



ALBUQUERQUE POLICE DEPARTMENT  
PROFESSIONAL ACCOUNTABILITY BUREAU ORDERS

SOP 7-2

Effective: 06/07/16 Review Due: 12/04/16 Replaces: XX/XX/XX

## 7-2 CRITICAL INCIDENT REVIEW TEAM (CIRT)

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**7-2-1 Policy**

Because the Department is committed to constitutional, effective community policing, the use of serious force, including any officer involved shooting, and other high-risk police operations warrant an immediate, careful and thorough examination. The Department's Critical Incident Review Team (CIRT) will immediately respond to the scene to investigate the critical incident. The purpose of this investigation is to improve both the individual and the department's performance. This process is similar to an after-action review where the role is to dissect what was planned, what happened, why it happened, and what can be done differently to improve performance. To accomplish this, CIRT will evaluate decision making, tactics used, the actual use of force, and supervision. CIRT will identify any training needs (for the individual officer, squad, unit, section or on a department-wide basis), all policy violations, and/or any necessary changes to policies and practices.

CIRT has the added goal of highlighting superior performance in such incidents by validating the tactics applied and by educating the workforce on what occurred. The overall mission of CIRT is to minimize risks and maximize safety in future police operations through sharing lessons learned from the Department's past experiences.



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**7-2-2 Definitions**

Terms defined in the [Investigative Response Team SOP](#) and the [Internal Affairs Section SOP](#) have the same meaning when used in this SOP.

A. CIRT

CIRT is the acronym for the Critical Incident Review Team.

B. CPOA

CPOA is the acronym for the Civilian Police Oversight Agency.

C. Critical Incident

A critical incident is an extraordinary event placing lives and/or property in danger and requires the commitment and coordination of numerous resources to bring about a successful resolution.

D. IAS

IAS is the acronym for Internal Affairs Section.

E. FIT

FIT is the acronym for the Force Investigation Team.

F. MCST

MCST is the acronym for Major Crime Scene Team. This is the on-call criminalistics team used for processing a crime scene when a major or serious crime or incident occurs. The team consists of a sergeant, primary investigator, and secondary investigator.

G. OIS

OIS is the acronym for Officer Involved Shooting.



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H. Serious Use of Force

The following are considered serious uses of force:

1. All uses of lethal force by an APD officer.
2. All critical firearm discharges by an APD officer.
3. All uses of force by an APD officer resulting in serious physical injury or requiring hospitalization.
4. All head, neck, and throat strikes with an object or neck holds by an APD officer.
5. All uses of force by an APD officer resulting in a loss of consciousness.
6. All canine bites by an APD canine.
7. More than two applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers, or an ECW application for longer than 15 seconds, whether continuous or consecutive.
8. Any strike, blow, kick, ECW application, or similar use of force by an APD officer against a handcuffed subject.
9. More than three strikes with a baton by an APD officer.

I. SME

SME is the acronym for Subject Matter Expert. An SME is a person who is an authority in a particular area or topic.

J. Walkthrough

A walkthrough is when investigators enter a scene to help understand timelines, locations of events, and location of evidence. The walkthrough is usually with a witness to the incident.



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**7-2-3 Goals and Objectives**

- A. The CIRT investigation identifies the involved officer's response and thoroughly investigates whether there were any policy violations during the course of the critical incident.
- B. CIRT encourages, develops and maintains lines of communication across all levels of APD to enhance performance.
  - 1. Provides a post incident briefing of major critical incidents as determined by the IAD commander.
  - 2. Works with the APD Academy, recommends training, and assists in implementing new or improved techniques and procedures.
  - 3. Presents an administrative review of all serious uses of force to the Force Review Board and an administrative review of other critical incidents to the involved officer's chain of command.
- C. Develops, improves and maintains procedures to improve performance, knowledge, and to appropriately manage risk.
  - 1. Develops and maintains an efficient tracking system and perform a statistical analysis on all lethal force incidents.
  - 2. Communicates with other law enforcement agencies to identify benchmarks such as training, policies, procedures and best practices; shares findings and recommendations with the Office of Policy Analysis.
  - 3. Upon completion of a CIRT investigation, makes appropriate recommendations to the FRB to change policy, procedures, or departmental training; and makes appropriate recommendations for individualized training of the involved officer(s).
- D. Supports, encourages and improves opportunities for IAD personnel through training, education, and enhanced career opportunities. Annually identify training courses for CIRT personnel to maintain proficiency in critical incident investigations.



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**7-2-4 Staffing and Personnel Responsibilities**

A. CIRT staffing levels include:

1. 1 Lieutenant
2. 1 Sergeant
3. 4 Detectives
4. 1 Administrative Assistant

B. The CIRT lieutenant responsibilities include:

1. Reviews the sergeant's assessment of unit work product and approves or returns to the sergeant for additional work as required.
2. Supervises, trains, and evaluates CIRT personnel.
3. Coordinates investigative timelines, reviews, and receipt of investigative reports, so as to assure the quality of investigations.
4. Develops and conducts training for other members of the department in CIRT-related procedures.
5. Coordinates appropriate response to incidents, for both on and off-duty times, that meet the CIRT call-out requirements.
6. Plans, prioritizes and assigns work for the CIRT team; supervises and reviews work completed.
7. Attends and participates in meetings, conferences and seminars, as required to improve skills and enhance performance.

C. The CIRT sergeant responsibilities are as follows:

1. Reviews the detectives' work product and approves or returns to detective for additional work as required.
2. Supervises, trains, and evaluates CIRT detectives.
3. Receives and assigns cases.
4. Assists in coordinating investigations and reviews.
5. Recommends training as may be necessary for members of the department.



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6. Responds to incidents, on and off-duty, that meet the CIRT call-out requirements.
  7. Prepares detailed, thorough and complete investigative reports.
  8. Plans, prioritizes, and assigns work to team members. Supervises and reviews completed work performed by unit, and conducts necessary follow-ups.
  9. Ensures reports, documents and other papers are collected, maintained and stored for use in audits or inspections.
  10. Attends and participates in meetings, conferences and seminars as needed to improve skills related to work assignment.
  11. Prepares on-call roster and provides it to Communications.
- D. The CIRT detective/investigator responsibilities are as follows:
1. Conducts administrative investigation of serious uses of force and any use of force by an officer above the rank of sergeant.
  2. Responds to incidents, both on and off-duty, that meet the CIRT call-out requirements.
  3. Conducts interviews with involved officers and witnesses.
  4. Prepares detailed thorough and complete incident reports.
  5. Submits conclusions and makes recommendations that may be necessary to the Chief of Police and FRB.
  6. Researches procedure and tactics, identifying patterns or problem areas in critical incidents, and determines if best police practices were used.
  7. Trains and prepares personnel to participate in the CIRT process.
  8. Allows any involved officer, together with his or her representative, to review the CIRT administrative report and FRB presentation prior to any scheduled hearing. The lead CIRT case detective will schedule a meeting with the involved officer.
  9. The CIRT detective provides notice to the officer's union; however, it is the responsibility of the involved officer to ensure his or her representative attends the meeting, or makes other arrangements with the CIRT detective.



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E. The CIRT administrative assistant responsibilities are as follows:

1. Reviews all Administrative Use of Force Data Report Forms to ensure they are complete.
2. Answers phones, take messages, transfers calls, and obtains information from callers and relays information to appropriate personnel.
3. Schedules meetings and meeting locations for the lieutenant, sergeant, and detectives.
4. Coordinates scheduling of FRB presentations.
5. Creates and maintains CIRT logs.
6. Proofreads memos and articles created by CIRT personnel. To ensure they are in proper form and professional in appearance.





