



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-58 (Formerly 2-56)

Effective: 05/03/2022 Review: 05/03/2023 Replaces: 12/05/2019

## 2-58 FORCE REVIEW BOARD (FRB)

### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

None

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 18-143 Force Review Board (Tactical Activations Only)

### 2-58-1 Purpose

The purpose of this policy is to outline the requirements of the Force Review Board (FRB).

### 2-58-2 Policy

It is the policy of the Albuquerque Police Department (Department) to conduct timely, comprehensive, and reliable reviews of (a) Level 2 and Level 3 use of force investigations to ensure the findings are supported by a preponderance of the evidence, and (b) tactical activations in order to analyze and critique specialized response protocols.

### N/A 2-58-3 Definitions

A. Chief of Police and Superintendent of Police Reform's Report

A report summarizing the voting outcome and discussion by the FRB for the Chief of Police and Superintendent of Police Reform.

B. Concern

Any identified issue that requires resolution related to equipment, policy, supervision, tactics, and/or training.

C. Course of Business (COB) Document

Any routine document(s) created by or produced in an official capacity to describe or assess a routine business practice to indicate a plan or solution. This can also include,



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but is not limited to, memoranda, police reports, and/or documents reflected in routine course of business files.

D. Deficient Investigation

An investigation that fails to include all the relevant information to arrive at a well-founded finding without resorting to surmise or assumption of facts at issue.

E. Designee

An individual who may sit on the FRB as a replacement for a voting member who is unable to attend a meeting. To be a qualified designee, the individual shall have completed FRB and Department-mandated use of force training.

F. Level 2 Use of Force FRB Meeting

An FRB meeting that reviews a sample of Level 2 uses of force.

G. Level 3 Use of Force FRB Meeting

An FRB meeting that reviews Level 3 uses of force.

H. Material Discrepancy

A lack of compatibility between two (2) or more facts that could change the outcome of an investigation.

I. Non-voting Attendee

A person without voting authority who is authorized by the FRB Chair to attend the FRB meeting. At the discretion of the FRB Chair, non-voting attendees may ask questions, answer questions from the FRB voting members, and participate in discussion of matters before the FRB.

J. Non-voting Member

A Board member who does not have voting authority. At the discretion of the FRB Chair, non-voting members may ask questions, answer questions from the FRB voting members, and participate in discussion of matters before the FRB. The FRB Chair as a non-voting member shall have voting authority to either break a tie or establish quorum.

K. Preponderance of the Evidence

Evidence that establishes that a fact is more probable than not.

L. Referral



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A decision that requires further action as determined by the FRB. All referrals shall be assigned to a specific person to remediate an identified concern.

M. Representative

An individual who provides answers to questions posed by the FRB within their area of expertise.

N. Success

A response within policy that results in a positive outcome and can be used as a training opportunity and/or a commendation.

O. Tactical Activation FRB Meeting

The FRB meeting that reviews all tactical deployments to analyze and evaluate response protocols.

P. Ten Percent (10%) Sample

The selection of Level 2 uses of force that will be reviewed by the FRB. The ten percent (10%) sample is based on the number of completed Level 2 use of force investigations in a given month. A list of investigations that are completed in a given month will be numbered and the data will be entered into a web-based random sample generator.

Q. Voting Member

An FRB member whose attendance is mandatory and who has case review and voting responsibility.

**7** 2-58-4 **Composition of FRB**

A. Chair

The Chief of Police shall appoint all voting members to the FRB, including the Chair of the FRB and their designee.

B. Voting Members

1. The FRB shall be comprised of the following voting members:

- a. Deputy Chief of the Management Services and Support Bureau or their designee who completed FRB and Department-mandated use of force training;
- b. Deputy Chief of the Field Services Bureau (FSB) or their designee who completed FRB and Department-mandated use of force training;



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- c. Deputy Chief of the Investigative Bureau or their designee who completed FRB and Department-mandated use of force training;
- d. Deputy Chief of the Special Operations Bureau or their designee who completed FRB and Department-mandated use of force training;
- e. FSB Commander or their designee who completed FRB and Department-mandated use of force training; and
- f. Academy Division Commander or their designee who completed FRB and Department-mandated use of force training.

C. Non-Voting Members

1. The FRB shall be comprised of the following non-voting members:

- a. FRB Chair or their designee (except in a tie vote or to establish quorum);
- b. FRB administrative personnel; and
- c. Legal Advisor or their designee.

D. Non-Voting Attendees

1. The FRB may be comprised of the following non-voting attendees:

- a. Administrative support staff;
- b. Executive Director of the CPOA or their qualified designee; and
- c. Representatives, including but not limited to:
  - i. Internal Affairs Force Division (IAFD);
  - ii. Internal Affairs Professional Standards (IAPS) Division;
  - iii. Tactical Section;
  - iv. Academy Division;
  - v. Crisis Intervention Division;
  - vi. Compliance and Oversight Division;
  - vii. Crisis Negotiation Team; and
  - viii. Any other personnel deemed appropriate by the FRB.

