



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**Related SOP(s), Form(s), Other Related Resource(s), and Rescinded Special Order(s):**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

- 2-53 Use of Force: Definitions
- 2-55 Use of Force: De-escalation
- 2-56 Use of Force: Reporting by Department Personnel
- 3-32 Employee Work Plan/Performance Evaluations
- 3-41 Complaints Involving Department Policy
- 3-46 Discipline System

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 Handbook/Guide
- 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

C. Other Related Resource(s)

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

D. Rescinded Special Order(s)

SO 18-60 Use of Force/Show of Force BlueTeam Entries

**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 sworn 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.



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, and accurate reviews or investigations of use of force by Department personnel.

Supervisors and IAFD Detectives/Investigators who investigate use of force incidents shall determine whether the officer used the minimum amount of force that was reasonable and necessary, based on the totality of the circumstances confronting an officer to bring about a lawful objective. All reviews and investigations into use of force incidents shall determine whether the application of de-escalation techniques was feasible.

Supervisors and IAFD Detectives/Investigators who investigate use of force incidents shall consider the minimum legal requirements as set forth in the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), which established the objectively reasonable perspective of an officer involved in a use of force incident. Supervisors and IAFD Detectives/Investigators shall consider the facts that a reasonable officer on-scene would have known at the time the officer used force in evaluating whether the force was in compliance with Department policy.

Supervisors and IAFD Detectives/Investigators shall also consider that an officer's decision to use force is sometimes made in tense, uncertain, and rapidly evolving situations; however, any review or investigation of use of force incidents shall consider that sworn personnel must at all times comply with the even stricter standards as set forth in Department policy.

Supervisors and IAFD Detectives/Investigator who review use of force incidents shall objectively weigh all evidence collected from an investigation to reach a reliable finding based upon a preponderance of the evidence.

**N/A 2-57-3 Definitions**

For a listing of 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 and never ask sworn personnel or other witnesses any questions that may suggest legal or procedural justifications for officers' conduct;



- b. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
- c. Make all reasonable efforts to resolve material inconsistencies between the officer, individual, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to Department personnel or individuals.

**B. General Requirements**

1. A supervisor who was involved in, a witness to, participated in, or 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.
2. An on-scene supervisor shall classify use of force according to the highest level of force used during an incident.
  - a. For example, when an officer uses Level 1 and Level 2 force during an incident, the supervisor shall classify the force as a Level 2 use of force.

**C. Supervisory On-Scene Responsibilities for Classifying Force**

1. Supervisors shall use the Supervisors On-Scene Response Handbook/Guide.
2. A supervisor shall immediately respond to the scene and shall classify the use of force, prisoner injury, or complaint of injury or pain based upon the Department's three-level force classification system, consistent with SOP Use of Force: Definitions.
3. While on-scene, the supervisor shall record their investigation on their on-body recording device (OBRD) in accordance with the Supervisors On-Scene Response Handbook/Guide.
4. The supervisor shall keep the detained individual on-scene provided there is probable cause.
  - a. Sworn personnel shall not delay medical transport of the individual if medical attention is necessary.
  - b. Where there are no charges against the individual and there is no basis for detention, the on-scene supervisor shall request the individual to stay on-scene but shall allow them to leave if they decline.
  - c. If the individual leaves, the on-scene supervisor shall attempt to obtain their contact information.
5. A supervisor shall review sufficient on-scene OBRD footage for involved or witness officer(s) in order to classify the correct level of force.



6. The supervisor shall ensure that IAFD is immediately notified and dispatched to the scene to initiate the force investigation for the following:
  - a. Level 2 and Level 3 uses of force;
  - b. Use of force by a lieutenant or above; and
  - c. Force involving potential criminal misconduct.
7. The supervisor shall fill out and sign the Supervisor Review On-Scene Investigation Form to document their on-scene investigation and classification.
8. Non-force IA database web applications entries are required for:
  - a. The supervisor's on-scene investigation verifies force did not occur;
  - b. Accidental discharges of an intermediate weapons system;
  - c. Prisoner injuries not as a result of a use of force; and
  - d. Allegations of a use of force that are unsubstantiated.