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**7-2-5 Investigator Training**

CIRT Investigator training is consistent with the Internal Affairs Section Investigator Training. Refer to the [Internal Affairs Section SOP](#) for more information.



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**7-2-6 Administrative Investigatory Call-Outs**

- A. Administrative Investigatory Call-Outs are made when incidents occur involving:
1. All serious uses of force.
  2. Precision immobilization technique (PIT) maneuvers when:
    - a. The maneuver results in death, serious injury, or major property destruction.
    - b. The maneuver was attempted at a speed in excess of 35 mph regardless of outcome.
  3. Intentional discharge of a firearm outside of legal recreational use or training.
  4. When an officer is killed in the line of duty or critically injured during a police operation.
  5. All traffic accidents resulting in death of a civilian and/or police officer resulting from APD police action.
  6. Active shooter incidents.
  7. Large scale civil unrest, such as demonstrations or riots.
  8. Uses of force by an officer above the rank of sergeant.
  9. Any incident assigned by the Chief of Police.



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**7-2-7 Call-Out Procedures**

- A. The CIRT sergeant prepares an on-call rotation of CIRT detectives and supervisors ever six weeks and provides the rotation to Emergency Communications.
- B. Communications notifies the on call CIRT supervisor of all situations meeting CIRT investigatory responsibility.
- C. CIRT supervisor obtains information as needed from Communications to determine if CIRT is needed on scene.
- D. If CIRT supervisor determines a need to be on scene, upon arrival the CIRT supervisor determines needed resources and provides notifications as necessary.



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**7-2-8 Investigatory Access**

CIRT has access to all phases of any criminal investigation in which they are investigating, with the following rules applicable:

- A. The criminal investigation takes priority over the CIRT investigation (i.e. criminal investigators have first opportunity to interview witnesses and review evidence).
- B. CIRT will not participate in the criminal investigation interview of APD personnel nor be in the immediate area.
- C. CIRT may observe initial briefings at OIS scenes, but not question personnel.



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**7-2-9 Investigation Procedures**

A. The lead CIRT detective initiates an IPro entry and obtains a CIRT case number as soon as practicable upon initiating an investigation. All documentation and evidence is linked, scanned, and uploaded to IPro.

B. Documentation pertinent to the case is gathered and maintained in a hard copy case file. Documentation includes:

- Reports and logs, including names, addresses, phone numbers of witnesses and identification of witnesses whose addresses are unknown
- Interviews
- Training records
- Applicable SOP sections
- MCST/CSS diagrams and analysis
- Photographs
- News media reports
- Employee notices
- Underlying use of force data reports
- Names of all officers who witnessed the incident
- If a weapon was used, documentation related to certification and training for the weapon
- Disciplinary history for the involved officer
- IAS narrative evaluating the use of force
- All pertinent videos
- Additional notes and miscellaneous documentation

C. Considerations of Uses of Force

In determining whether the involved officer used force in compliance with APD policy, CIRT considers all of the circumstances known to the involved officer on the scene, including:

1. The severity of the crime or other circumstances to which the officer was responding;
2. Whether the subject posed an immediate threat to the safety of the officer or to others;
3. Whether the subject was actively resisting arrest or attempting to evade arrest by flight;
4. The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be necessary;
5. The type and amount of force used;



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6. The availability of alternative methods including de-escalation techniques, subduing the subject, or use of less than lethal force;
7. Whether it was practical for the officer to give warning of the imminent use of force, and whether such warning was given;
8. Whether the officer was responding to a domestic violence disturbance;
9. Whether it was or should have been apparent to the officer that the person was experiencing a behavioral crisis or mental health episode;
10. Whether a reasonably objective officer on the scene would have or should have perceived a mistaken fact;
11. Whether the force used was objectively reasonable under the facts and circumstances facing a reasonably objective officer at the scene, based on that officer's perception and not on after-acquired facts or information;
12. Whether the officer used the minimum amount of force necessary;
13. The officer's actions that contributed or reduced the need to use force such as self-induced jeopardy, retreating, or waiting for assistance.

D. Serious Use of Force Investigation Procedures

1. CIRT completes an initial use of force data report and conveys it through the chain of command to the Chief of Police as soon as possible; and not later than 24 hours from the incident.
2. CIRT completes its investigation within sixty days and reports its conclusions to the FRB.
3. CIRT will not interview employees until after it receives a briefing by FIT (if needed).
4. Prior to any compelled interview, CIRT provides the involved employee with a 40-hour notification.
5. When an employee provides a statement to FIT, CIRT may adopt the statement and hold a follow-up interview at a later date as may be reasonably necessary.
6. During CIRT's tactical/administrative review, the rights stated in the Police Officer's Employer-Employee Relations Act (NM Statute 29-14-4) as well as current applicable labor contract are afforded to all department employees.



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7. If CIRT's investigation indicates that the officer may have violated Department policy with respect to the use of force, CIRT halts its investigation and transfers the case to IAS to initiate a misconduct investigation. If the investigation involves apparent criminal misconduct, CIRT halts its investigation and transfers the case to IAS. Refer to the [Internal Affairs Section SOP](#).
8. If CIRT's investigation indicates minor misconduct tangential to the use of force, CIRT notifies the involved officer's chain of command so that the chain of command initiates a misconduct investigation. If CIRT's investigation indicates other misconduct tangential to the use of force, CIRT notifies IAS so that IAS may initiate a misconduct investigation. In these cases, CIRT continues its investigation of the use of force. For purposes of this paragraph, minor misconduct is a policy violation that is not subject to a suspension.



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**7-2-10 Awareness Report**

- A. CIRT prepares and delivers an awareness report to department employees for OIS and critical incidents. This brief, preliminary report provides a general, factual summary of incident events, as known to detectives at the time of the initial briefing, and references any related policies, protocols, and/or training doctrines. The awareness report is not an incident review, but rather a training tool that is used by supervisors to initiate briefing room discussions and better prepare officers who may face similar circumstances in the future.
  
- B. The awareness report, along with any related policies, protocols and/or training doctrines are sent to all members of the executive staff, all commanders, lieutenants, sergeants, and the CPOA. The same documents are posted in patrol briefing, and the awareness report uploaded to the CIRT intranet webpage.





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**7-2-11 Post-Incident Briefing**

Within 24-48 hours following a CIRT call out, an informal team briefing is held in order to familiarize the entire CIRT team with the event. This briefing serves as an opportunity to identify potential issues, points to review, and questions to ask involved and witness officers. The post-incident briefing is a verbal, in person meeting and is used by CIRT personnel only.



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**7-2-12 Employee Notification of Administrative Review**

- A. Any officer who is interviewed by CIRT is provided notification of employee administrative review in as timely a manner as practicable following a critical incident.
- B. An Officer will answer questions from CIRT regarding the officer's knowledge of the facts and circumstances of the critical incident, regardless of whether or not a statement was provided to FIT.
- C. Each involved officer is directed not to discuss the incident with any employee or persons involved in the administrative investigation by CIRT until those persons are interviewed by CIRT. This directive does not apply after CIRT completes all of its interviews.
- D. CIRT directs every officer involved in an investigation not to disclose any facts to anyone, except those persons the involved officer has selected as a representative, until interviewed by CIRT.
- E. The involved officer has the opportunity to select a representative of his/her choice as allowed by The Peace Officer Employee-Employer Relations Act and the collective bargaining agreement.
- F. The CIRT administrative aide or designee notifies the division head and lower chain of command when a person under their supervision is summoned as part of a CIRT investigation. The employee's chain of command will assist in arranging an appearance absent extraordinary circumstances. NOTE: this notification is through city email applies to all administrative investigations and is sent by the CIRT administrative aide or designee.



