



2-57 USE OF FORCE: REVIEW AND INVESTIGATION BY DEPARTMENT PERSONNEL

Related SOP(s), Form(s), Other Related Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[1-67 Multi-Agency Task Force](#)

2-53 Use of Force: Definitions

2-55 Use of Force: De-escalation

2-56 Use of Force: Reporting by Department Personnel

[3-32 Performance Evaluations \(Formerly 3-26\)](#)

[3-41 Complaints Involving Department Policy \(Formerly 3-22 and 3-43\)](#)

[3-46 Discipline System \(Formerly 1-09\)](#)

B. Form(s)

[PD 1117 Use of Force Recorded Narrative Guide](#)

[PD 1118 Use of Force Written Narrative for Involved and Witness Officers](#)

[PD 1119 Supervisor On-Scene Response Checklist](#)

[PD 1120 Supervisor On-Scene Investigation of Level 2 and Level 3 Uses of Force \(Accidental Discharge, Allegation of Use of Force, and Prisoner Injury\)](#)

[PD 1121 Level 1 Supervisor Interview Guide – Witness and Individual](#)

[PD 1122 Supervisor Review Level 1 Use of Force](#)

[PD 1123 Lieutenant Review Level 1 Use of Force](#)

[PD 1124 Commander Review Level 1 Use of Force](#)

[PD 4607 Juvenile Advise of Rights](#)

C. Other Related Resource(s)

Graham v. Connor, 490 U.S. 386 (1989)

D. Rescinded Special Order(s)

None

2-57-1 Purpose

The purpose of this policy is for the Albuquerque Police Department (Department) to objectively and thoroughly review every use of force and show of force by sworn personnel in order to reach a finding, supported by a preponderance of the evidence, concerning whether Department personnel used the minimum amount of force that was reasonable and necessary, based on the totality of the circumstances to bring about a lawful objective.

The Department categorizes force based on the level of force used and the risk of injury or actual injury from the use of force. The category of force—Level 1, 2, or 3—determines the kind of review or investigation that will be completed.



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The Department's goal in categorizing force is to promote efficiency and reduce the burden on first-line supervisors while optimizing critical investigative resources on higher-level uses of force.

2-57-2 Policy

It is the policy of the Department for supervisors and Internal Affairs Force Division (IAFD) Detectives/Investigators to conduct rigorous, timely, thorough, objective, and accurate reviews and investigations of use of force by Department personnel.

N/A 2-57-3 Definitions

For definitions specific to use of force, refer to SOP Use of Force: Definitions.

6 2-57-4 Use of Force Review by Supervisors and Chain of Command

A. Use of Force Investigation Standards

1. Department personnel shall:

- a. Conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions;
- b. Never ask Department personnel or witnesses any questions that may suggest legal or procedural justifications for an employee's conduct;
- c. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
- d. Make all reasonable efforts to resolve material inconsistencies between the officer, individual, and witness's statements, and inconsistencies between the level of force described by the employee and any injuries to Department personnel or individuals.

2. A supervisor who was involved in, a witness to, ordered a use of force, or who was a victim of the individual's actions shall not be involved in reviewing the use of force incident nor any subsequent force incident involving the same individual prior to the law enforcement encounter terminating.

- a. The involved supervisor shall not review or approve any reports that are generated as a result of the force incident.
 - i. A non-involved supervisor shall review and approve any reports that are generated following the force incident.

3. A supervisor who is related to any Department employee who is involved in a use of force shall not be involved in reviewing the Department employee's force incident.

