division (SED) personnel for analysis.

D. Force Review Board (FRB)

A board comprised of voting and non-voting members who review uses of force and tactical deployments to verify compliance with Department policy and constitutional policing, and to identify and address any concerns with equipment, policy, tactics, training, or supervision.

E. IAPro

A relational database designed for law enforcement agencies to track, analyze, and maintain internal investigations, early intervention systems, and uses of force. IAPro is used for tracking IAPS Division investigations, Civilian Police Complaints (CPCs), Internal Affairs Force Division (IAFD) investigations, and personnel disciplinary data. IAPro data may be used to create PEMS alerts, when appropriate.

F. Major Crime Scene Team (MCST)

The on-call criminalistics team processes crime scenes when a serious crime or incident occurs. The MCST consists of a sergeant, primary investigator, and secondary investigator.

N/A **1-62-4 Internal Affairs Professional Standards (IAPS) Division Personnel**

A. The IAPS Division consists of:

1. Commander;
2. Deputy Commander
3. Lieutenant;
4. IAPS Division Investigation Manager;
5. IAPS Division In-take Case Manager;
6. Sergeants;
7. Detectives;
8. Investigators;
9. IAPS Division Coordinator; and
10. Administrative Assistants.

6 **1-62-5 IAPS Division Personnel Responsibilities**

A. The IAPS Division Commander shall:

1. Verify the IAPS Division's work product is timely completed and accurate;
2. Notify the Executive Director of Police Reform when an investigation identifies apparent criminal misconduct by a Department employee;
3. Determine, in consultation with the Executive Director of Police Reform, whether a complaint should be investigated criminally;
4. Maintain separation of criminal and administrative cases;

a. Criminal investigators shall not have access to IAPS Division files and administrative investigators shall not share information with criminal investigators.

5. Be responsible for reviewing all IAPS Division investigation reports to ensure they are accurate and complete;

a. Shall conduct the final review of all IAPS cases.

6. On all IAPS Division investigations, review the proposed disposition, and if necessary, order additional investigation if there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of the IAPS Division;

7. Take appropriate action to address any inadequately supported determinations. The IAPS Division Commander shall remediate any investigative deficiencies by assigning the case for additional investigation or any other reasonable action when reviewing IAPS Division completed cases;

3

8. Maintain confidentiality of all investigations; and

9. Notify the Executive Director of Police Reform of any trends or reoccurring issues that arise from investigations.

B. The IAPS Deputy Commander shall:

1. Verify the IAPS Division's work product is timely completed and accurate;

2. Notify the IAPS Commander of criminal misconduct complaints by Department personnel;

3. Ensure criminal and administrative case separation;

4. Review IAPS division reports to ensure they are accurate and complete;

5. On all IAPS Division investigations, review the proposed disposition, and if necessary, order additional investigation if there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of the IAPS Division; and

a. When delegated by the IAPS Commander, shall conduct the final review of IAPS cases.

3

6. Maintain confidentiality of all investigations.

C. The IAPS Division Lieutenant shall:

1. Verify the IAPS Division's work product is timely completed and accurate;

2. Notify IAPS Division Commander of criminal misconduct complaints by Department personnel or when serious physical injury or death of a police officer or civilian occurs as the result of police actions;

3. Plan and coordinate daily activities and investigations with subordinates;

4. Keep the chain of command informed on the progress of major investigations;

5. Ensure cases referred to the chain of command are completed as required by policy;

6. Assist in investigations when necessary;

7. Assign cases for investigation;

8. On all assigned IAPS Division investigations, review the proposed disposition, and if necessary, order an additional investigation if it appears there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of the IAPS Division;

   a. If appropriate, complete a disciplinary action packet prior to submission of the case for final IAPS review by the IAPS Commander.

9. Ensure reports are accurate, complete, and distributed on time;

10. Act as the Department's drug testing coordinator;

11. Ensure compliance with training requirements for IAPS Division personnel;

12. Maintain separation of criminal and administrative cases;

    a. Criminal investigators shall not have access to IAPS Division files and administrative investigators shall not share information with criminal investigators.