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**7-2-13 Chief's Executive Brief**

- A. In cases involving officer involved shootings and in-custody deaths, a Chief's executive brief is held approximately 72 hours after the incident, as scheduled by FIT.
- B. The Chief's executive brief is presented by FIT investigators; however, the CIRT lieutenant, sergeant, and lead CIRT detective are in attendance.
- C. The lead CIRT case detective, sergeant and lieutenant familiarize themselves with all available information prior to the briefing.
- D. The lead CIRT case detective provides the following involved officer's information to the CIRT lieutenant and IAD commander prior to the Chief's briefing:
  - a. Training records.
  - b. Current area and unit of assignment.
  - c. Duration assigned to unit.
  - d. Current supervisor.
  - e. Any previous officer involved shootings or documented uses of force.
  - f. A brief summary of completed interviews.
- E. FIT is not privy to the information obtained from compelled statements provided to CIRT, this information is shared with the Chief after FIT finishes its presentation and leaves the room. The CIRT lieutenant, sergeant and detective report on the preliminary review of tactical, training, and administrative issues.
- F. The CIRT lieutenant delegates a scribe to document the time FIT vacated the briefing and when CIRT starts its presentation. The scribe's documentation is included in the CIRT final report.



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**7-2-14 SME Consultation**

Subject Matter Experts (SMEs) are consulted as needed by CIRT personnel as soon as reasonably practical following an OIS or a critical incident.

- A. SMEs are court certified experts or certified instructors in their field of expertise. Their opinion is sought to help determine best practices, need for specific training, and policy change recommendations if necessary.
- B. The consultation highlights the circumstances surrounding a critical incident, tactics and training employed by APD personnel, and applicable policies and procedures.
- C. The lead CIRT case detective is responsible for creating a brief presentation, which includes scene photographs, maps and other demonstrative exhibits to assist in understanding the incident the photographs, maps or other demonstrative exhibits become part of the final case.
- D. All SMEs participating in an internal briefing sign a confidentiality agreement and are cautioned not to discuss the case with anyone other than CIRT personnel.



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**7-2-15 Administrative Reports**

- A. CIRT investigations are completed within two months after learning of the critical incident. The IAD commander, in consultation with the Chief, may approve reasonable extensions to this requirement. Any extensions granted and the reasons for the extensions are documented in writing.
- B. Administrative Reports compare the officer's actions against training and best police practices when analyzing the reasonableness of the use of force including:
  - 1. The severity of the crimes the subject was suspected of committing.
  - 2. Whether the subject posed an immediate threat to the safety of officers or others.
  - 3. Whether the subject was actively resisting arrest or attempting to evade arrest by flight.
  - 4. The influence of intoxicants and mental capacity, or the subject's behavioral response.
  - 5. The time available for an officer to determine the amount of force to use.
  - 6. The known history of the subject to include violent tendencies or previous encounters with law enforcement which were combative.
  - 7. The relative size, age, and condition of the subject as compared to the officer
  - 8. The number of subjects compared to the number of officers.
  - 9. The availability of officers' resources to de-escalate the situation.
  - 10. The proximity or access of weapons to the subject.
  - 11. Special knowledge possessed by the subject (i.e. known experience in martial arts or hand-to-hand combat); Physical confrontations with the subject in which the officer is on the ground
  - 12. The environmental factors and other exigent circumstances.
  - 13. De-escalation techniques and tactical decisions that either decreased or increased the likelihood of the force used.
  - 14. Whether the officer used the minimum amount of force necessary.



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C. Officer Involved Shooting Administrative Report Contents

1. Synopsis.
2. Persons involved to include:
  - a. Officers
  - b. Supervisors (interviewed by CIRT, if applicable).
  - c. Supervisors (interviewed by FIT, if applicable).
  - d. Additional employees involved (interviewed by CIRT).
  - e. Additional employees involved (interviewed by FIT, if applicable).
  - f. Civilian witnesses.
  - g. Suspect(s)
3. Detailed descriptions of injuries for involved participants.
4. Incident chronology.
5. Narrative description of the incident.
6. Documentation of all evidence gathered, including names, addresses and phone numbers of all witnesses, and identification of witnesses whose addresses are unknown.
7. Names of all police officers who witnessed the incident.
8. If weapon was used, the involved officer's training and certification records for the weapon.
9. The involved officer's disciplinary history.
10. Description of evidence that justifies or fails to justify the officer's conduct based on APD's use of force policy.
11. Staffing on date of the incident.
12. Investigative narrative.
13. Overall Analysis to include:
  - a. Information sharing.
  - b. Communications (911, CAD, dispatch).
  - c. Tactical issues.



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14. Use of Deadly Force Analysis to include:

- a. Administrative analysis to provide sufficient information for IAS to determine whether policies were violated.
- b. Drawing or exhibiting firearm by the officer.
- c. Backdrop assessment to consider what was physically located behind the subject and the potential for collateral damage during the use of force.
- d. Threat assessment.
- e. Shots fired
- f. Officer's action and APD policy.

15. Incident management.

16. Medical response.

17. Training review to include recommendations for any additional training based on best practices methods.

18. Involved officer to include an assessment of all equipment.

19. Department policy and procedure review.

20. Recommendations to include:

- a. SME's opinions.
- b. Conclusions.

21. Appendix A to include:

- a. Area command map.
- b. Overview of recent OIS trends and area command.

D. Use of Force Administrative Report Contents

1. Documentation of all evidence that was gathered, including names, phone numbers, addresses of witnesses to the incident, and all underlying use of force data reports.
2. In situations where there are no known witnesses, the report states this fact. In situations where witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report states the reasons why information was not obtained. The report includes all available identifying information for anyone who refuses to provide a statement.



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3. All written or recorded use of force narratives or statements provided by personnel or others.
  4. All recordings of the incident and explanations for any lack of recordings.
  5. The names of all other APD officers or employees witnessing the use of force.
  6. The investigator's narrative evaluating the use of force, based on the criteria set forth in Paragraph B above and the investigator's analysis of the evidence gathered.
  7. An assessment of the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or lesser force options.
  8. If a weapon was used by an officer, documentation will be obtained of the officer's certification and training.
  9. The complete disciplinary history of the involved officer.
- E. Routing will be as follows:
1. Approved serious use of force reports are routed as high priority via IAPro to the Assistant Chief, Majors, Deputy Chiefs, the commander of the involved officer, CPOA, IAS lieutenant, and the CIRT sergeant.
  2. Accidental discharges and non-serious uses of force are routed to the employee's commander.