**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 personnel, the individual, community members, and non-sworn witnesses, to include Department non-sworn personnel, and investigative interactions with sworn personnel;
  2. Ensure photographs are captured of sworn personnel, to include involved and witness sworn personnel, the individual(s), and any weapon systems, if used or shown;
  3. Visually inspect sworn 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 is present with and monitoring the individual;
  5. Physically separate involved and witness officers, when possible;
  6. Issue a verbal order for officers to not discuss the use of force;
  7. Identify and attempt to interview or obtain a written statement from community member witnesses at the scene of the use of force;
    - a. The on-scene supervisor shall use the Level 1 Supervisor Interview Guide Witness and Individual to conduct an interview.
  8. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;



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9. Ensure all evidence is properly located, gathered, and preserved at the scene of a Level 1 use of force;
10. Require submission of a use of force narrative (written or recorded, to be determined by the IAFD Detective/Investigator) from the involved and witness officer(s) by the end of the shift;
11. Attempt to obtain a statement from the detained individual(s) after advising them with a *Miranda* warning;
12. Complete the Supervisor Review Level 1 Use of Force form for Level 1 use of force investigations;
13. Ensure that a Uniform Incident Report is completed when the officer has a physical injury preventing them from completing a report, in an officer-involved shooting, or the officer is the victim of a crime;
14. Notify IAFD, who shall respond to the scene if an accidental discharge of a firearm occurs, regardless of whether or not a person is struck; and
15. Conduct an investigation in a rigorous manner any other necessary fact-gathering activities to reach reliable conclusions.

**B. Tactical Activations**

1. When an incident has been categorized as a tactical activation, the Incident Commander shall contact IAFD.
  - a. IAFD shall classify the use of force and shall conduct and document the use of force investigation, regardless of the level of force used.

**C. Supervisor Documentation of Level 1 Use of Force**

1. The on-scene supervisor shall be the investigating supervisor for a Level 1 use of force unless the investigation is reassigned by the area commander.
2. The investigating supervisor shall initiate an IA database web application entry for each individual upon whom force was used by the end of their shift.
  - a. The investigating supervisor shall complete an additional IA database web application entry for each additional individual upon whom force was used.
  - b. The investigating supervisor shall attach evidentiary items to the IA database web application entry, including, but not limited to:
    - i. Involved and witness officers' OBRD footage;
    - ii. Other video footage that captured the use of force;
    - iii. Involved and witness officer's 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.

**D. Use of Force Review Timelines**

1. Supervisors shall complete and document a supervisory force review of a Level 1 use of force within seventy-two (72) hours after the supervisor leaves the scene of a use of force.
  - a. Where a supervisor is unable to complete a review within the initial seventy-two (72) hour deadline the supervisor may seek a seven-day extension by completing the extension request form in IA database web application, outlining the reason(s) for an extension, to the involved officer's commander.
  - b. The lieutenant in the involved officer'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 officer'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 review of all Level 1 uses of force shall include:
  - a. All written or recorded 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 level of 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 report if there were no witnesses to the use of force.
    - ii. The supervisor shall also explain why witness information was not gathered in circumstances where there were witnesses to the use of force that were not documented.
  - e. In the report, all available identifying information for anyone who refuses to provide a statement;
  - f. The names of other Department personnel 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 officer's actions complied with Department policy;
  - h. An assessment of the incident for tactical and training implications, including whether the need to use force could have been reduced or eliminated through 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;



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- 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 officer(s), the individual, and the scene;
    - i. If an intermediate weapon was used, photographs of the weapon.
  - l. A copy of the Computer-Aided Dispatch (CAD) printouts;
  - m. If an ECW was used, the device log and audit trail; and
  - n. All other relevant documentation.
3. The investigating supervisor shall forward a Level 1 use of force review through the involved officer's chain of command once it has been completed.
- a. The commander of the involved officer 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.
  - b. Where two (2) or more officers are involved in a Level 1 use of force, the supervisor shall forward such reviews through the primary officer's chain of command.

N/A

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

N/A

- a. A supervisor shall document the deficient investigation in the supervisor's work performance record (refer to SOP Employee Work Plan/Performance Evaluations for sanction classifications and additional duties).

N/A

- b. The investigating supervisor who conducts two (2) or more deficient force reviews 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.

E. OBRD Viewing Requirements

1. In conducting a Level 1 use of force review, the investigating supervisor shall review the involved officer's and witness officer's OBRD footage from the initial point of contact with the individual upon whom force was used until the time the individual was placed in a police vehicle or until they are released from the scene.
  - a. The investigating supervisor shall ensure bookmarks are applied on OBRD footage that pertains to the use of force and all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all potential policy violations.
2. The lieutenant shall review all OBRD footage associated with a Level 1 use of force incident for all sworn personnel logged on the relevant CAD records by logging into Evidence.com.