B. Supervisory On-Scene Responsibilities for Classifying Force



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1. The on-scene supervisor shall:
 - a. Immediately respond to the scene to classify the use of force according to the highest level of force used during the incident, to classify the in-custody individual injury or complaint of injury or pain based upon the Department's three-level force classification system, consistent with SOP Use of Force: Definitions;
 - b. Use the Supervisor's On-Scene Response Handbook/Guide when classifying force;
 - c. Record their investigation on their on-body recording device (OBRD) in accordance with the Supervisor's On-Scene Response Handbook/Guide;
 - d. Keep the in-custody individual on-scene when they have established probable cause;
 - e. Review sufficient on-scene OBRD footage for involved or witness employee(s) in order to classify the correct level of force;
 - f. Ensure that IAFD is immediately notified and dispatched to the scene to initiate the force investigation for the following:
 - i. Level 2 and Level 3 uses of force;
 - ii. Use of force by a lieutenant or above; and
 - iii. Force involving potential criminal misconduct by the involved or witness employee.
 - g. Fill out and sign the Supervisor Review On-Scene Investigation Form to document their on-scene investigation and classification; and
 - h. By the end of their shift, complete a non-force IA database web application entry, including the Supervisor On-Scene Investigation of Level 2 and 3 Uses of Force (Accidental Discharge, Allegation of UOF, and Prisoner Injury) form:
 - i. When the supervisor's on-scene investigation verifies force did not occur;
 - ii. For accidental discharges of an intermediate weapons system;
 - iii. For prisoner injuries not as a result of a use of force, including pre-existing injuries; and
 - iv. For allegations of a use of force that are unsubstantiated.
2. The responding Detective/Investigator/Reviewer shall have authority in classifying the level of force while on-scene.
 - a. If the IAFD Detective/Investigator does not accept the case for investigation, the responding supervisor or reviewer shall be responsible for completing the Level 1 use of force investigation.

6 2-57-5 **Supervisory Investigative Responsibilities for Level 1 Use of Force**

A. The on-scene supervisor shall:

1. Immediately identify involved and witness sworn and non-sworn personnel, the individual, community member witnesses, and investigative interactions with sworn personnel;



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2. Ensure photographs are captured of involved Department personnel, the individual(s), and any weapon systems used during the force incident;
3. Visually inspect Department personnel and the individual for injuries and request medical attention where the individual is injured or complains of pain;
4. Ensure that at least one (1) officer or Prisoner Transport Unit (PTU) employee is present with and monitoring the individual;
5. Physically separate involved and witness employees, when possible;
6. Issue a verbal order for employees to not discuss the use of force;
7. Identify and attempt to interview or request community member witnesses to provide a written or recorded statement at the scene of the use of force;
8. Ensure all evidence is properly located, gathered, and preserved at the scene;
9. Collect and approve use of force narrative forms from involved and witness personnel by the end of the shift;
10. Attempt to obtain a statement from the in-custody individual(s) for the administrative investigation or review;
11. Complete the Supervisor Review Level 1 Use of Force form for Level 1 use of force reviews;
12. Ensure that a Uniform Incident Report is completed when the officer has a physical injury preventing them from completing a Uniform Incident Report, in an officer-involved shooting, or the officer is the victim of a crime;
13. Notify IAFD personnel who shall respond to the scene if an accidental discharge of a firearm occurs, regardless of whether or not a person is struck; and
14. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy.

B. Supervisor Documentation of Level 1 Use of Force

1. The on-scene supervisor may be the investigating supervisor for a Level 1 use of force unless the investigation is reassigned by the area commander or the incident is reviewed by the unit responsible for conducting Level 1 use of force reviews.
2. The on-scene investigating supervisor or reviewer shall initiate an IA database web application entry for each individual upon whom force was used by the end of their shift.



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- a. The on-scene investigating supervisor or reviewer shall complete an additional IA database web application entry for each additional individual upon whom force was used.
- b. The on-scene investigating supervisor or reviewer shall attach evidentiary items to the IA database web application entry, including, but not limited to:
 - i. Involved and witness employees' OBRD footage;
 - ii. Other video footage that captured the use of force;
 - iii. Involved and witness employees' Uniform Incident Reports;
 - iv. Written or recorded statements from witness(s);
 - v. Recorded statements from involved individuals;
 - vi. Involved and witness officers' use of force narratives; and
 - vii. Any other items determined to have evidentiary value.