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**7-2-16 Annual Statistical Analysis of Lethal and Serious Use of Force Incidents**

- A. This annual report to the Chief of Police provides a broad-based assessment of lethal and serious uses of force for the most recent 5-year period. The report includes information on firearm discharges at persons, firearm discharges at animals, accidental firearm discharges, as well as non-OIS deadly force events.
- B. The Standard report includes of the following components:
1. Introduction.
  2. Executive summary.
  3. Preface.
  4. Firearm discharges at persons section.
  5. Use of lethal force if no firearm was discharged section.
  6. Firearm discharges at animals section.
- C. Report content is analyzed to help determine the need for policy, training, equipment, and tactical modifications in order to reduce officer and civilian injuries and/or deaths during law enforcement actions. Content includes:
1. Overview.
  2. Time intervals between incidents.
  3. Time and days of occurrence.
  4. Locations of incidents.
  5. Types of dispatched events.
  6. Settings & outcomes.
  7. Environmental factors, for example, lighting conditions.
  8. Police presence.
  9. Use of lethal and serious use of force if no firearm was discharged.
  10. On-scene supervisors.
  11. Time on-scene prior to initial shots.



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12. Officer age/race/ethnicity/gender.
13. Officer tenure.
14. Officer duty assignments.
15. Rank of all officers involved.
16. Type of firearms used by officers.
17. How many officers drew, pointed or fired their weapons and how many shots were fired by each officer.
18. Distances of initial shots fired.
19. The number of times the officer hit or missed his intended target.
20. Accuracy of officers' shots.
21. Related aspects to OIS incidents, for example, foot pursuits, use of less lethal force.
22. Subject age/race/ethnicity/gender.
23. Criminal backgrounds of subjects.
24. Subject impairments, for example, drug and alcohol use.
25. Mental state of subjects to include known and learned history of mental illness.
26. Weapons employed by subjects.
27. The number of shots fired by the subject, and location of areas hit by the subject's bullets.
28. A description of the type of threat the subject posed and whether threat was lethal or non-lethal.
29. Whether de-escalation techniques were used and their effectiveness such as verbal commands, show of force, and tactical deployment.
30. Officers' actions that contributed or reduced the need to use force such as self-induced jeopardy, retreating, or waiting for assistance.

D. Conclusions, Recommendations, and Results

E. Appendixes, glossary of terms, and/or calculations – as needed



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## 7-2-17 Yearly Case Statistics Report

Once a year, CIRT provides the APD Training Division with a breakdown of critical incident statistics from the previous year involving firearm discharges. The report contains the following:

- A. The number and types of incidents investigated by CIRT.
- B. The number of officers who discharged their firearms.
- C. The types of firearms discharged.
- D. The hit-to-miss ratio of all firearms fired by officers.
- E. The distance between the officer and subject when shots were fired by the officer.
- F. The number of officer-involved shootings, excluding animal shoots that occurred by shift, area command, and the area of assignment for each involved officer.
- G. Whether protective cover was available or not, and whether used or not used.
- H. Incident lighting conditions.
- I. The number of events in which an officer discharged his or her firearm while on the move, after a foot pursuit, and/or after gaining entry into a residence or structure.
- J. If the suspect was armed and if so, type of weapon.
- K. Injuries sustained by the suspect as a result of force used by an officer.
- L. Injuries sustained by the officer as a result of the critical incident or the use of force.



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## 7-3 FORCE INVESTIGATION TEAM (FIT)

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### Related SOPs

- 1-13: [Police Press Relations](#)
- 1-14: [Behavioral Sciences Division](#)
- 1-39: [On-Body Recording Devices](#)
- 2-52: [Use of Force](#)
- 2-53: [Electronic Control Weapon \(ECW\)](#)
- 2-54: [Use of Force Reporting and Supervisory Force Investigation Requirements](#)
- 3-05: [Crime Scene Specialists](#)
- 7-1: [Internal Affairs Section](#)
- 7-2: [Critical Incident Review Team \(CIRT\)](#)

### **7-3-1 Purpose**

The Investigative Response Team (FIT) is a specialized, emergency response unit that assumes investigative responsibility in serious use of force cases. This SOP explains how FIT conducts criminal investigations in critical incidents, such as officer-involved shootings (OIS), serious use of force, and in-custody deaths.



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**7-3-2 Policy**

The primary objective of the FIT is to provide the Albuquerque Police Department (APD) with a standardized professional, comprehensive, and neutral criminal investigative response into an underlying crime when an APD officer is involved in a serious use of force or an officer-involved shooting or when an APD officer has custody of a person who dies while in police custody. FIT also provides comprehensive and neutral criminal investigations of any OIS or in-custody death in addition to any underlying crime that may be investigated. Should an investigation of an underlying crime where an officer employed a serious use of force show, based upon probable cause, that the force used by the officer involved in the incident was contrary to law, the FIT assumes case responsibility for that criminal investigation as well.

By partnering with other agencies in an agreement known as the Multi-Agency Task Force (MATF), the FIT promotes accountability, shares investigative techniques and resources, and produces a fair, impartial, and highly-professional investigation. The FIT will ensure quality control in its investigations and provide the professionalism required in constitutional policing and accountability to the community.

Administrative investigations of the use of force in the incidents where FIT is responsible for the criminal investigation are conducted by CIRT or the Internal Affairs Section. See the CIRT and [Internal Affairs Section SOP](#).



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### 7-3-3 Definitions

#### A. Buddy Officer

This is an uninvolved officer of any rank whose presence was requested by an involved officer or witness officer to remain on scene with the involved officer during the initial investigation, and until the involved or witness officer is released from the scene by FIT. The purpose is to provide emotional support through the presence of a peer.

#### B. Civilian Police Oversight Agency (CPOA)

The CPOA is an independent agency, created by municipal ordinance, and is neither part of the City of Albuquerque administration nor of the City Council. The ordinance creating the agency notes that its purpose is to foster policing policies that effectively maintain social order, mutual trust and cooperation and improve communications between police and civilians.

The CPOA serves as a civilian police oversight body and its responsibilities include the investigation of civil complaints relating to police conduct; monitoring and reporting on police internal affairs matters; gathering and analyzing data on policing trends; providing community outreach and promoting a spirit of accountability.

#### C. Critical Firearms Discharge

This is the discharge of a firearm by an APD officer, including any accidental discharge and discharge where no person is struck or injured as a result of the discharge. Range and training firearm discharges, destruction of animals, and off-duty hunting discharges where no person is struck are not critical firearms discharges.

#### D. Critical Incident Review Team (CIRT)

This is a specialized unit that conducts administrative reviews of critical incidents and serious uses of force. CIRT applies investigate techniques and skills so that uses of force deemed contrary to constitutional policing are identified and resolved. Refer to the Critical Incident Review Team SOP.

#### E. Electronic Control Weapon (ECW or Taser)

This is a less lethal weapon that is designed to propel dart electrodes into a subject. The electrical charge causes involuntary muscle contractions and overrides the subject's voluntary motor responses and causes the subject to temporarily lose muscle control. Refer to the [Electronic Control Weapon \(ECW\) SOP](#).



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F. Hospitalization

Refers to the admittance to a hospital or medical facility for treatment of a physical injury that results from an officer's use of force. It does not include a treat-and-release situation for a minor injury.

G. In-Custody Death

The death of person while in the custody of an APD officer. In-custody is defined as physical arrest or detention of a person by either submission to the officer's authority or by the officer's physical control. The mere presence of an officer with a subject does not usually constitute an in-custody status.

H. Inner Perimeter

Refers to the interior section of the crime scene or incident where identifiable evidence is located and where the crime or incident occurred.

I. Internal Affairs Section (IAS)

A department section that conducts administrative investigations into alleged officer misconduct. Refer to the [Internal Affairs Section SOP](#).

J. FIT Case Agent (also known as the Lead Detective)

The FIT case agent or lead detective is the primary investigator of the criminal incident. He/she is responsible for the criminal investigation and compilation of the evidence, to include presentation of the 72-hour executive briefing, consultation with the DA, and testimony before the grand jury or trial court, if needed. The case agent serves as the primary contact to provide information on the progress of the criminal investigation.