13. Be on-call, as needed;

14. Prepare annual personnel performance evaluations and takes corrective or disciplinary actions when an employee fails to conduct appropriate investigations; and

3

15. Maintain confidentiality of all investigations.

D. The IAPS Division Investigation Manager shall:

1. Verify the IAPS Division's work product is timely completed and accurate;

2. Maintain tracking and keep command staff informed on the progress of major investigations;

3. On all assigned IAPS Division investigations, review the proposed disposition, and if necessary, order an additional investigation if it appears there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of the IAPS Division;

   a. If appropriate, will complete a disciplinary action packet prior to submission of the case for final IAPS review by the IAPS Commander.

4. Will conduct all internal training of IAPS personnel upon hire and on an annual basis;

5. Assist in investigations when necessary;

6. Maintain separation of criminal and administrative cases; and

   a. Criminal investigators shall not have access to IAPS Division files and administrative investigators shall not share information with criminal investigators.

3

7. Maintain confidentiality of all investigations.

E. The IAPS Division Sergeant shall:

1. Assist in investigations when necessary;

N/A

2. Ensure cases are professionally, objectively, and timely investigated and dispositions are classified in accordance with Standard Operating Procedure (SOP) Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties);

3. Review the proposed disposition and, if necessary, order an additional investigation if it appears there is relevant evidence that may assist in resolving inconsistencies, or where there is evidence of a collateral allegation falling under the purview of the IAPS Division;

4. Prepare and distribute the on-call roster to the Emergency Communications Center (ECC) and IAPS Division personnel, as needed;

5. Be on-call, as needed;

6. Prepare annual performance evaluations on IAPS Division personnel and take corrective or disciplinary actions when an employee repeatedly fails to conduct appropriate investigations;

   a. The IAPS Division Sergeant shall prepare weekly reports for IAPS Division command staff regarding case statuses reflecting timeliness, quality, and effectiveness.

7. Conduct weekly case reviews regarding case statuses reflecting timelines, quality, and effectiveness.

   a. The IAPS Division Sergeant shall provide these data to the IAPS Division command staff upon request.

8. Assist supervisors outside of the IAPS Division when they are conducting administrative investigations upon request;

9. Maintain a working knowledge of current bargaining unit contracts, the City of Albuquerque's Merit System Ordinance, and Department SOPs; and

3

10. Maintain confidentiality of all investigations.

F. The IAPS Division Investigator/Detective shall:

1. Complete case assignments within the time limits set forth in the employee's applicable union contract;

2. Prepare cases in a thorough, comprehensive, and professional manner;

N/A

   a. The IAPS Division Investigator/Detective shall make dispositions conducted in accordance with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties);

3. Be placed in the on-call rotation with other IAPS Division Investigators/Detectives;

4. Assist supervisors outside of the IAPS Division, as necessary, when they are conducting administrative investigations;

5. Assist outside agencies when practical and with their IAPS Division supervisor's approval;

3

6. Maintain confidentiality of all investigations;

7. Maintain a working knowledge of current bargaining unit contracts, the City of Albuquerque's Merit System Ordinance, and Department SOPs;

8. Notify the IAPS Division Commander and lower chain of command when the IAPS Division, as part of a misconduct complaint or internal investigation, summons any personnel; and

9. Maintain current information on all investigations in IAPro.

G. The IAPS Division Coordinator shall:

1. Have overall responsibility for the efficient conduct of the IAPS Division's administrative functions;

2. Supervise all IAPS Division Administrative Assistants;

3. Ensure all outbound correspondence is properly formatted, grammatically correct, and professional in appearance;

4. Be an administrator for IAPro;

5. Ensure all records and information are current in IAPro;

7 6. Maintain a log of New Mexico Inspection of Public Records Act requests and legal requests;

7 7. Ensure external complaints about sworn personnel are entered into IAPro and an alert is sent to the CPOA no later than three (3) days from receipt of the complaint;

8. Prepare New Mexico Law Enforcement Academy reports;

3 9. Maintain the confidentiality of IAPS Division files;

10. Assist the IAPS Division Lieutenant with all reports as needed;

11. Maintain a sufficient quantity of CPOA Complaint or Commendation Forms at all Department substations, libraries, IAFD, the IAPS Division, community centers, the Department law enforcement center; and

12. Maintain logs of incoming/outgoing cases and correspondence.

H. The IAPS Division In-take Case Manager shall:

1. Process all incoming Internal Affairs Requests (IARs) submitted to the IAPS Division;

N/A

2. Determine which cases are referred to the chain of command for investigation, conducted in accordance with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties);

   a. The Executive Director of Police Reform and the Chief of Police determine investigatory responsibility when a disagreement exists regarding responsibility for the investigation.