C. Use of Force Review Timelines

1. The on-scene investigating supervisor or reviewer shall submit the Level 1 force review within seven (7) days after the day the force was used.
 - a. Where a supervisor is unable to complete a review within the initial seven (7) day deadline, they may seek an extension of reasonable length up to seven (7) days by completing the extension request form in the IA database web application, identifying:
 - i. The number of extra days requested;
 - ii. Why the seven (7) day deadline could not be met; and
 - iii. The reason(s) for the requested extension to the involved employee's commander.
 - b. The lieutenant in the involved employee's chain of command will have ten (10) calendar days from receiving the supervisor's review to complete a review of a Level 1 use of force.
 - c. The commander in the involved employee's chain of command will have ten (10) calendar days from receiving the lieutenant's review to complete the review of a Level 1 use of force.
2. The supervisory reviews of all Level 1 uses of force shall include:
 - a. All written use of force narratives and/or statements provided by Department personnel and/or community member witness(s);
 - b. Uniform Incident Reports and Supplemental Reports;
 - c. The reviewing chain of command's form pertaining to their review;
 - d. A list of evidence that was gathered, including sufficient identifying and contact information of community member witness(s) to the use of force;
 - i. The supervisor shall document in their use of force report if there were no witnesses to the use of force.
 - ii. The supervisor shall explain why community member witness information was not gathered in circumstances where there were witnesses to the use of force that were not documented.



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- e. In their use of force report, all available identifying information for anyone who refuses to provide a statement;
 - f. The names of Department employees who witnessed the use of force;
 - g. The supervisor's evaluation of the use of force based on their analysis of the evidence gathered, including whether the employee's actions complied with Department policy;
 - h. An analysis of the incident for tactical and training implications, including the use of de-escalation techniques, consistent with SOP Use of Force: De-escalation;
 - i. The supervisor's documentation of any tactical issues found during the review, which shall be included as part of the IA database web application entry;
 - j. An Internal Affairs Request (IAR) submitted to the Internal Affairs Professional Standards (IAPS) Division anytime a potential policy violation is identified;
 - k. Photographs of the involved employee(s), the individual, and the scene;
 - i. If an intermediate weapon system was used, photographs of the system.
 - l. A copy of the Computer-Aided Dispatch (CAD) printouts;
 - m. If an ECW was shown, the device log and audit trail; and
 - n. All other relevant documentation.
3. The supervisor or reviewer shall forward a Level 1 use of force review through the involved officer's, or the reviewing unit's chain of command once it has been completed.
- a. The commander of the involved employee shall assess the IA database web application entry to ensure that it is complete and that the findings are supported by a preponderance of the evidence.

N/A

4. The supervisor shall open an IAR on all deficient reviews (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

N/A

- a. The supervisor shall document the deficient reviews in the supervisor's or reviewer's performance documents (refer to SOP Performance Evaluations for sanction classifications and additional duties).

N/A

- b. The supervisor or reviewer who conducts two (2) or more deficient force reviews in a twelve (12) month rolling calendar shall receive corrective and/or disciplinary action (refer to SOP Discipline System for sanction classifications and additional duties), and may also be subject to additional training, demotion, and/or removal from their supervisory position.

D. OBRD Viewing Requirements

1. In conducting a Level 1 use of force review, the supervisor or reviewer shall view available OBRD video of the initial contact with the individual against whom force was used up to the point at which the individual is in custody on-scene and secured in a police or emergency vehicle. The reviewing authority shall have discretion not to review video that is irrelevant to the determination of whether the use of force



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complied with Department policy. This provision does not preclude the reviewer from looking at additional video if necessary.

- a. The supervisor or reviewer shall view relevant video to the application of force. ensure that bookmarks are applied on OBRD footage that pertains to the use of force, all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all potential policy violations.
2. The Lieutenant shall view available OBRD video of the initial contact with the individual against whom force was used up to the point at which the individual is in custody on-scene and secured in a police or emergency vehicle. The Lieutenant shall not review ancillary videos unless necessary to complete a thorough review and make a proper finding based on the preponderance of the evidence.
 - a. The lieutenant shall ensure bookmarks are applied on OBRD footage that pertains to all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all policy violations.
 - b. The lieutenant shall ensure that bookmarks are applied on OBRD footage anywhere they cite evidence in their review.
3. The commander or approving supervisor shall be responsible for watching OBRD footage that captures the use of force and all bookmarked portions of the footage.

E. Chain of Command Review of Level 1 Use of Force

1. The reviewing and approving chain of command shall accurately complete the appropriate form for their level of review, including a citation to evidence as required.
- 5 2. The chain of command shall suspend a Level 1 use of force review, with notice to the affected officer, and immediately notify IAFD and the Chief of Police upon the discovery that the employee's use of force is apparently criminal in nature.
 - a. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the Multi-Agency Task Force (MATF) to initiate a criminal investigation.
3. When a supervisor within the chain of command discovers that a use of force is more appropriately categorized as a Level 2 or Level 3 use of force, they shall immediately notify IAFD to review and classify the use of force case for possible assignment.
- N/A 4. When a policy violation is discovered during a Level 1 use of force review, the personnel identifying the policy violation shall ensure that an IAR is completed no later than twenty-four (24) hours of obtaining that knowledge (refer to SOP



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5. After a review is complete and approved, the review shall be marked as complete in the IA database web application entry.