K. Involved Officer (also known as Principal Officer)

This is a sworn officer or supervisor who caused, used, participated in, directed, or influenced the application of force, or who had custody of a person at the time of the use of force or the person's death.

L. Lethal Force

Any use of force likely to cause death or serious physical injury, including the use of a firearm, neck hold, or strike to the head, neck, or throat with a hard object.



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M. Major Crime Scene Team (MCST)

This is the on-call criminalistics team used for processing a crime scene when a major or serious crime or incident occurs. The team consists of a sergeant, primary investigator, and secondary investigator.

N. Multi-Agency Task Force (MATF)

This is an investigatory task force composed of different police agencies and established by a memorandum of agreement (MOA). Its purpose is to conduct criminal investigations related to officer-involved shootings, serious uses of force, in-custody deaths, and, at the discretion of the Chief, other incidents resulting in death. The MATF responds to all OIS investigations and in-custody deaths. It will respond to other serious uses of force only when the situation is highly complex, considered high profile, or in other matters, at the discretion of the FIT lieutenant.

The agency whose officer used, caused, participated in or influenced the use of force is the lead investigative agency for that investigation, unless otherwise requested by the appropriate Chief of Police or Sheriff. The non-lead agency detectives will then be paired up with lead agency detectives to assist in conducting the investigation.

The MATF participating agencies are APD, New Mexico State Police (NMSP), Bernalillo County Sheriff's Office (BCSO), and Rio Rancho Police Department (RRPD). The MOA establishing the MATF remains in effect until terminated by the participating agencies.

O. Neck Hold

Refers to one of the following types of holds: a carotid restraint hold, a lateral vascular neck constraint, or a hold with a knee or other object to a subject's neck. A neck hold is considered lethal force. Mere incidental contact does not constitute a neck hold.

P. Officer Involved Shooting (OIS)

This is when a police officer discharges a firearm in the line of duty when the officer fires upon a threat or attack upon his/her person or that of another.

Q. On-Body Recording Device

A recording device issued by the Department that is affixed to the body. Officers involved in a serious use of force may, at their discretion, view their video before submitting to an interview or making a statement. Refer to the [On-Body Recording Devices SOP](#).





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R. Outer Perimeter

The immediate area outside of the inner perimeter of a crime scene or scene of an incident, which is kept secure from the public and media.

S. Public Safety Statement (PSS)

These are a series of questions formulated to secure aid for the injured and to provide for the safety of the public and responding officers. The PSS was developed through a MOU between the APOA and APD. These questions will be asked by the first noninvolved supervisor to arrive on the scene. The supervisor will ask only the following five questions and will not deviate from them. Additionally, the involved officer answering the questions shall provide only information relevant to the questions and shall avoid elaborating on his or her answers. These are the five questions:

1. If you know of anyone who is injured, what is their location?
2. If you know of any outstanding suspects, what is their description and direction of travel?
3. Do you know of any other risk to the safety of the public or to other officers as a result of this incident?
4. Are you aware of any evidence that needs to be protected?
5. Are you aware of any witnesses who need to be located?

T. Secondary Detective

An FIT or MATF detective partners with the case agent during the investigation. The secondary detective attends all phases of the investigation with the case agent. For incidents involving APD personnel, a detective from one of the participating agencies (NMSP, RRPD, and BCSO) will typically volunteer for the role of secondary detective.

U. Serious Physical Injury

A physical injury that creates a substantial risk of death that causes death or serious and protracted disfigurement, or that impairs the function of any bodily organ or limb.



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V. Serious Use of Force

A serious use of force is defined as the following:

1. All lethal uses of force by an APD officer.
2. All critical firearms discharges by an APD officer.
3. All uses of force by an APD officer resulting in serious physical injury or requiring hospitalization.
4. All head, neck, and throat strikes with an object or neck holds.
5. All uses of force by an APD officer resulting in loss of consciousness.
6. All canine bites by an APD patrol service dog.
7. More than two applications of an ECW on an individual during a single interaction, regardless whether the applications are by the same or different APD officers; or applications longer than 15 seconds, whether continuous or consecutive.
8. Any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject.
9. More than three strikes with a baton by an APD officer.

W. Statement of Probable Cause

A probable cause statement is a fact-based verbal or written account of the evidence and circumstances which would cause a reasonably objective officer or neutral magistrate to believe that a crime was committed. It is information provided by law enforcement officer to support the assertion that a suspect committed the crime.

X. Use of Force Indicating Apparent Criminal Conduct by an Officer

Force that a reasonable and trained supervisor would conclude could result in criminal charges due to the apparent circumstances in the use of force, such as the level of force used as compared to the resistance encountered, or discrepancies in the use of force as described by the officer and the use of force as evidenced by any resulting injuries, witness statements, or other evidence.

Y. Voluntary Statement

A statement provided to FIT investigators by the involved officer about the incident.



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Z. Witness Officer

This is an officer or supervisor who did not participate in or directly influence the application of the use of force but who was present on scene. A witness officer is required to cooperate in all phases of the investigation conducted by FIT. Cooperation includes providing a statement to investigators about his/her involvement as well as describing what he/she observed before leaving the scene.



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**7-3-4 Procedures**

A. Response Protocols for FIT

1. The FIT responds to all serious uses of force, including OIS, and to any case where there is a use of force indicating apparent criminal conduct by an officer. The FIT assumes case responsibility for the underlying crime, whether misdemeanor or felony. The FIT may consult or partner with investigative personnel from other units as needed for manpower or specialized expertise.
2. For investigations involving the death of a person in the custody of an APD officer, the FIT is dispatched to the scene to initiate a criminal investigation into the circumstances surrounding the death. APD dispatch notifies MATF, OMI, and the DA's Office if there is an in-custody death.
3. The FIT investigates any use of force by an officer ranking higher than sergeant. FIT investigates the underlying crime and circumstances that led to the use of force.
4. Upon classifying a serious use of force, the on-scene supervisor contacts APD dispatch to request that FIT respond to the scene. Dispatch contacts an FIT supervisor, who will call out the appropriate personnel based on the type of scene and the detectives' on-call schedule.
5. For an OIS or in-custody death, the entire FIT responds to the scene, including the FIT lieutenant and FIT sergeant. FIT conducts a full criminal investigation into each OIS, including both any criminal activity leading up to the OIS or in-custody death and the OIS or in-custody death itself. For an OIS, APD dispatch notifies MATF, OMI (if applicable), and the DA's Office.
6. For any other serious use of force that is not an OIS or in-custody death, a minimum of two FIT detectives respond.
7. FIT responds to any other calls as directed by the Chief of Police.
8. The FIT is not the department investigative entity for all criminal conduct allegedly committed by an APD officer. If an officer is accused of a crime that is not related to an incident where the officer used force, the appropriate investigative unit or non-APD investigative agency is contacted and assumes the investigation.



