



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-54

Effective: 04/28/16 Expires: 10/25/16 Replaces: 02/12/16

2-54 USE OF FORCE REPORTING AND SUPERVISORY FORCE INVESTIGATION REQUIREMENTS

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2-54-1 Introduction

This policy is intended to supplement the Use of Force policy (2-52) by expanding on the expectations regarding use of force reporting and supervisory force investigations. All definitions in the Use of Force policy apply to this policy.

2-54-2 Definitions

A. CIRT

Critical Incident Response Team

CIRT is responsible for administrative review of all serious uses of force and critical incidents as they pertain to tactics, training, policy, supervision, performance, etc.

B. FIT

Force Investigation Team

In all serious uses of force, FIT will assume case responsibility for the criminal investigation into the underlying events that led to the call for service. In incidents where there appears to be criminal conduct by the officer, FIT will also have the responsibility for the criminal investigation of the officer.



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C. Primary Officer

The officer responding to a call who is assigned by dispatch to be in charge during that call. The primary officer has the responsibility to make contact, make decisions with respect to the call, and to prepare the Uniform Incident Report.

D. 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.
5. All uses of force by an APD officer resulting in a loss of consciousness.
6. All canine bites by an APD patrol service dog.
7. Three or more applications of an ECW on an individual during a single interaction, regardless of 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 by an APD officer.
9. Four or more strikes with a baton by an APD officer.

E. Subject

The person upon whom force used.



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2-54-3 Use of Force Reporting

A. Reporting Requirements

1. All officers will immediately notify their immediate on-duty supervisor following any use of force, prisoner injury, or allegation of any use of force. In all cases, officers will notify an on-duty supervisor prior to leaving the scene of the Use of Force incident. Lieutenants or higher rank shall additionally notify dispatch to initiate CIRT response to the scene.
2. Personnel who have knowledge of a use of force by another officer on or off-duty will immediately report the incident to an on-duty supervisor.
3. Failure to report any use of force, prisoner injury, or allegation of any use of force will result in disciplinary action
4. Supervisors who are notified of a use of force shall immediately respond to the scene to ensure all directives set forth in this policy are followed. These duties include initiating the force investigation and ensuring the use of force is classified according to APD's force classification, as described below. See IA and CIRT SOP.
5. The responding supervisor shall be of one rank higher than the rank of the involved officer. If multiple officers are involved in the use of force, the responding supervisor shall be one rank higher than the highest-ranked officer involved. CIRT shall respond and assume supervisory duties when force is used by an officer of the rank of Lieutenant or higher.
6. The responding supervisor shall make a determination whether or not a use of force has occurred in accordance with SOP 2-52 Use of Force.
7. If an individual complains of injury or sustains an actual injury, a full investigation shall be completed. If it is determined to be a use of force, the investigation shall be documented on a Use of Force Reporting Form. If the investigation concludes there was no use of force, the investigation shall be documented on a Department Memorandum and forwarded to Internal Affairs Bureau for statistical tracking through IAPro.
8. Responding supervisors will review the officer's recordings of the incident. The chain of command may, upon further review, override the responding supervisor's classification of the use of force and direct an increased level of investigation as appropriate.
9. A supervisor who was involved in a reportable use of force, including by participating in or ordering the force being reviewed, shall not review the incident or use of force reports for approval.



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10. At the discretion of the Chief, a supervisory force investigation may be assigned or re-assigned to another supervisor, whether within or outside of the Command in which the incident occurred or may be returned to the original supervisor for further investigation or analysis. This assignment or re-assignment shall be explained in writing.

B. Classifications of Use of Force

1. Upon reporting to the scene and determining that there was a use of force, the initial on-scene supervisor shall classify the use of force and initiate appropriate investigation as described below:
2. Use of Force subject to supervisory force investigation.
 - a. Any use of force that does not qualify as a serious use of force shall be investigated by the supervisor as described below in 2-54-4.
 - b. A show of force shall also be investigated by the supervisor, using a Show of Force Report Form.
3. Any serious use of force and uses of force by the rank of Lieutenant or higher shall be investigated by the Critical Incident Review Team (CIRT) for the administrative investigation, and the Force Investigation Team (FIT) to assume case responsibility for the underlying crime. Upon classifying the use of force as serious, the supervisor shall notify APD dispatch to make the appropriate notifications. See Internal Affairs SOP.
4. Any use of lethal force (a subset of serious use of force) shall additionally be investigated by the Force Investigation Team (FIT) and the Multi-Jurisdictional Task Force. See Force Investigation Team SOP. Upon classifying the use of force as lethal, the supervisor shall notify APD dispatch to make appropriate notifications.
5. If a supervisor, while investigating a non-serious use of force, determines at any stage of the investigation or review process that there is apparent criminal misconduct by an officer, the supervisor shall notify the chain of command and APD dispatch will notify FIT. Internal Affairs Bureau shall assume the administrative investigation.
6. When another team is being dispatched to initiate an investigation, the initial on-scene supervisor shall ensure the scene is secure, and witnesses are separated until the appropriate investigative team arrives and assumes responsibility.