3. Manage all IAPS Division intake functions and IAPS Division intake staff;

4. Develop and conduct training regarding IAPS Division operations; and

5. Complete special projects, including, but not limited to, statistical reporting and analysis, as directed by the IAPS Division Commander.

I. The IAPS Division Administrative Assistant shall assist the IAPS Division Coordinator with administrative functions, as directed.

J. IAPS Division personnel shall:

1. Track, monitor, audit, document, and provide statistical analysis of all allegations of misconduct against Department personnel or the Department;

2. Maintain and secure all records that pertain to Department personnel discipline, commendations, and administrative cases;

3. Investigate all internal cases; however, if the employee's misconduct is a minor policy violation, it may be investigated by the chain of command, consistent with SOP Complaints Involving Department Personnel;

4. Document and forward to the CPOA all external complaints received by the IAPS Division;

5. Maintain IAPro access rights;

6. Conduct all administrative investigations involving allegations of criminal misconduct by Department personnel; and

N/A

7. Return dispositions conducted in accordance with SOP Complaints Involving Department Personnel in all investigations conducted by the IAPS Division (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

1-62-6 Training

A. Initial Training

1. IAPS Division Investigators/Detectives shall receive approved internal or external training on the following topics prior to conducting internal investigations:

   a. Cultural awareness and diversity;
   b. Credibility evaluation factors;
   c. Bias-based policing/profiling;
   d. CPOA practices and processes;
   e. Managing civilian complaints;
   f. IAPro software;
   g. The scope of Albuquerque Police Officers' Association representative's rights and responsibilities during internal interviews and other IA processes;
   h. Current sworn and civilian collective bargaining agreements; and
   i. Misconduct Investigations protocols to include the following subtopics:
      i. Department policies and protocols;
      ii. Compelled statements; and
      iii. Conducting parallel administrative and criminal investigations.

B. Annual Training.

1. IAPS Division Investigators/Detectives shall receive training on an annual basis.

   a. At least eight (8) hours minimum update training in misconduct investigations.

N/A **1-62-7 External Complaints**

A. The IAPS Division Coordinator shall:

1. Forward all external complaints to the CPOA for investigation, in accordance with the City of Albuquerque Ordinance, Section 9-4-1-4 (C)(2);

2. Enter external complaints into IAPro within three (3) days of receiving the complaint;

3. Attach a scanned copy of the complaint form to the IAPro entry and send an alert to the CPOA; and

4. Forward the original complaint form to the CPOA.

B. The IAPS Division shall maintain a log with the date and time each complaint is forwarded to the CPOA.

C. The CPOA representative initials the receipt log upon receipt of the complaint form.

6 **1-62-8 Investigation Procedures**

N/A

A. IAPS Division personnel shall follow the investigation procedures outlined in SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

B. Investigative Procedures for Alleged Apparent Criminal Misconduct

1. When the CPOA forwards an external complaint for alleged apparent criminal misconduct to the IAPS Division, or an internal complaint contains alleged apparent criminal misconduct, IAPS Division personnel shall:

a. Deliver the complaint to the IAPS Commander;
b. Refer to and follow the requirements of SOP Complaints Involving Department Personnel;
c. Assume sole administrative investigatory responsibility for the case;
d. Maintain the original case tracking number;
e. Ensure the CPOA can monitor the progress of the case and has access to the completed case; and
f. Meet semi-weekly with the IAPS Division Commander or their designated sergeant to review case timelines and objectives.

C. Investigative Procedures for a Firearm Discharge at an Animal

1. The IAPS Division Investigator/Detective shall contact the on-scene supervisor to obtain a briefing and if necessary, complete a walkthrough of the scene.

2. The IAPS Division Investigator/Detective contacts and interviews any cooperative witnesses, including the owner of the animal.