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- B. Expectations of On-Scene Personnel and Supervisors in Incidents Involving a Serious Use of Force or an In-Custody Death
1. Any officer, detective, or supervisor involved in a serious use of force or in-custody death remains on-scene until released by the FIT sergeant or designee.
  2. The first noninvolved supervisor on scene acts as incident commander and, until relieved by FIT, performs these actions:
    - a. Completes PSS with any involved officer and any witness officer in a timely manner. Only the involved officer, witness officer, and a supervisor are present during the PSS. If multiple officers are involved or are witnesses to the incident, the PSS will be conducted for each involved and witness officer independently and by the same supervisor. Providing a PSS is mandated and agreed upon in an MOU between APD and the APOA. PSS is not part of the involved officer's voluntary statement to FIT or the compelled statement to CIRT or IA. An involved officer may have his/her representative, legal counsel, or both present for the statement, unless the presence of such individuals delays the statement.
    - b. Coordinates the search for outstanding suspects.
    - c. Oversees the identification and isolation of witnesses.
    - d. Ensures witness officer(s) and involved officer(s) are separated and places them in a secure and safe environment with a buddy officer, should the involved officer or witness officer desire one, until the involved officer and witness officer are interviewed. The buddy officer is discouraged from discussing the details of the incident with the involved or witness officer before their interview, as such discussions may result in unintended discoverable disclosures or create subsequent evidentiary problems.
    - e. Contacts APD dispatch and advises them of the type of incident and classification, and requests notification be made.
    - f. Begin canvassing. Officers attempt to locate additional witnesses or evidence by contacting residents and/or businesses in close proximity to the inner perimeter. Canvassing should occur immediately after the incident or may occur later, depending on the developing evidence and whether initial canvassing efforts were successful. An example of developing a canvass plan is to map the offender's likely route of travel, while leaving the scene, and to contact residents and businesses along that route. Detectives should canvass areas directly in the line of sight or within hearing range of the incident. The information gathered is provided to the FIT case agent.
    - g. Upon arrival, brief the FIT team by providing a description of the incident and a synopsis of the known actions taken by the officers on-scene, including by the supervisor.
  3. Any involved officer or witness officer on scene will turn over evidence in his/her possession, such as firearms, videos, and other items, to the Crime Scene Specialist (CSS) or MCST.



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4. All officers on scene will submit original incident or supplemental reports to the FIT sergeant before the end their duty shift.
5. Any involved officer is placed on administrative leave with pay for a period of time that will be determined by the department's executive staff, in consultation with the behavioral science division and the legal department.

C. Scene and Evidence Processing

1. The MCST supervisor performs the following duties:

- a. Maintain overall scene security and regulate access to the inner and outer perimeters.
  - Restrict access to the inner perimeter to MCST personnel only after the investigative walk-through, unless it becomes necessary for FIT or Multi-Agency Task Force personnel to re-enter.
  - Access to the outer perimeter is restricted to investigatory and non-investigatory personnel who have a legitimate need to be at the crime scene or to other personnel allowed at the MCST supervisor's discretion.
  - Staging and gathering areas are designated by the MCST supervisor as needed.
- b. Coordinates with FIT and Multi-Agency Task Force to collect and process evidence.
- c. Is responsible for collecting evidence and processing the scene.
- d. Calls additional investigators as may be determined by the sergeant.

2. The MCST personnel perform the following duties:

- a. Respond to the scene.
- b. Maintain the inner perimeter, reconstruct the scene, document, collect, and preserve all evidence as outlined in the [Crime Scene Specialist SOP](#).
- c. Immediately contact all involved personnel at the scene to collect all physical evidence. An involved officer is processed outside of public view. After completing the collection of evidence, the FIT sergeant or designee escorts the involved officer away from the MCST command post and back to the buddy officer, avoiding contact with other on-scene personnel and the public.
- d. Remove each the involved officer or witness officer's primary duty handgun and issue to each officer a temporary, primary handgun and ammunition. When each officer retrieves his or her primary duty handgun from MCST personnel, he or she will return the temporary weapon.
- e. Lead participants through the investigative walk-through.



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D. On-Scene Walk-Through and Briefings

1. Investigative Briefing

Upon arrival of FIT to the scene, the incident commander will arrange an on-scene briefing, explaining the preliminary facts that led to the officer's use of force or to the in-custody death. The briefing is presented by either the officer's supervisor or the witness officer who is most familiar with the incident. The briefing determines how the investigation will proceed. The involved officer is not required to present a statement in order to avoid giving multiple statements over a period of time. The following individuals are permitted to attend the investigative briefing:

- FIT detectives
- FIT supervisors
- MATF detectives and supervisors
- MCST
- Office of the Medical Investigator (OMI), if applicable
- District Attorney (DA) or Assistant District Attorney (ADA)
- Strategic Intelligence Unit Detectives (SIU)

IA, CIRT, or members of the CPOA are not permitted to attend this initial briefing.

2. Administrative Briefing

After the investigative briefing, the FIT case agent will hold an administrative briefing on scene. The purpose of this administrative briefing is to provide information on what occurred and the facts that led up to the OIS. This briefing is presented by the FIT case agent to the following personnel:

- APD Executive Command Staff
- Critical Incident Review Team (CIRT)
- Internal Affairs (IA)
- APOA (union)
- Members of the Citizen Police Oversight Agency (CPOA)
- MATF



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### 3. Investigative Walk-through

When the Major Crime Scene Team (MCST) has sufficiently processed the inner perimeter, the MCST will lead a walk-through of the scene for investigators. This may be before or after briefings occur. The walk-through is a physical inspection within the inner perimeter of the scene, supervised by the MCST. The purpose of this walk-through is to view the incident location from the involved officer's perspective. If possible, perspective photographs are taken by the MCST. In order to reduce the chance of disturbing the scene, only these personnel may be present:

- FIT case agent
- MATF secondary detective
- MCST representative (to coordinate movement through the scene)
- CIRT (one representative, unless the involved officer is conducting the walkthrough)
- IA (one representative, unless the involved officer is conducting the walkthrough)
- CPOA (one representative, unless the involved officer is conducting the walkthrough)
- Involved officer or witness officer if involved officer participates in walkthrough
- Legal counsel for the involved officer
- APOA representative, if involved officer takes part in the walk-through

4. On scene briefings may be abbreviated as appropriate for incidents that do not involve use of lethal force.

### E. Bifurcating an Investigation

When there is credible information supporting the probability that an officer committed a crime during a use of force incident, the investigation will be bifurcated into two separate criminal investigations: one investigation concentrates on the underlying crime that led to the use of force and the other addresses the officer and his or her use of force. Should this situation arise, the following steps are taken:

1. The FIT lieutenant notifies the Assistant Chief of Police immediately after determining that the officer may have committed a crime. The Assistant Chief of Police informs the Chief of Police and APD legal advisor.
2. The involved officer, his or her legal representation, and/or union representative are notified by the FIT sergeant.
3. The FIT lieutenant contacts and consults with the DA's office regarding the situation.





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4. The officer's chain of command is notified to place the officer on administrative leave.
5. The FIT lieutenant requests MATF to respond to the scene and assist, if they are not already present.
6. The FIT sergeant assigns a primary FIT detective to each investigation, together with an MATF secondary detective for each investigation.
7. The FIT lieutenant determines if additional investigators are needed, and, if so, requests Violent Crimes to respond and assist.