**7 2-58-5 Training Requirements**

A. Voting and non-voting members and their designees shall complete the following training prior to service on the FRB:

1. Department-mandated use of force training and refresher updates; and
2. FRB training course and FRB refresher course(s).

B. Non-voting members who are civilian Department personnel shall audit the mandated Department use of force training and refresher updates.

**7 2-58-6 Member and Attendee Responsibilities**



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A. The FRB Chair or their designee shall:

1. Facilitate the meetings of the FRB;
2. Ensure all FRB members vote;
3. Provide the tie-breaking vote when there is a tie; and
4. Provide the Executive Director of the CPOA the opportunity at the end of the presentation, prior to voting, to make a statement and/or ask questions of the presenter/representative.

B. FRB administrative personnel shall:

1. Document the meeting, including, but not limited to, meeting attendance, votes, referrals, and minutes;
2. Prepare and provide the FRB report to the Chief of Police and Superintendent of Police Reform within fifteen (15) calendar days of the investigation presentation and within forty-five (45) calendar days of the FRB members receiving the file;
3. Monitor the assignment, progress, and closure of referrals by the FRB; and
4. Provide copies of the Level 3 use of force FRB investigation presentations and a copy of the Chief of Police and Superintendent of Police Reform's report to the Executive Director of the CPOA within thirty (30) calendar days for their review.

**6** C. A voting member or their designee shall:

1. Review the provided investigative material in its entirety prior to attending FRB meetings;
2. Review previous minutes and referral updates, when applicable; and
3. Attend FRB meetings.
  - a. If unable to attend the FRB meeting, the voting member shall notify FRB administrative personnel prior to the meeting and identify the designee who will replace the voting member during the actual meeting of the FRB.

**6** D. A non-voting member or their designee shall review the provided investigative material in its entirety prior to attending FRB meetings. This shall not pertain to FRB administrative personnel.

E. The Legal Advisor or their designee shall provide confidential legal advice to the FRB on the investigation, and policy issues, and confidential legal advice regarding the FRB process, if necessary.



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F. A non-voting attendee shall provide answers to questions posed by the FRB within their area of expertise.

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1. Attendance of non-voting attendees is mandatory if requested by FRB administrative personnel.

G. The Chief of Police may suspend an FRB voting member from serving when the member is under investigation for an FRB-related policy violation. The suspension shall remain in effect until the investigation is fully adjudicated.

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**Procedures**

A. Meetings

1. The attendance of three (3) voting members is required to establish a quorum and take action as a Board. An FRB meeting shall be rescheduled if a quorum is not present.
2. The Chair shall adjourn the meeting and reschedule if quorum is lost (e.g., due to emergencies, call-outs, etc.).
3. The FRB Chair has the discretion to approve additional individuals to attend and observe an FRB meeting, with the exception of the officer(s) involved in the investigation being reviewed.
  - a. Individuals in an observational capacity may not participate in any of the meeting discussions nor provide any opinions, suggestions, proposed concerns, or referrals to the Board, unless called on by the FRB Chair.

N/A

4. The Chair of the FRB may require an observer to leave for any reason.
5. Should the FRB Chair determine that confidential legal advice is necessary, the FRB Chair may suspend the meeting to receive confidential legal advice. The FRB Chair shall determine the individuals from the Department who should be present during the discussion of legal issues. After receiving the legal advice, the FRB Chair shall determine whether to continue to review the case or to table the case for a future FRB meeting.

B. Case Review

1. FRB administrative support staff shall provide case materials to the FRB.
2. Within thirty (30) days of the FRB receiving the use of force investigation from the FRB administrative support staff, the FRB shall review each investigation.



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3. The FRB shall identify whether the incident raised equipment, policy, supervisory, tactical, or training concerns that require remediation. The FRB shall also document any successes observed during each review.

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4. The FRB shall review each Level 3 use of force investigation.

5. The FRB shall review all tactical deployments to analyze and critique specialized response protocols.

6. The FRB shall review a ten percent (10%) sample of Level 2 use of force investigations closed in the previous month.

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7. On a quarterly basis, the FRB shall review use of force data provided by the IAFD to discuss trends and patterns identified by the data analyst to improve Department operations.

8. For use of force investigations, the FRB shall determine whether:

- a. The investigation was thorough and complete;
- b. The investigation findings were supported by the preponderance of the evidence;
- c. Any use of force was lawful and consistent with Department policy and/or training;
- d. The incident raised equipment, policy, supervisory, tactics, or training concerns; and
- e. IAFD personnel appropriately identified and took corrective action(s) for all discrepancies.

9. For tactical activations, the FRB shall determine whether:

- a. The incident raised equipment, policy, supervisory, tactics, or training concerns; and
- b. SOD personnel adhered to specialized response protocols consistent with Department Standard Operating Procedures (SOP).