3. The IAPS Division Investigator/Detective is not required to inspect the firearm; however, a Field Investigator or CSS shall complete the administrative processing and shall take photographs.

a. IAPS Division personnel may attend the processing and may request additional photographs be taken, as necessary.

4. The IAPS Division Investigator/Detective shall be responsible for routing the administrative report through IAPro to the involved officer's division commander.

a. Investigations for a firearm discharge at an animal will be included with supervisory use of force investigations for the purpose of generating a random sample for review by the FRB.

5. The IAPS Division Investigator/Detective completes the firearm discharge report when shots are fired at an animal in self-defense or to humanely euthanize an animal consistent with SOP Destruction/Capture of Animals.

D. District Attorney or United States Attorney's Office (USAO) Consultation Procedures

1. The IAPS Division Investigator/Detective shall notify the IAPS Division Commander through the chain of command, to brief the Executive Director of Police Reform and Chief of Police when there are possible criminal allegations that are identified during an IAPS Division investigation.

2. The Chief of Police or their designee shall notify and consult with the District Attorney, United States Attorney's Office (USAO), or appropriate agency based on jurisdiction on the case and shall seek direction on how to proceed.

3. Administrative and criminal investigations shall run concurrently after consultation with the appropriate prosecutorial entity, unless otherwise directed by the Chief of Police or Executive Director of Police Reform.

4. When a Department employee refuses to give a voluntary statement and the IAPS Division Investigator/Detective has reason to believe that the person has committed a crime, the investigator shall consult with and seek approval of the appropriate prosecuting agency and seek the approval of the Chief of Police, through the chain of command, before taking a compelled statement.

E. IAPS Division Call-Out Procedures

1. The ECC shall call-out the on-call IAPS Division Investigator/Detective under any of the following circumstances:

   a. When apparent felony criminal misconduct is evident;
   b. In-custody deaths;
   c. Firearm discharges at animals;
   d. Traffic accidents involving on-duty Department personnel operating a City-issued vehicle and resulting in a civilian death;
   e. When requested by an IAFD supervisor or as approved by the IAPS Division Lieutenant; or
   f. When IAPS Division is requested by any supervisor to respond to a scene.
      i. The IAPS Division Lieutenant shall approve the request.

F. IAPS Division Report Procedures

IAPS Division personnel shall prepare IAPS Division reports as outlined in the IAPS Division Procedural Manual.

G. Evidence Collection Procedures

1. IAPS Division Investigators/Detectives may take photographs, collect documents, collect other items, and store them with the case file and/or upload them to IAPro when there is no criminal investigation.

2. IAPS Division Investigators/Detectives shall collect evidence and document the date, time, location, and circumstances surrounding the collection of any items

used in an investigation. These processes shall comply with court standards for chain of custody requirements.

3. MCST personnel shall analyze physical evidence and complete the Request for Forensic Service form as necessary.

7 1-62-9 Reports and Statistical Analysis

A. Quarterly IAPS Division Reports

1. Quarterly IAPS Division reports provide statistics related to IAPS Division investigations. The contents of a quarterly IAPS Division report are as follows:

   a. Statistical data analyzing the number of IAPS Division investigations, including numbers of cases, types of cases, area commands involved, frequency of violations of particular policies, and other categories that IAPS Division personnel believe are useful in identifying trends;
   b. Disposition and/or current status of IAPS Division investigations;
   c. The number of firearm discharges at an animal and other information that is useful in identifying trends; and
   d. Summary letter or a brief summation of the items listed in this subsection.

2. Distribution of Quarterly IAPS Division Reports are as follows:

   a. The public via https://www.cabq.gov/police/internal-affairs/internal-affairs-reports;
   b. City Council;
   c. Chief Administrative Officer;
   d. CPOA;
   e. Chief of Police; and
   f. City Attorney.

B. Annual IAPS Division Reports

1. Annual IAPS Division reports contain the same information as the quarterly IAPS Division reports; however, they reflect the entire year. Distribution is as follows:

   a. The public via http://www.cabq.gov/police/internal-reports;
   b. City Clerk's Office;
   c. IAPS Division archived files; and
   d. CPOA Executive Director.

