



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-45

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

## 3-45 DUE PROCESS NOTIFICATION TO PERSONNEL

### 3-45-1 Policy

Department policy is to provide written due process notification to an employee whenever the implementation of any disciplinary action is likely to result in any loss of pay.

### 3.45.2 Rules

#### [N/A] A. Pre-Discipline Notice

1. Upon determining that a complaint is sustained, and discipline will be issued, a non-public "pre-discipline notice" letter addressed to the employee and signed by the Chief of Police or his designee shall be prepared and include the following:
  - a. A detailed statement of the alleged acts or omissions or other misconduct that constitutes the basis for the proposed discipline, including specific SOP, rules, and/or laws that are alleged to have been violated.
  - b. Any proposed disciplinary action to be taken.
  - c. A date, time, and place where the employee may meet to give the employee an opportunity to present a response.
    - i. The meeting will only take place if the employee subsequently requests the meeting.
    - ii. The employee has a right to have a representative of his/her choice at the meeting.
  - d. Notice that the pre-discipline meeting will be recorded.
  - e. Copies of the non-public pre-discipline letter and recordings will go to:
    - i. Internal Affairs
  - f. The pre-discipline letter shall be delivered to the employee with the notification of the right to attend a meeting to provide a response.
  - g. The employee may also provide a written response or waive any response.
  - h. The employee will sign all copies to acknowledge receipt of the letter.
2. Pre-discipline letters are not required for oral and written reprimands.
3. Upon notification of proposed discipline consisting of a Letter of Reprimand or higher, employees may review and/or obtain a copy of the relevant investigative case file under IA SOP 7-1.

#### [N/A] B. Pre-Discipline Meeting

1. A pre-discipline meeting will be conducted by the Chief of Police or his designee if a suspension of 40 hours or more, demotion, or termination is recommended.



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2. If a suspension of fewer than 40 hours is recommended, the pre-discipline meeting may be conducted by the Assistant Chief, Deputy Chief, Major, Executive Director, Commander or Division Manager of the employee or his/her designee.
3. The meeting should be recorded.
4. The employee may be represented and may present his/her version of the facts relating to the case.
  - a. Although facts may be presented, this is not a full evidentiary hearing and testimony of witnesses, other than the employee, will not be allowed.
5. Upon conclusion of the preliminary pre-discipline meeting, all new facts, if any, will be reviewed, and a final decision will be reached. After a decision is final, a final decision letter will then be prepared.

[N/A]

C. Final Decision

1. Final Decision Letter
  - a. A final decision letter will be sent to the affected employee.
  - b. This letter, signed by the Chief of Police, Assistant Chief, Deputy Chief, Major, Executive Director, Commander, or Division Manager, dependent upon the disciplinary severity, will contain the following:
    - i. A statement of the misconduct, act(s) or omission(s) which is the basis for the final decision.
    - ii. The total language of the rules, laws, or procedures violated.
    - iii. An explanation of the basis for the final disciplinary action.
    - iv. Date(s) the disciplinary action is to be effective.
    - v. Notice of the right of the employee to appeal, which is by written grievance letter, with grounds for the grievance, to the City's Chief Administrative Officer's office within ten days of the effective date of the discipline.
2. Final Decision Letter Signature Authority
  - a. A final decision letter for disciplinary actions of less than 40 hours suspension may be signed by the Assistant Chief, Deputy Chief, Major, Executive Director, Division manager, or Commander.
  - b. A final decision letter for all disciplinary actions resulting in 40 hours or more, including demotions and terminations, will be signed by the Chief of Police or Acting Chief of Police.



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- [6] 3. The final decision letter and other personnel documents must be signed by the employee to acknowledge receipt only. Signature of the employee does not mean acceptance of the discipline or an admission of wrongdoing. Copies of the final decision letter will be distributed to the following:
- a. Chain of Command
  - b. Legal Advisor
  - c. APD Counseling Services (if applicable)
  - d. APD Payroll
  - e. Academy (if applicable)
  - f. Internal Affairs
- [6] 4. The supervisor will then make arrangements with the Payroll Section for the employee to sign any other necessary documents and to proceed with other necessary conditions.
- a. The Personnel/Payroll Supervisor or designee will provide to all dismissed employees a copy of their final P-29, showing the status of wages and other time due at the time of termination.
    - i. They will then be referred to City Insurance for information regarding conversion of benefits following termination.
  - b. Personnel will provide to all dismissed employees a statement as to the content of the employee's employment record relating to the dismissal.