F. Interview Process

1. Involved Officer – Voluntary Statements

- a. The involved officer is not interviewed at the scene but is separated from all other officers, with the exception of a buddy officer, if one was requested by the involved officer.
- b. The involved officer is afforded the same rights and privileges regarding criminal investigations as any civilian. If there is a reasonable likelihood the involved officer is the subject of a criminal investigation, the FIT case agent advises the officer of his or her Miranda warnings in order to protect the involved officer's Fifth Amendment rights. Before deciding to provide a voluntary statement, whether considered a suspect or not, an involved officer may seek legal counsel from his/her attorney or union representative.
- c. FIT obtains the involved officer's voluntary statement within 40 hours after the incident unless the officer chooses not to provide a voluntary statement. Since this is a voluntary statement, the officer may choose to waive the ability to wait up to 40 hours and give a statement immediately or may provide a statement up to the point when the case is submitted to the DA's office. If the involved officer declines to provide a voluntary statement, then CIRT is notified immediately.
- d. Interviews conducted by FIT are recorded, either audio or video (if feasible).
- e. Interviews conducted by FIT are transcribed and included in the case file. A copy of the interview is provided to the involved officer and to CIRT for their administrative review.
- f. Unless otherwise requested by the involved officer, the following personnel may be present during the voluntary interview:
  - Legal counsel for the involved officer and/or union representative
  - FIT detectives
  - Multi-Agency Task Force representative



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- g. At the involved officer's discretion, the FIT detective allows involved officers to view their on-body recording device (OBRD) recordings prior to conducting their voluntary interview. The involved officer may view their OBRD recordings after his or her initial interview. If the recordings are viewed after the involved officer's initial statement, the involved officer may choose to provide additional information or supplement his or her original statement.
- h. The FIT case agent will notify CIRT when the involved officer completed the voluntary interview. CIRT investigators are prohibited from being visibly present or participating during the involved officer's voluntary interview.
- i. An involved officer providing a verbal interview is not required to complete a supplemental narrative report. The verbal statement suffices for incident documentation.
- j. Group interviews of an involved officer or witness officers are prohibited. An involved officer and witness officer are kept separate and will not communicate with one another about the incident prior to their interviews.

2. Involved Officer - Statement of Probable Cause

- a. In some instances, there is insufficient evidence to pursue an investigation against the suspect against whom force is used if the involved officer declines to provide a voluntary statement. In this situation, FIT is unable to charge the offender with a crime.
- b. The involved officer may provide a limited probable cause statement to FIT investigators, either in a written supplemental narrative or in a recorded verbal statement. At a minimum the probable cause statement must show the presence of each element of the crime charged, and probable cause to believe the offender committed the crime. At the discretion of the FIT lieutenant, FIT may compel a probable cause statement after consultation with the District Attorney and approval of the Chief so as to charge the offender. The FIT lieutenant will document this order in writing before the statement is given. Before a probable cause statement is given by an involved officer, his/her representative, legal counsel, or both may be present, unless the presence of such individuals causes undue delay. The FIT will continue as case agent if it receives a probable cause statement.
- c. If the involved officer refuses to provide a probable cause statement, and the FIT lieutenant declines to compel the statement, the FIT lead detective documents FIT's involvement up to that point on a supplemental narrative report. The lead detective turns the case over to the involved officer to proceed with criminal charges and possible prosecution of the offender.

3. Witness Officer

- a. Witness officer is separated from all other officers and from each other at the scene until they are processed by MCST and contacted by FIT detectives. Witness officer is interviewed at the scene or at another time and place at the discretion of the FIT case agent.



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- b. Witness officer remains on-scene until he/she is interviewed or released by an FIT detective.
- c. Witness officer is required to cooperate in all phases of the investigation and do not have the option of declining an interview.
- d. Witness officer is authorized two representatives of their choice to attend the interview.
- e. Once the interview with the witness officer is complete, the FIT case agent notifies CIRT.
- f. The FIT interview is recorded and transcribed and is included in the case file. The case agent provides a copy of the interview to the witness officer and to CIRT.

## G. Case Review and Presentations

### 1. Case Review

- a. All completed cases are subject to multiple levels of review to ensure standardization, thoroughness, neutrality, and transparency.
- b. The FIT sergeant performs a detailed review of the completed case using the felony case preparation checklist attached to the case packet. If any correction is needed or additional investigation required, the case is returned to the case agent.
- c. After receiving the corrected case, the FIT sergeant forwards the case to the FIT lieutenant who performs the same detailed review using the felony case preparation checklist. The FIT lieutenant determines if there is a need for further investigation.
- d. An FIT detective who conducts deficient case reports is subject to discipline, including possible removal from the FIT.
- e. The FIT lieutenant forwards the case to the Assistant Chief of Police for review before the case is submitted to the DA's office.

### 2. Presentations

- a. During the course of any OIS or in-custody death investigation, the FIT provides two separate briefings to department personnel, the 72-hour Executive Brief and the Full Chief Brief.
- b. The 72-hour Brief
  - i. This briefing occurs approximately 72 hours after the incident, unless the end of this period falls on a weekend. In that case, the briefing is held the next business day. This briefing is also known as the Return to Work brief, when executive staff decide, based on consultation with the legal department and the behavioral sciences division, whether the involved officer is placed back in service or receives additional administrative leave time.



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- ii. The FIT lieutenant or sergeant schedules the 72-hour brief with the Chief's administrative assistant.
  - iii. The FIT case agent, together with an MCST representative, creates a PowerPoint presentation describing what is known about the incident. The FIT case agent and the MCST representative present the facts during the briefing and answer any questions.
  - iv. Those permitted to attend the 72-hour brief are:
    - Chief of Police
    - Assistant Chief of Police
    - Deputy Chiefs
    - Majors
    - Legal advisor
    - CIRT or IA
    - The affected officer's commander
    - Behavioral Sciences Division (BSD)
  - v. CIRT or IA provide an administrative briefing immediately following the FIT briefing. All detectives and supervisors from FIT leave the room before CIRT's briefing to prevent them from hearing any compelled information.
  - vi. All those attending the 72-hour brief sign the attendance roster. A copy is provided to the Chief's administrative assistant and is included in the case file.
- c. The Full Chief Brief
- i. This briefing takes place following the completion of all investigative phases of the case.
  - ii. The FIT lieutenant or sergeant schedule the Full Chief Brief with the Chief's administrative assistant.
  - iii. The FIT case agent, together with an MCST representative, create a PowerPoint presentation describing all of the information that was learned during the course of the investigation. Both the FIT case agent and the MCST representative conduct the presentation.
  - iv. Those permitted to attend the Full Chief Brief are:
    - Chief of Police
    - Assistant Chief of Police
    - Deputy Chiefs
    - Majors
    - Legal advisor
    - CIRT or IA
    - MATF
    - CPOA
    - APOA
    - MCST
    - Representative from the DA's office



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- v. CIRT provides an administrative briefing immediately following the FIT briefing. All detectives and supervisors from FIT leave the room before CIRT's briefing to prevent them from hearing any compelled information.
- vi. Those attending the Full Chief Brief sign the attendance roster. A copy is provided to the Chief's administrative assistant and included in the case file.

#### H. Consultation with the District Attorney's Office and/or United States Attorney

It may be necessary to consult with the prosecuting agency or the FBI. These consultations involve an exchange of information in a timely manner when issues arise. The exchange of information includes verbal interaction, review of preliminary investigative files, reports, statements, photographs, and other information needed advice and direction from the consulted agency.