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- 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 bookmarks are applied anywhere they cite to evidence in their review.
3. The commander shall be responsible for watching all OBRD footage that captures the use of force and all bookmarked portions of the footage.

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

1. The chain of command is responsible for accurately completing the appropriate form for their level of review to include citing to evidence when required by the form.
2. After a Level 1 use of force review has been completed, the investigating supervisor's chain of command shall order additional review when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings.
3. 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 of apparent criminal conduct in the use of force by an officer.
  - a. Upon this notification, IAFD shall immediately initiate an administrative and criminal investigation into the use of force.
4. 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.

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N/A

5. When a policy violation is discovered during a Level 1 use of force review, the personnel identifying the policy violation will ensure that an IAR is completed no later than twenty-four (24) hours of obtaining that knowledge (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).
6. After an investigation is complete, a commander shall mark the investigation as complete in the IA database web application entry.

G. Performance Review Unit (PRU) Review of Level 1 Use of Force Investigations

1. Upon receipt of a Level 1 use of force investigation from a commander, PRU personnel shall conduct a review to ensure it is complete 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 commander with instructions.
  - b. Where PRU personnel determine that a Level 1 use of force investigation is deficient, it will be sent back to the originating chain of command for correction.
    - i. Deficient investigations identified by PRU personnel shall result in an IAR.
2. After completing their review, PRU personnel shall forward the file to IAFD for recordkeeping.

N/A

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

1. The Chief of Police may assign or re-assign a Level 1 use of force review with notice to the involved officer.
2. The Chief of Police may return a Level 1 use of force to the original supervisor for further analysis.
3. The Chief of Police shall explain any assignment or re-assignment of a Level 1 use of force review in writing.
  - a. IAFD shall track all reassignments to include who the case was reassigned to and the reason why.
4. Where a Level 1 use of force by an officer could have violated Department policy, the Chief of Police shall:
  - a. Refer the matter to the chain of command to conduct an administrative investigation into the potential policy violation; or
  - b. Refer the matter to the IAPS Division to conduct an administrative investigation into the alleged misconduct.
5. The Chief of Police shall ensure equipment, policy, supervision, tactics, and/or training concerns noted during a Level 1 use of force review are resolved through the referral of such issues to the appropriate Department division for corrective action.
6. A supervisor requesting the reassignment of a Level 1 use of force review shall complete an Interoffice Memorandum to the Chief of Police requesting reassignment and explaining the reason for the reassignment. The supervisor shall attach the Interoffice Memorandum to the initial IA database web application entry.

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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 and conduct investigations of Level 2 and Level 3 uses of force.
2. IAFD personnel shall conduct administrative investigations into uses of force indicating apparent criminal conduct by an officer, with notice to the affected officer.
3. Where a Level 2 or Level 3 use of force investigation indicates apparent criminal conduct by an officer in the use of force, IAFD shall refer the incident to an investigator from the Criminal Investigations Division (CID) for investigation and ensure the Chief of Police is notified in writing.
  - a. The criminal investigator shall have no involvement in the administrative investigation into the use of force; and
  - b. The criminal investigation shall remain separate from and independent of the administrative investigation into the use of force.
4. 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.

**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, IAFD Detectives/Investigators shall:
  - a. Respond to the scene and consult with the on-scene supervisor to ensure all personnel and individual(s) involved in a use of force have been examined for injuries and provided necessary medical attention;
  - b. Advise the individual involved in the use of force incident of their rights where it is necessary to gather additional information about injuries;
  - c. Classify the use of force in accordance with the Department's classification procedures;
  - d. Ensure 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 each officer 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 officer(s) to the use of force that they are not to speak about the force incident until they are interviewed by the IAFD Detective/Investigator ;
  - h. Conduct only one-on-one interviews with involved and witness officers;
  - 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 sworn personnel. The IAFD/Detective/Investigator shall not be required to interview perimeter sworn