N/A

C. Presentation

1. No officer who was involved in, a witness to, or was investigated for the use of force incident shall be present when a case is presented to the FRB. An involved individual is an officer who applied, participated in, or ordered the use of force.
2. Regardless of the above section, the Tactical Section Lieutenant may present regarding tactical deployments.

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D. Voting

1. No voting member shall attend any portion of an FRB case review when:



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- a. That member was involved in any part of the incident being reviewed. An involved individual is an officer who applied, participated in, or ordered the use of force; or
- b. That member has a relationship with an involved Department employee who is a family or household member, spouse, or domestic partner or any other relationship that in reality or appearance suggests a potential improper influence between the voting member and the Department employee. Otherwise, no voting member shall abstain from voting.

N/A

2. A majority vote is necessary for the FRB to make a referral, except for a referral made for an administrative investigation.
3. Where there is a tie vote, the FRB Chair or their designee shall provide the tie-breaking vote.

E. Identification of Concerns

1. The FRB shall abide by the following standards when evaluating any equipment, policy, tactics, training, or supervisory concerns:
  - a. Equipment: The FRB shall consider whether the equipment available to the officer(s) was inadequate to address the situation, for example, based on best practices or whether use of additional or other equipment would better address the situation.
  - b. Policy: The FRB shall consider whether policy changes are required by law, best practices, or training. Also, the FRB shall consider whether changes should be made to policy either to clarify an ambiguity or to modify the policy as it applies to situations similar to the one under review.
  - c. Tactics: The FRB shall consider whether the officer's decision-making properly considered officer safety, de-escalation opportunities, time, distance, adherence to best practices, safety of the individual, and the safety of the public. Also, the FRB shall consider whether changes in tactics would be beneficial to the safety of the officer(s), individual(s), and the public.
  - d. Training: The FRB shall consider whether there was a shortcoming in the training or adherence to the training by an officer, unit, division, or the Department. The FRB shall also consider whether additional training would be beneficial for an officer, unit, division, or the Department.
  - e. Supervisory: The FRB shall consider whether the supervisory response was appropriate and consistent with policy, training, and adherence to best practices. The FRB shall also consider whether changes in supervisory practices would be beneficial to the officer(s) and/or the Department.

F. Deficient Investigations





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1. Where the FRB determines that a use of force investigation is incomplete or findings are not supported by the preponderance of the evidence, the FRB shall document the deficiency and order an additional investigation through a referral.
  - a. The FRB shall document the specific evidence (or lack of evidence) from the incident that supports its finding that an investigation was not supported by the preponderance of the evidence.
  - b. The receiving bureau or division is responsible for the additional investigation and shall respond in writing documenting with proposed corrective measures by the deadline imposed by FRB. The additional investigation shall be added to the use of force case file, titled "Addendum".
    - i. If the additional investigation or proposed corrective measures cannot be completed by the deadline, the receiving bureau or division shall send a memorandum to FRB personnel informing them of the expected date of completion.

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G. Referrals

1. The FRB shall refer a case for additional investigation when the FRB concludes that additional evidence, if available, is necessary to resolve inconsistencies or improve the reliability or credibility of the use of force investigation findings. The referral response and/or additional investigation shall be added to the use of force case file.
2. FRB administrative personnel shall:
  - a. Generate and send the referral to the appropriate bureau or division. The referral shall contain:
    - i. The concern or success identified;
    - ii. The action the Board votes to be taken;
    - iii. The bureau or division employee responsible for taking appropriate action and completing the referral; and
    - iv. The date the response to the referral is due back to FRB administrative personnel.
  - b. Track and maintain all FRB referrals.

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3. The responsible bureau or division employee shall:
  - a. Address and implement any referrals given by the FRB within the timeframe designated. In the written response, the responsible bureau or division employee shall:
    - i. Identify the concern or success;
    - ii. Include any background information that is necessary; and
    - iii. Identify the action taken in response to the concern or success;
  - b. Return the response and attach all COB documents supporting proof of completion.



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4. If a referral cannot be completed within the timeframe designated by the FRB, the responsible bureau or division employee shall provide the reason and proposed date of completion via memorandum and forward in writing to FRB administrative personnel.
    - a. The FRB shall ensure the responsible bureau or division employee complies with the requirements for referrals as outlined in this SOP.
  5. If an FRB voting member identifies a potential policy violation, they shall complete an Internal Affairs Request (IAR) through the IA database web application no later than twenty-four (24) hours after identifying the violation.

7 **2-58-8 Record Maintenance**

- A. Compliance and Oversight Division (COD) personnel shall be the custodians of all records generated by the FRB including:
  1. Agenda;
  2. Sign in sheet;
  3. Minutes;
  4. Voting sheets;
  5. Chief of Police and Superintendent of Police Reform's report;
  6. PowerPoint presentations;
  7. Referral(s);
  8. Response to referral(s); and
  9. Any other COB documents that are deemed necessary by the FRB.