F. Performance Review Unit (PRU) Review of Level 1 Use of Force Reviews

1. Upon receipt of a Level 1 use of force review, PRU personnel shall conduct sample reviews to ensure completion and the findings are supported by the preponderance of evidence.
 - a. When PRU personnel determine that a Level 1 investigation was incomplete, they shall send it back to the original reviewing chain of command with instructions.
 - b. Where PRU personnel determine that a Level 1 use of force investigation is deficient, it will be sent back to the original reviewing chain of command for correction, if applicable.
 - i. PRU personnel shall submit an IAR for Department personnel who conduct deficient reviews as identified during the PRU employee's review of Level 1 use of force.
2. After completing their review, PRU personnel shall forward the file to IAFD personnel for recordkeeping.

N/A

G. The Chief of Police Authority to Re-assign Reviews and Resolve Level 1 Use of Force Potential Policy Violations

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1. The reviewing supervisor requesting the reassignment of a Level 1 use of force review shall complete an Interoffice Memorandum to the Chief of Police or designee explaining the reason for the reassignment. The supervisor shall attach the Interoffice Memorandum to the initial IA database web application entry.
2. Any assignment or re-assignment of a Level 1 use of force review shall be documented in the IA database web application.

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- a. IAFD shall track all case reassignments.
3. The Chief of Police or designee shall ensure equipment, policy, supervision, tactics, and/or training concerns noted by reviewing personnel during a Level 1 use of force review are resolved through the referral of such issues to the appropriate Department division for corrective action.

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Level 2 and Level 3 Use of Force Investigations by IAFD

A. General Requirements



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1. An IAFD Detective/Investigator shall respond to the scene of a use of force incident to conduct investigations of Level 2 and Level 3 uses of force.
2. The IAFD Detective/Investigator shall conduct administrative investigations into uses of force indicating apparent criminal conduct by an employee, with notice to the affected employee.
3. The IAFD Detective/Investigator shall suspend a Level 2 or 3 use of force review, with notice to the affected officer, and immediately notify IAFD and the Chief of Police upon the discovery that the employee's use of force is apparently criminal in nature.
 - a. Upon this notification, IAFD shall immediately initiate an administrative investigation and make a referral to the Multi-Agency Task Force (MATF) to initiate a criminal investigation.
4. When a Level 2 or Level 3 use of force investigation indicates apparent criminal conduct by an officer unrelated to the use of force, the IAFD Detective/Investigator shall:
 - a. Immediately notify their chain of command who will then notify the Office of Police Reform and the Chief of Police in writing; and
 - b. Refer the incident to the appropriate specialized investigative unit for investigation.
 - i. The criminal investigator shall have no involvement in the administrative investigation into the use of force.
 - ii. The criminal investigation shall remain separate from and independent of the administrative investigation into the use of force, consistent with SOP Multi-Agency Task Force (refer to SOP Multi-Agency Task Force for sanction classifications and additional duties).
5. In instances where the Multi-Agency Task Force (MATF) is conducting the criminal investigation of a use of Force, the IAFD shall conduct the administrative investigation, consistent with SOP Multi-Agency Task Force (refer to SOP Multi-Agency Task Force for sanction classifications and additional duties).