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- personnel who only heard a use of force, such as an NFDD, 40-millimeter, 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 sworn personnel who were involved in the incident, witnessed the incident, or were on-scene when the incident occurred;
  - m. 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 or procedural justifications for officers' conduct;
  - n. Record all interviews;
  - o. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
  - p. Make all reasonable efforts to resolve material inconsistencies between the officer, individual, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or individuals.
2. An 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 Chief of Police as soon as possible, but in no circumstances later than twenty-four (24) hours after the use of force.
  3. An IAFD Detective/Investigator shall complete Level 2 or Level 3 administrative investigations within ninety (90) calendar days after learning of the use of force.
    - a. Any request for an extension to this time limit must be approved by the IAFD Commander through consultation with the Chief of Police.
- C. Additional On-scene Responsibilities for IAFD Investigations During an MATF Activation
1. During an MATF activation, IAFD shall conduct the Level 2 or Level 3 administrative investigation, and shall also:
    - a. Not interfere with the MATF investigation; and
      - i. IAFD shall wait for MATF to contact and conduct interviews, if any, with involved and witness officers before contacting officers;
      - ii. IAFD shall wait for MATF to contact and conduct interviews, if any, with community member witnesses before contacting those witnesses; and
      - iii. IAFD shall attempt to follow up with all community member witnesses after the MATF interviews at a later time.
    - b. Attend the administrative briefing provided by MATF.



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

1. At the conclusion of each use of force investigation, IAFD 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 officer's conduct based on the IAFD's independent review of the facts and circumstances of the incident;
  - b. Documentation of all evidence that was gathered, including names, phone numbers, addresses of witnesses to the incident, and all underlying use of force data reports;
    - i. In situations in which there are no known witnesses, the report shall specifically state this fact.
    - 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 report shall state the reasons why such information was not recorded.
    - iii. The report shall also include all available identifying information for anyone who refuses to provide a statement.
  - c. The names of all other officers or employees witnessing the use of force;
  - d. The investigator's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with Department policy, and federal and state law;
    - i. The narrative shall also include 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 a weapon was used by an officer, 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 officers involved in the use of force.

E. 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 it is complete and, for administrative investigations, the findings are based upon the preponderance of the evidence.
3. The IAFD commanding officer shall order 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



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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 to address any inadequately supported determination and any investigative deficiencies that led to it, as well as 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 repeatedly conducts deficient force investigations, they shall receive the appropriate corrective and/or disciplinary action, consistent with SOP Discipline 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 investigation in the IAFD Detective/Investigator's work performance record, consistent with SOP Employee Work Plan/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 Chief of Police.

N/A

F. Chief of Police Authority to Re-assign Reviews and Resolution of Level 2 and Level 3 Use of Force Policy Violations

1. At the discretion of the Chief of Police, 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 Chief of Police or their designee shall document the assignment or reassignment in writing with notice to the IAFD commanding officer.
  - b. Where a Level 2 and Level 3 use of force by an officer could have violated Department policy, the Chief of Police shall:
    - i. Refer the matter to the chain of command to conduct an administrative investigation into the potential policy violation; or
    - ii. Refer the matter to the IAPS Division to conduct an administrative investigation into the alleged misconduct.
2. After an administrative force investigation, where a use of force is found to violate policy, the Chief of Police shall direct and ensure appropriate discipline and/or corrective action is taken.
3. Where a force investigation indicates apparent criminal conduct by an officer, the Chief of Police shall ensure that a CID detective or the MATF consults 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 Chief of Police shall ensure necessary training is delivered and the equipment, policy, supervision, tactics, and/or training concerns are resolved.

**G. 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 Chief of Police, the Department may refer a use of force indicating apparent criminal conduct by an officer to the MATF for criminal investigation.
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 that the investigation is to be forwarded to the appropriate prosecuting authority. If the MATF or the CID investigation indicates any apparent criminal conduct by an officer or reveals evidence of criminal conduct by an officer, 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 officer(s) pending consultation with the prosecuting authority. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Chief of Police, and after consultation with the prosecuting authority.



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

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- 2-53 Use of Force: Definitions
- ~~2-54 Intermediate Weapon Systems~~
- 2-55 Use of Force: De-escalation
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B. Form(s)

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- PD 1118 Use of Force Written Narrative for Involved and Witness Officers
- PD 1119 Supervisor On-Scene Response Handbook/-Guide
- ~~PD 1120 On-Scene Investigation — Allegations — Prisoner Injuries — Level 2 and 3~~
- Supervisor Review On-Scene Investigation of Level 2 and Level 3 Uses of Force (Accidental Discharge, —Allegation of Use of Force, and— Prisoner Injury) —Level 2 and 3
- PD 1121 Level 1 Supervisor Interview Guide – Witness and Individual
- PD 1122 Supervisory Review Level 1 Use of Force
- PD 1123 Lieutenant Review Level 1 Use of Force
- PD 1124 Commander Review Level 1 Use of Force

C. Other Related Resource(s)

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

D. Rescinded Special Order(s)

- ~~(Placeholder: OBRD)SO 20-XX Sergeant, Lieutenant and Commander On-Body Recording Device (OBRD) Viewing Requirements Following a Level One Use of Force~~
- ~~(Placeholder: Timelines)~~
- SO 18-60XX Use of Force/Show of Force Blue Team Blue Team Entries

**2-57-1 Purpose**



~~It is the policy of 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 ~~officers~~ sworn personnel in order to reach a finding, supported by a preponderance of the evidence, concerning whether ~~officers~~ sworn personnel used the minimum amount of force that was reasonable and ~~necessary, and proportional~~ 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 undertaken~~ completed.