##### 1. District Attorney

- a. FIT is the sole departmental agent to consult with the District Attorney concerning incidents involving lethal force, serious use of force, or any use of force indicating apparent criminal conduct by an officer. If any investigator (criminal or administrative) finds evidence indicating apparent criminal conduct by an officer, the investigator will notify their chain of command, who notifies the Chief. The Chief or FIT as his designee will consult with the District Attorney prior to the Department taking a compelled statement.
- b. In cases of deadly force, in-custody deaths, or use of force indicating apparent criminal conduct, a representative from the DA's office responds to the scene to provide guidance during the initial stages of the investigation. The FIT case agent may consult with that responding ADA, after advising the FIT sergeant.
- c. For all other serious uses of force, the DA's office does not typically respond. Should a question arise during an investigation, the case agent may contact the on-call ADA for guidance. A completed case is submitted to the DA's office for review and prosecution if the underlying charge is a felony. For misdemeanor cases, the FIT case agent submit the case to APD Court Services to file in Metropolitan Court.

##### 2. United States Attorney

There are some cases with federal implications, such as firearm enhancement charges or incidents that occur on federal property but within the confines of the City of Albuquerque. In those instances, the FIT contacts the US Attorney's Office and requests a response to the scene or, if not feasible, to schedule a meeting as soon as practical.



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I. Media Release

1. In coordination with the department public information officer, the FIT lieutenant and sergeant craft a statement for release to the media during the on-scene investigation. Preliminary information should be basic and elementary regarding the nature of the incident and should address any public safety concerns. No information will be released that the FIT lieutenant or sergeant deems injurious to the on-going investigation. Nothing will be released to the media without approval from the FIT lieutenant.
2. Requests for information based on the Inspection of Public Records Act (IPRA) will likely be presented while a situation is developing. It is the responsibility of the APD records manager to contact the FIT lieutenant to advise him or her of these requests. Within at least ten days following the incident, the FIT lieutenant will address these requests. The FIT lieutenant informs the records manager and the City attorney about any confidential tactics and evidence that may be subject to an IPRA exemption.
3. For any Freedom of Information Act (FOIA) requests concerning federal investigations, the FIT lieutenant consults with the City attorney and United States Attorney's Office.
4. During the course of an investigation, the media will likely request updates on the status of the case. The public information officer contacts the FIT lieutenant to request information that may be released. To protect the integrity of the investigation, the FIT lieutenant confers with the FIT sergeant and the FIT case agent before any material released.
5. If an MATF agency is the primary detective in the investigation, FIT consults with that agency before information is released to the media or in response to IPRA requests.



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**7-3-5 FIT's Relationship with CIRT**

- A. FIT and CIRT are both within the Professional Accountability Bureau, which is under the command of the Assistant Chief of Police. Both units typically respond to the same incidents but for different purposes. The FIT manages criminal investigations, while CIRT conducts administrative reviews of policy, equipment, tactics, and training. If CIRT identifies misconduct, it forwards the information to IAS for an administrative investigation.
- B. This policy regulates the interaction between FIT and CIRT, and maintains a separation between the administrative and criminal investigations.
- C. During any investigation where FIT and CIRT are both present, the criminal investigation takes precedence over the administrative review. However, the FIT case agent ensures items and evidence are secured and shared with CIRT in a timely manner to avoid any unnecessary delays in the administrative review.
- D. Information flows in one direction: FIT to CIRT. It never flows the other way. During an FIT investigation, the FIT case agent provides any information the case agent obtains to CIRT for its review. This includes the voluntary statement provided by the involved officer. After reviewing the transcript of the voluntary statement, CIRT will "adopt" the statement for their purposes and then decide if any additional questions need to be asked based upon the needs of the administrative review. This alleviates the need for the officer to provide multiple statements.
- E. FIT will provide all investigative documents to CIRT for their administrative review process as they become available.
- F. FIT will not be present or use any document obtained from a compelled interview in a criminal case against the officer. Equally, CIRT may not be visibly present during any FIT interview of involved or witness officers.
- G. If the involved officer is conducting the investigative walk-through, CIRT, IAS, and members of the CPOA are not allowed to participate. A second walk-through will be coordinated for administrative investigators.
- H. For additional information regarding CIRT's procedures, refer to the CIRT SOP.



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**7-3-6 FIT's Relationship with the Multi-Agency Task Force (MATF)**

- A. The FIT is the APD representative to the MATF.
- B. At the lead agency's request, MATF responds to the following incidents:
  - 1. Officer-involved shooting
  - 2. Other serious use of force, as requested by the FIT lieutenant
  - 3. In-custody death
- C. When appropriate to ensure the fact and appearance of impartiality and with the authorization of the Chief, APD may refer a serious use of force or use of force indicating apparent Criminal conduct by an officer to the Multi-Agency Task Force for investigation.
- D. The head of one of the other agencies in this agreement may also request MATF to investigate any other suspected officer-involved criminal action, including but not limited to off-duty or non-duty related incidents.
- E. FIT responds as a supporting agency as requested by the other agencies listed in the MOA. The FIT lieutenant assigns a two-member FIT detective team to MATF investigations; more detectives are assigned if the assistance of additional personnel is necessary.
- F. The lead agency has final authority over any release of information to the media. If any of the other agencies receive media or IPRA requests, that request is forwarded immediately to the lead agency.
- G. The MATF is not an internal affairs unit and does not conduct any administrative investigations.





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**7-3-7 Administration**

A. Organization of FIT Personnel in the Chain of Command

1. Chief of Police
2. Assistant Chief of Police
  - a. Reports directly to the Chief of Police
  - b. Oversees the Professional Accountability Bureau
3. FIT Lieutenant
  - a. Reports directly to the Assistant Chief of Police
  - b. Oversees the FIT and all processes involving FIT
4. FIT Sergeant
  - a. Reports directly to the FIT Lieutenant
  - b. Supervises all FIT Detectives
5. FIT Detective
  - a. Reports directly to the FIT Sergeant
  - b. Conducts criminal investigations as they relate to use of force

B. On-Call Status

The FIT is on call 365 days a year, 24 hours a day, and 7 days a week to respond to an OIS or in-custody death. For any other serious use of force matters, detectives respond in two-person teams, unless additional personnel are requested. The two-person teams rotate weekly in a primary and secondary role, beginning and ending at 0800 hours every Thursday. FIT personnel arrive on-scene within an hour of being notified of the call out.



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C. Training for FIT Personnel

1. FIT receives continual training and education in order to maintain proficiency in its management, understanding and its professional approach to these complex investigations.
2. The FIT continues to enhance its operations through training, research, and development of improved process and procedures. The FIT Lieutenant will seek out local and national trainings on FIT training topics below and other trainings that would enhance FIT's function. The FIT Lieutenant will evaluate the course agenda, and if possible, the curriculum, to ensure the proper selection of subject matter that furthers FIT's mission and achieves the goals of the Albuquerque Police Department.
3. FIT personnel are encouraged to seek out new training programs relevant to their duties. Training information and requests are provided to FIT supervisors who assess the curriculum to determine if the requested training meets the needs of the unit and the department.
4. The minimum required FIT training topics include the following:
  - a. Basic investigative techniques
  - b. Deadly force and less lethal force investigations
  - c. Case law, especially focused on force-related decisions
  - d. Constitutional law
  - e. Homicide investigations
  - f. Interview and interrogation
  - g. Basic instructor development
  - h. Use of force instruction
  - i. Human performance factors, including force science or equivalent
  - j. Internal Affairs practices
5. These are some examples of continuing education that assist FIT personnel:
  - a. FIT-related seminars and training sessions
  - b. Familiarization with current events in all forms of media
  - c. Networking forums with outside agencies focused on best practices
  - d. Frequent case law review on the rulings by the U.S. Supreme Court, the Tenth Circuit Court of Appeals and New Mexico's State Appellate Courts
  - e. Police industry periodicals and publications for study and discussion