N/A

N/A

B. Level 2 and Level 3 Use of Force Investigations by IAFD

1. In conducting its investigations of Level 2 or Level 3 uses of force, the IAFD Detective/Investigator shall:
 - a. Respond to the scene and consult with the on-scene supervisor to ensure that all Department personnel and individual(s) involved in the use of force incident have been examined for injuries and provided necessary medical attention;
 - b. Ask the individual involved in the use of force incident if they sustained any injuries and whether they require medical attention;



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- c. Classify the use of force in accordance with the Department's three-level force classification system;
 - d. Ensure that all evidence is collected to establish material facts related to the use of force, including but not limited to, audio and video recordings, photographs, and other documentation of injuries or the absence of injuries;
 - e. Canvass for and interview witness(s). In addition, witnesses shall be encouraged to provide and sign a written statement in their own words;
 - f. Ensure that each employee witnessing a Level 2 or Level 3 use of force provides a use of force narrative of the facts leading to the use of force;
 - g. Provide a written admonishment to involved and witness employee(s) to the use of force incident that they are not to speak about the force incident until they are interviewed by the IAFD Detective/Investigator;
 - h. Conduct interviews in accordance with the current CBA with involved and witness employees;
 - i. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;
 - j. Conduct interviews of witness Department personnel;
 - i. The IAFD Detective/Investigator shall not be required to interview perimeter Department personnel who only heard a use of force, such as a noise flash diversionary device (NFDD), 40-millimeter impact launcher, gunshot, or Police Service Dog (PSD) deployment, unless the investigation shows that their knowledge is relevant to the investigation or may resolve a material discrepancy.
 - k. Review all use of force reports to ensure that these statements include information required by Department policy;
 - l. Ensure all use of force reports identify all Department personnel who were involved in the incident, witnessed the incident, or were on-scene when the incident occurred;
 - m. Record all interviews with involved and witness Department personnel, the individual, and witness community members;
 - n. If feasible, consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations; and
 - o. Make all reasonable efforts to resolve material inconsistencies between the employee, individual, and witness statements, and inconsistencies between the level of force described by the employee and any injuries to Department personnel or individuals.
2. The IAFD Detective/Investigator shall complete an initial use of force data report for all Level 2 and Level 3 use of force incidents and submit it through the chain of command to the Office of Police Reform as soon as possible, but in no circumstances later than twenty-four (24) hours after the use of force.
 3. The IAFD Detective/Investigator shall complete Level 2 or Level 3 administrative investigations within timelines in accordance with the CBA.
 - a. Any request for an extension to this time limit must be approved by the IAFD Commander through consultation with the Office of Police Reform.



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C. Tactical Activations

When an incident has been categorized as a tactical activation, the Incident Commander (IC) shall contact IAFD personnel when the force has been classified as a Level 2 or Level 3 use of force.

D. Additional On-scene Responsibilities for IAFD Investigations During an MATF Call-Out

1. During an MATF call-out, the IAFD Detective/Investigator shall:

- a. Conduct the Level 2 or Level 3 administrative investigation;
- b. Not interfere with the MATF investigation; and
 - i. Absent extraordinary circumstances, IAFD personnel shall wait for the MATF to contact and conduct interviews, if any, with involved and witness employees before contacting those employees.
 - 1. If the MATF cannot conduct their interviews within seven (7) calendar days after the date of the incident, IAFD personnel may proceed with interviewing involved and witness employees.
 - ii. IAFD personnel shall wait for the MATF to contact and conduct interviews, if any, with community member witnesses before contacting those witnesses as long as this does not prevent IAFD personnel from meeting investigative timelines.
 - iii. IAFD personnel shall attempt to follow up with all community member witnesses after consulting with the MATF regarding their investigation.
- c. Attend the administrative briefing provided by MATF.

N/A

E. Level 2 and Level 3 Use of Force Investigation Reports by IAFD

- 1. At the conclusion of each use of force investigation, the IAFD Detective/Investigator shall prepare an investigative report. The report shall include:
 - a. A narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the employee's conduct based on the IAFD Detective/Investigator's independent review of the facts and circumstances of the incident;
 - b. Documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the use of force incident, and all underlying use of force data reports;
 - i. In situations in which there are no known witnesses, the IAFD Detective/Investigator shall specifically state this fact in the report.
 - ii. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the IAFD Detective/Investigator shall state the reasons why such information was not recorded in the report.



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- iii. The IAFD Detective/Investigator shall include all available identifying information for anyone who refuses to provide a statement in the report.
- c. The names of all other Department employees who witnessed the use of force incident;
- d. The IAFD Detective/Investigator's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the employee's actions complied with federal and state laws, and Department policy;
 - i. The IAFD Detective/Investigator shall include in the narrative an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options.
- e. If the employee was an officer who used a weapon, documentation indicating whether or not the officer's certification and training for the weapon were current at the time of the incident; and
- f. The complete disciplinary history of the Department personnel that were involved in the use of force incident.