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 ~~S~~Supervisors and ~~Force Investigation Section~~ Internal Affairs Force Division (IAFD) ~~Detectives/Investigators~~ shall to conduct rigorous, timely, thorough, and accurate reviews or investigations of use of force by Department personnel.

Supervisors and ~~IAFD~~ IAFD ~~Detectives/Investigators who~~ reviewing and investigating use of force incidents shall determine whether the officer used the minimum amount of force that was reasonable and ~~necessary, and proportional~~, based on the totality of the circumstances confronting an officer to bring about a lawful objective. ~~All reviews and investigations into use of force incidents shall determine whether the application of de-escalation techniques was feasible.~~

Supervisors and ~~IAFD~~ IAFD ~~Detectives/Investigators who~~ reviewing investigating use of force incidents shall consider the minimum legal requirements as set forth in the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), which established the objectively reasonable perspective of an officer involved in a use of force incident. ~~Supervisors and IAFD Detectives/Investigators shall consider the facts that a reasonable officer on-scene would have known at the time the officer used force in evaluating whether the force was in compliance with Department policy.~~

Supervisors and ~~IAFD~~ IAFD ~~Detectives/Investigators~~ shall also consider that an officer’s decision to use force is sometimes made in tense, uncertain, and rapidly evolving situations; ~~h~~ However, any review or investigation of use of force incidents shall consider that ~~officers~~ sworn personnel must at all times comply with the even stricter standards as set forth in Department policy.

Supervisors and ~~IAFD~~ IAFD ~~Detectives/Investigator who~~ reviewing use of force incidents shall objectively weigh all evidence collected from an ~~incident~~ investigation to reach a reliable finding based upon a preponderance of the evidence.



N/A

~~2-57-3~~ Definitions

~~Deficient Review~~

~~A supervisory finding that is not based on the preponderance of evidence finding for the application of force, or fails to identify and resolve material discrepancies.~~

~~Material Discrepancy~~

2-57-3 Definitions

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

**6** ~~2-57-433~~ Use of Force Review by Supervisors and the Chain of Command

A. Use of Force Investigation ~~vs~~ 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 and never ask sworn personnel or other witnesses any questions that may suggest legal or procedural justifications for officers' conduct;
- b. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
- c. Make all reasonable efforts to resolve material inconsistencies between the officer, ~~subject~~ individual, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to Department personnel or individuals.

~~A.B.~~ General Requirements

~~1. A supervisor who was involved in a reportable use of force or show of force, including by participating in or ordering the use of force being reviewed, shall not be involved in reviewing the incident.~~

1. A supervisor who was involved in, a witness to, participated in, or 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.

~~“Participating” is defined as physically assisting in overcoming an individual's resistance, and is considered being involved in a use of force.~~

~~“Witness Officer” is any on-scene officer with relevant, personal knowledge of a use of force incident.~~



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6 2. An on-scene supervisor ~~Personnel shall~~ will classify use of force according to the highest level of force used during an incident.

a. For example, when an officer uses Level 1 and Level 2 force during an incident, the supervisor shall classify the force as a ~~it will be investigated as a~~ Level 2 use of force, ~~by a Force Investigation Section (FIS) detective.~~

6 3. ~~For Level 2 and Level 3 uses of force, the supervisor shall ensure that FIS/AFD is immediately notified and dispatched to the scene of the investigation to initiate the force investigation.~~

~~B.C.~~ Supervisory On-Scene Responsibilities for Classifying Force

1. Supervisors shall use the Supervisors On-Scene Response Handbook/-Guide.

2. ~~The supervisor of an officer using force shall immediately respond to the scene and shall classify the use of force, prisoner injury, or complaint of injury or pain to ensure that the use of force is appropriately classified based upon the Department's three-level force classification system,~~ consistent with SOP Use of Force: Definitions.