C. Annual Retaliation Report and Review

1. On an annual basis, the IAPS Division Commander and the CPOA Executive Director or their designees shall meet to review the Department's anti-retaliation policy and its implementation. The review shall consider the alleged incidents of

retaliation that occurred and/or were investigated during the reporting period; the discipline imposed where allegations of retaliation was substantiated; and the supervisors' performance in addressing allegations of retaliation and preventing retaliation.

2. The IAPS Division Commander shall prepare a detailed report of the outcome of the aforementioned meeting and forward it to the Independent Monitor.

3. The IAPS Division Commander shall make recommendations through the Policy and Procedure Unit's web-based SOP Recommendation Form and the Policy and Procedures Review Board (PPRB) to reflect changes, corrections, or modifications to the anti-retaliation policy as agreed upon during the meeting with the CPOA Executive Director.

4. The CPOA is represented on the PPRB and monitors the recommended changes through the policy development process, consistent with SOP Policy Development Process.

5. Following each review, the Department shall modify its policies and practices, as necessary, to protect individuals, including other Department personnel, from retaliation for reporting misconduct.

6. Distribution of the report that is prepared by IAPS Division Commander shall be as follows:

   a. Chief of Police;
   b. CPOA Executive Director;
   c. IAPS Division Commander; and
   d. The public via http://www.cabq.gov/police/internal-reports.

6

1-62-10 Records Management and Security

A. IAPS Division personnel shall:

1. Maintain a reliable and accurate tracking system of:

   a. Uses of force, including shows of force;
   b. Administrative force investigations;
   c. IAPS Division investigations;
   d. Force reviews conducted by the FRB;
   e. Critical firearm discharges; and
   f. Firearm discharges at an animal.

3

2. Maintain the confidentiality of documentation of all internal investigations;

   a. The Executive Director of Police Reform shall have the discretion to release documentation.

b. The release of internal investigations in whole or in part shall only occur after consultation with the City Attorney's office.

B. Review of Investigation Case Files by Personnel Outside of IAPS Division

1. Department personnel who are notified of proposed discipline may review the IAPS Division investigation case file, excluding compelled statements by other sworn personnel or correspondence pertaining to communication with the CPOA.

a. Department personnel shall set up an appointment with the IAPS Division Administrative Assistant to review the investigation case file in the IAPS Division office.
b. Department personnel shall submit a written request, including the case number and the names of all persons who intend on viewing the investigation case file, to the IAPS Division Lieutenant for a copy of their file.
i. Only one (1) copy of the recorded statement is provided.
ii. Department personnel are strictly prohibited from making any additional copies.

3

2. A supervisor who requests to review paper copies of investigation case files shall be responsible for the security and confidentiality of the case while it is in their possession.

5

3. When supervisors borrow the investigation case file for review, they shall:

a. Log the date they removed the investigation case from the IAPS Division office;
b. Log which area commander/division head is reviewing the case;
c. Log the case number;
d. Sign the log; and
i. The IAPS Division employee shall initial the log to track that they released the investigation case file.
e. Log the date that they returned the investigation case file to the IAPS Division.

4. The CPOA returns case files with the dispositions of the CPOA Executive Director as documented by the IAPS Division Administrative Assistant for tracking and analysis in IAPro.

3

C. Archive and Records Retention

IAPS Division personnel shall not purge IAPS Division records. All records are maintained for statistical analysis and trend recognition.

4

D. IAPS Division Office Security

1. IAPS Division personnel shall:

a. Ensure that all sensitive documents are secured at the end of their work day by shutting down their password-protected computers and/or returning documents to their secured cabinets;
b. Lock the storage room and file room at the end of the work day;
c. Lock the office doors that allow outside access at the end of the workday; and
d. Lock inactive files in a secure file cabinet.

2. Non-IAPS Division personnel are not to be left unattended inside IAPS Division office. They are to be escorted by IAPS Division personnel at all times while in the IAPS Division office.

3. At least one (1) sworn IAPS Division personnel shall be in the IAPS Division office during business hours unless extreme circumstances mandate otherwise and the IAPS Division Lieutenant or Commander approves the requested leave of absence.

4. When an extreme circumstance requires sworn IAPS Division personnel to vacate the IAPS Division office, civilian IAPS Division personnel shall lock the exterior doors, prohibit entry to non-IAPS Division personnel, and shelter in place.