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2-54-4 Supervisory Force Investigation Requirements

A. Officer Responsibilities Involving a Use of Force or Show of Force

1. The primary officer shall complete a uniform incident report providing an accurate, detailed account of the incident, from the officer's perspective. Officers should use descriptive language detailing the event rather than generic or conclusory statements. Officers shall not merely use "canned" or "boilerplate" language. Officers should be aware of the requirements for supervisory force investigations and should endeavor, in their reports, to articulate all aspects of the incident of which they are aware that are relevant to the supervisory investigation. Officers' accounts must include, at a minimum:
 - a. The justification for police contact with the subject
 - b. All circumstances which led to the decision to use force, including a specific description of the subject's behavior
 - c. The amount and type of force used, including a specific description of the officer's actions and any physical contact with the subject
 - d. A specific description of any resistance by the subject
 - e. The officer's justification for using the amount and type of force used
 - f. A specific description of any de-escalation tactics employed by the officer
 - g. The identity of all officers, witnesses, subjects, and any other involved parties
 - h. The nature of medical aid provided
2. All officers who are present and/or involved during a use of force incident must complete supplemental incident reports detailing the above information.
3. All officers present or involved in the use of force are individually responsible for activating their body-worn cameras, as required by SOP 1-39. If the officer does not have a recording of the incident, this must be documented and explained in the officer's report. For additional requirements related to body-worn cameras, see SOP 1-39.
4. If an officer is the victim and/or unable to write a report, the on-duty supervisor will ensure a secondary officer is responsible for writing the report. This will not relieve the original or injured officer of their obligation to document their observations at a later date.

B. Supervisor Responsibilities Involving a Use of Force or Show of Force

1. For all uses of force, the supervisor shall:
 - a. Not investigate any use of force in which they were involved, including uses of force that they ordered or participated in.



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- b. Respond to the scene, visually examine all personnel and subjects of use of force for injuries, interview the subject(s) for complaints of pain and ensure that the officers and/or subjects(s) receive medical attention, if applicable.
 - c. Classify the use of force as described above, and make appropriate notifications for the classification.
2. For all uses of force subject to supervisory force investigation, the supervisor shall:
- a. Identify and ensure collection of all relevant evidence, including audio and video recordings, photographs, and other documentation of injuries or the absence of injuries.
 - b. Ensure that a canvass for and interview of witnesses is conducted. In addition, witnesses are to be encouraged to provide and sign a written statement in their own words.
 - c. Ensure that all officers witnessing a use of force incident by another officer provide a supplemental narrative of the facts leading to the use of force.
 - d. Separate all officers involved in a use of force incident until each has been interviewed, and never conduct group interviews of these officers.
 - e. The Department shall afford an opportunity for an officer directly involved in a Use of Force incident, if he/she so requests, to consult with a representative before being interviewed, provided the interview is not delayed for more than two hours. The representative may be present during the interview.
 - f. Ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred.
 - g. Conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions, and never ask officers or other witnesses any questions that may suggest legal justifications for the officers' conduct.
 - h. Utilize on-body recording systems to record all interviews.
 - i. Review all use of force narratives and ensure that all Use of Force Reports include the information required by APD policy.
 - j. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible.
 - k. Make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or subjects.
 - l. Evaluate all evidence to determine whether the use of force was consistent with APD policy and identifies any policy, training, tactical, or equipment concerns
 - m. Where a supervisor determines that there may have been a violation of APD policy in the use of force, notify the chain of command and the Internal Affairs Bureau.

C. Supervisor Documentation of Use of Force

1. The responding supervisor will document the investigation on a Use of Force Report Form within 72 hours of completing the on-scene investigation. The following will be included in the documentation:



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- a. All written or recorded use of force narratives or statements provided by personnel or others.
- b. Documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations where there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of the witnesses, the report shall state the reasons. The report should also include all available identifying information for anyone who refuses to provide a statement.
- c. All recordings of the incident and explanations for any lack of recordings.
- d. The names of all known APD employees witnessing the use of force or who may have witnessed the use of force.
- e. The supervisor's narrative evaluating the use of force, based on the supervisor's analysis of the evidence gathered, including a determination of whether it is more likely than not that the officer's actions complied with APD policy and state and federal law.
- f. A memorandum of 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, shall be attached to the Use of Force investigation.
- g. Documentation whether or not additional issues of concern not related to the use of force incident have been identified and addressed by separate memorandum.
- h. A responding supervisor will complete and document a supervisory investigation using a Use of Force Report and forward the Use of Force Report Form to the appropriate Commander through their chain of command within 72 hours. Any extension must be authorized by the Commander and documented in writing such as an email.

D. Review of Supervisory Force Investigations

- a. The Commander shall review the report to ensure that it is complete and that the findings are supported using the preponderance of the evidence standard. The Commander shall order an additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings.
- b. Where the findings of the Use of Force Report are not supported by a preponderance of the evidence, the supervisor's chain of command shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation. The supervisor's superior shall take appropriate action to address the inadequately supported determination and any investigative deficiencies that led to it.
- c. Commanders shall be responsible for the accuracy and completeness of Use of Force Reports prepared by supervisors under their command.
- d. If a Commander finds that the supervisory force investigation is complete, and the findings are supported by the evidence, the investigation is filed with the Internal Affairs Bureau for recordkeeping and entry into IAPRO for tracking, analysis, and trend data.



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- e. A sample of supervisory force investigations will be reviewed by the Force Review Board. See 3-67.
- f. The quality of supervisory force investigations shall be taken into account in the performance evaluations of the officers performing such reviews and investigations.
- g. Where a supervisor repeatedly conducts deficient supervisory force investigations, the supervisor shall receive the appropriate corrective and/or disciplinary action, including training, demotion, and/or removal from a supervisory position in accordance with performance evaluation procedures and consistent with any existing collective bargaining agreements, personnel rules, Labor-Management Relations Ordinance, Merit System Ordinance, regulations, or administrative rules.