3. While on-scene, the supervisor shall record their investigation on their on-body recording device (OBRD) in accordance with the Supervisors On-Scene Response Handbook/-Guide.

4. The supervisor shall keep the detained individual on-scene provided there is probable cause.

a. Sworn personnel shall not delay medical transport of the individual if medical attention is necessary.

b. Where there are no charges against the individual and there is no basis for detention, the on-scene supervisor shall request the individual to stay on-scene but shall allow them to leave if they decline.

c. If the individual leaves, the on-scene supervisor shall attempt to obtain their contact information.

5. A supervisor shall review sufficient on-scene ~~on-body recording device (OBRD) footage for involved or~~ ~~officer(s) witness officer(s) in order to classify properly the correct level of force.~~

6. The supervisor shall ensure that IAFD is immediately notified and dispatched to the scene to initiate the force investigation for the following:

a. Level 2, and Level 3 uses of force;

b. Use of force by a lieutenant or above; and

c. Force involving potential criminal misconduct.



7. The supervisor shall fill out and sign the Supervisor Review On-Scene Investigation Form to document their on-scene investigation and classification.

8. Non-force IA database web applications ~~BlueTeam~~ entries are required for:

- a. The ~~s~~Supervisor's on-scene investigation ~~determines~~ verifies force did not occur;
- b. Accidental discharges of an intermediate weapons system;
- c. Prisoner injuries not as a result of a use of force; and
- d. Allegations of a use of force ~~which~~ that are unsubstantiated.

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N/A

- a. ~~**Level 1 Use of Force:** Force that is likely to cause only transitory pain, disorientation and/or discomfort during its application as a means of gaining compliance.~~
  - i. ~~This includes techniques, which are not reasonably expected to cause injury, do not result in an actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing).~~
  - ii. ~~Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at an individual, or using an ECW to "paint" an individual with the laser sight or arcing. A show of force is reportable as a Level 1 use of force.~~
  - iii. ~~Level 1 use of force does not include interaction meant to guide, assist, or control an individual who is offering minimal resistance.~~
- b. ~~**Level 2 Use of Force:** Force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury.~~
  - i. ~~Level 2 Use of force includes:~~
    - ~~Use of an ECW, including where an ECW is fired at an individual but misses;~~
    - ~~Use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at an individual but misses;~~
    - ~~OC Spray application;~~
    - ~~Empty Hand Techniques (e.g., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and~~
    - ~~Strikes and attempted strikes with impact weapons, except for strikes to the head, neck, or throat, which would be considered a Level 3 use of force.~~
- c. ~~**Level 3 Use of Force:** Force that results in, or could reasonably result in, serious physical injury, hospitalization, or death.~~
  - i. ~~Level 3 use of force includes:~~
    - ~~Use of deadly force;~~
    - ~~Critical firearm discharges;~~



- ~~• Use of force resulting in death or serious physical injury;~~
- ~~• Use of force resulting in hospitalization;~~
- ~~• All strikes to the head, neck, or throat with a hard object;~~
- ~~• Use of force resulting in a loss of consciousness;~~
- ~~• Canine bites;~~
- ~~• Three or more applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers;~~
- ~~• ECW application on an individual during a single interaction for longer than 15 seconds, whether continuous or consecutive, regardless of the mode of application;~~
- ~~• Neck holds;~~
- ~~• Four or more strikes with a baton; and~~
- ~~• Any Level 2 use of force against a handcuffed individual.~~

~~C. 2-57-54~~ Supervisory Investigative Responsibilities for Level 1 Use of Force ~~On-Scene Responsibilities of Supervisors Reviewing Use of Force (Refer to On-Scene Response Handbook)~~

~~1. The supervisor of an officer using force shall perform the following duties at the scene of a use of force:~~

- 5 ~~a. Examine personnel and the individual for injuries and request medical attention, where appropriate;~~
- 7 ~~b. Identify the involved and witness officers to the use of force;~~
- 6 ~~c. Review the involved officer's lapel video to determine whether the incident involves a Level 1 use of force;~~
- ~~d. Review the lapel video of other officers where uncertainty remains about whether the incident rises to a Level 2 or Level 3 use of force;~~
- ~~e. Preserve any evidence located at the scene of a Level 1 use of force or higher;~~
- ~~f. Capture photographs of the officer(s) and the individual(s) involved in Level 1 use of force;~~
- ~~g. Require submission of a use of force statement from the involved officer(s) by the end of the shift; and~~
- ~~h. Conduct any other necessary fact-gathering activities to reach reliable conclusions, including obtaining a statement from the detained individual(s) after providing them with a *Miranda* warning, regarding the officer's use of Level 1 force.~~