F. Level 2 and Level 3 Use of Force Investigation Review by IAFD Chain of Command

1. Upon completion of the IAFD investigation report, the IAFD Detective/Investigator shall forward the report through their chain of command to the IAFD commanding officer through the IA database web application.
2. The IAFD commanding officer shall review the report to ensure that it is complete and, for administrative investigations, the findings are based upon the preponderance of the evidence.
3. The IAFD commanding officer shall require additional investigation when it appears there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
4. For administrative investigations, where the findings of the IAFD investigation are not supported by a preponderance of the evidence, the IAFD commanding officer shall document the reasons for this determination and shall include this documentation as an addendum to the original investigative report.
5. Any reviewing supervisor shall initiate an IAR within twenty-four (24) hours of obtaining that knowledge to address any inadequately supported determination and any investigative deficiencies that led to it and any investigation that failed to evaluate material discrepancies.
6. The IAFD commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by IAFD.
7. Where an IAFD Detective/Investigator conducts two (2) or more deficient force investigations, the IAFD commanding officer shall ensure that they receive the appropriate corrective and/or disciplinary action, consistent with SOP Discipline



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System. Repeated deficient force investigations shall be cause for removal from IAFD when the IAFD Detective/Investigator has been provided additional training and has conducted another deficient force investigation. The commanding officer shall document the deficient review in the IAFD Detective/Investigator's performance documents, consistent with SOP Performance Evaluations.

8. When the IAFD commanding officer determines that the force investigation is complete and the findings are supported by a preponderance of the evidence, the commanding officer shall forward the investigation report to the Force Review Board (FRB) with a copy to the Office of Police Reform.

N/A

G. Office of Police Reform Authority to Re-assign Reviews and Resolution of Level 2 and Level 3 Use of Force Policy Violations

1. At the discretion of the Office of Police Reform, a force investigation may be assigned or re-assigned for investigation to the MATF or the Federal Bureau of Investigation (FBI), or may be returned to the IAFD for further investigation or analysis.
 - a. The Office of Police Reform shall document the assignment or reassignment in writing with notice to the IAFD commanding officer.
 - b. IAFD shall track all case reassignments.
2. After an administrative force investigation, where a use of force is found to violate policy, the Office of Police Reform shall direct and ensure appropriate discipline and/or corrective action is taken.
3. Where a force investigation indicates any apparent criminal conduct by an officer, the IAFD Commander shall notify the Office of Police Reform who shall then notify the Chief of Police. The Chief of Police shall ensure that appropriate specialized investigative unit personnel consult with the Bernalillo County District Attorney's Office or the United States Attorney's Office as appropriate. The Department need not delay the imposition of discipline until the outcome of the criminal investigation.
4. In use of force investigations where the incident indicates equipment, policy, supervision, tactics, and/or training concerns, the Office of Police Reform shall ensure that necessary training is delivered and the equipment, policy, supervision, tactics, and/or training concerns are resolved.

H. Role of MATF in Review of Level 2 or Level 3 Use of Force for Potential Criminal Conduct

1. Where appropriate to ensure the fact and appearance of impartiality, and with the authorization of the Office of Police Reform and the Chief of Police, the Chief of Police may refer a use of force indicating apparent criminal conduct by an employee to the MATF for criminal investigation.



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2. To ensure criminal and administrative investigations remain separate, the Department's Violent Crimes Section may support the IAFD, or the MATF in the investigation of any Level 2 or Level 3 use of force, including critical firearm discharges, in-custody deaths, or police-initiated actions in which a death or serious physical injury occurs.
3. If the MATF completes a criminal investigation into a use of force with reason to believe that criminal conduct has occurred, the Chief of Police shall instruct request for the investigation to be forwarded to the appropriate prosecuting authority. If the MATF or the CID investigation indicates any apparent criminal conduct by an employee or reveals evidence of criminal conduct by an employee, the Chief of Police shall instruct MATF or CID to forward the investigation to the appropriate prosecuting authority(s).
4. Where the Department refers a use of force incident to the appropriate prosecuting authority for potential criminal prosecution, the IAFD will delay any compelled interview of the target employee(s) pending consultation with the prosecuting authority. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Office of Police Reform, and after consultation with the prosecuting authority.