



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-40

Effective: 01/15/16 Review Due: 01/15/17 Replaces: 04/29/15

3-40 CIVIL LITIGATION PROCESS

3-40-1 Policy

Department policy is to have the Risk Management Division of the City of Albuquerque designate private contractors to conduct investigations involving civil suits filed against the department and its personnel.

3-40-2 Rules

[7] A. Notification Responsibility Regarding Pending Civil Action

It shall be the responsibility of all personnel when served with an official instrument from a court of law naming them as a party, defendant or co-defendant in any action resulting from their official duties, to inform their deputy chief and the Tort Claims Manager in the Risk Management Division of the court action within 24 hours of such service. Personnel will notify their chain of command before contacting their deputy chief, deputy director or area commander.

[4] B. Duty of Personnel to Cooperate with Investigators

1. Personnel named or involved in suits resulting from their official acts will cooperate fully with the City Attorney or his/her designated counsel and with investigators appointed to represent the Police Department or the City of Albuquerque.
2. If personnel are asked any questions by citizens concerning civil suits against the City or Department, they will refer them to the Risk Management Division.
3. Periodically, different firms and individuals will contract with the City Attorney's office to conduct investigations. Personnel should contact the City Attorney's office to confirm the authority of an investigator to conduct investigations into any given case.
4. Contract investigators authorized to represent the City Attorney's office will be granted access to Internal Affairs files. These investigators may read the files and make notes. They may have copies of the Chief's Employee Retention File Index (PD #1108) and the initial complaint made by a citizen. The contract investigators will not be permitted to make copies or tape recordings of any other documents or materials in Internal Affairs files.