~~2. Where a supervisor determines that the use of force by an officer(s) involves a Level 2 or Level 3 use of force, they shall immediately contact FIS to conduct the investigation.~~



A. On-Scene Responsibilities of Supervisors Level 1 Force Investigations  
The On-Scene Supervisor Shall:

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~~When a supervisor is notified of an officer using any level of force or any type of force, or when a supervisor receives an allegation of a use of force, prisoner injury, complaint of injury or pain, or an accidental discharge of a weapon system, or when a supervisor receives an allegation of a use of force (from an officer, community member, or individual), prisoner injury, complaint of injury or pain, or an accidental discharge of a weapon system, they supervisor shall immediately respond to the scene.~~

~~While on scene, the supervisor shall perform and record on their investigation on their on-body recording device (OBRD) their investigation in accordance with the on scene investigation guide, following duties:~~

1. Immediately identify involved and witness the sworn personnel involved, the individual, community members, and non-sworn witnesses, to include APD Department non-sworn personnel, and investigative interactions with sworn personnel;

2. Ensure photographs are captured of sworn personnel, to include involved and witness sworn personnel, the individual(s), and any weapon systems, if used or shown;

~~For a Level 1 use of force, prisoner injury, or complaint of injury or pain,~~  
a. if the supervisor is qualified to use a Department approved photograph method, the supervisor may take the photographs;

~~For a Level 2 or 3 use of force, request a Crime Scene Specialist (CSS) to take photographs of the scene, involved and witness sworn personnel, the individual(s);~~  
and

~~Involved officers shall have photographs taken at the location where they had their last contact with the individual;~~

~~Visually inspect sworn personnel and the individual for injuries and request medical attention where the individual is injured or complains of pain; or there was a Level 2 or Level 3 use of force;~~

3. Sworn personnel do not need to request medical personnel when all applications of force missed the individual;

4. Ensure that at least one (1) sworn personnel officer is present with and monitoring the individual;

- ~~3.~~
- ~~a.~~
- ~~b.~~



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~~4.~~

~~5. Physically separate involved and witness officers, when possible;~~

~~6. Issue a verbal order for officers ~~not~~ to not discuss the use of force;~~

~~For a Level 1 use of force, prisoner injury, or complaint of injury or pain, an on-scene supervisor may allow a witness officer to leave the scene when necessary; and:~~

~~a. For a Level 2 or Level 3 use of force, the on-scene supervisor may contact the FIS/AFD detective to determine whether the witness officer should be allowed to leave the scene. Before the witness officer leaves the scene, the on-scene supervisor shall and issue thea written admonishment to the witness officer; before the witness officer leaves the scene, needs to leave the scene, the on-scene supervisor shall issue a written admonishment after consulting with the FIS detective when the use of force has been classified as a Level 2 or Level 3.~~

~~5. Once personnel have been separated, ask involved officers what type of force was used;~~

~~The supervisor may classify the use of force without asking the involved or witness officer what type of force they was used, If based on information provided by the officer prior to arrival that would indicate if the level of force is at least classified as a Llevel 2 or Llevel 3 use of force the supervisor may classify the use of force without asking the invovled or witness officer what type of force they used;~~

~~a. The supervisor shall identify the involved or witness officer.~~

~~7. Identify and attempt to interview or obtain a written statement from civilian community member witnesses at the scene of the use of force;~~

~~The on-scene supervisor shall Attempt to conduct an interview of only one witness at a time, when possible and the witness(s) do not object;~~

~~a. Document witnesses who refused to provide a statement or witness information.~~

~~a. Use the Form Level 1 Supervisor Interview Guide Witness and Individual to conduct an interview.~~

~~8. Conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy;~~

~~Document on the applicable form when witnesses who refused to provide a statement or witness information;~~

~~When a witness refuses to provide a statement in a Level 1 use of force, use Form Supervisory Review Level 1 Use of Force.~~



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N/A

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~~For all other use of force investigations, use Form On-Scene Investigation—Allegations—Prisoner Injuries—Level 2 and 3;~~

~~6. The on scene supervisor shall review the involved officer's OBRD video specific to the reported use of force while on scene to determine whether the incident involves a Level 1 use of force and on all incidents classified as a Level 1 use of force;~~

~~a. The on scene supervisor is not required to view any OBRD video, if the level of force is at least classified as a Level 2 or Level 3 use of force, prior to their arrival. If based on the evidence and statements by officers the use of force was a level 2 or level 3 the on scene supervisor is not required to view any OBRD while on scene;~~

~~b. The on scene supervisor shall review the involved officer's OBRD video, if the on scene supervisory believes the level of force was a Level 1 or is unsure whether it was a Level 2 or Level 3. If the supervisor is believes the level the level of force was a Level 1 or is are unsure if it was a Level 2 / level or 3 they shall watch the involved involved officers OBRD., the on scene supervisor shall review the involved officer's OBRD video;~~

~~c. The on scene supervisor shall review the witness officer's OBRD video if any uncertainty remains to classify the use of force, the on scene supervisor shall watch the witness officer's OBRD video;~~

9. Ensure all evidence is properly located, gathered, and preserved at the scene of a Level 1 use of force;

~~7. 8.~~

~~a. Ensure the scene is secured for IAFD FIS IAFD detective(s) if the use of force is a Level 2 or Level 3. If the use of force is a level 2 or 3 ensure the scene is secured for IAFD FIS detectives;~~

10. Require submission of a use of force statement narrative (written or recorded, to be determined by the IAFD Detective/Investigator) from the involved and witness officer(s) by the end of the shift;

~~9. 10.~~

~~8. Attempt to The FIS IAFD detective for a Level 2 or Level 3 or the on scene supervisor for a Level 1 may allow the use of force narrative to be completed by the subsequent shift;~~

11. Conduct any other necessary fact gathering activities to reach reliable conclusions, including obtaining a statement from the detained individual(s) after providing advising them with a Miranda warning;

~~9. 10. regarding the officer's use of Level 1 force;~~

10. The on scene supervisor shall immediately contact FIS IAFD to conduct the investigation when Where a supervisor they determine s that the use of force by an officer(s) involves a Level 2 or or Level 3 use of force, any use of force by a supervisor or acting supervisor above the rank of sergeant, and any potentially criminal conduct they shall immediately contact FIS to conduct the investigation;



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- ~~a. The Supervisors shall fill out and sign the PD Form Supervisor Review On Scene Investigation Prisoner Injury — Allegation of a Use of Force Level 2 and /3 form to document their on scene investigation and classification;~~  
~~When feasible, the on scene supervisor will retainkeep the individual, involved, and involved and witness officers on scene and document the circumstances in the classification section of PD Form On Scene Investigation — Allegation — Prisoner Injuries — Level 2 and 3. If it is not feasible the on scene supervisor will document the PD 1120 form the circumstances in the classification section;~~  
~~Where there are not charges against the individual and there is no basis for detention, the on scene supervisor shall request the personindividual to stay on scene but shall allow them to leave if they decline. If the individual leaves, the on scene supervisor shall attempt to obtain their contact information and provide that information to the FISIAFD detective; and;~~
- ~~b. When an individual has injuries and When an individual must be transported to the hospital, the on scene supervisor shall not attempt to keep the individual on scene;~~
- ~~12. When the incident is classified as a Level 1 Tthe on scene supervisor shall eComplete PD the Form (Supervisor Review Level 1 Use of Force) form for Level 1 use of force investigationswhen the incident is classified as a Level 1;~~  
~~44.~~
- ~~13. The on scene supervisor shall eEnsure that an original incident reportUniform Incident Report is completed when the officer has a physical injury preventing them from completing a report, in an officer-involved shooting, or the officer is the victim of a crime;~~
- ~~12. Where there is no use of force;~~
- ~~13. tThe on scene supervisor shall complete the PD On Scene Investigation — Allegation — Prisoner Injuries — Level 2 and 3 form if When the incident is classified as an aAccidental dDischarge, prisoner injury, or complaint of injury or pain and forwarded using Blue Team to IAFD for statistical tracking only, or an allegation of force;; that based on the preponderance of evidence, is not when the the finding by the on scene supervisor concludes it is not a use of force they shall complete PD Form 1120 (On Scene Investigation — Allegations — Prisoner Injuries — Levels 2 and 3);~~
- ~~14. IAFD The on scene supervisor shall nNotify FISIAFD, shall be notified andwho shall respond to the scene if an accidental discharge of a firearm occurs, and when any person, including Department personnel, is struck by an accidental discharge of a weapon systemregardless of whether or not a person is struck; and If the accidental discharge of a weapon system occurs and a person is struck (to include APD Department personnel) or is a firearm IAFD FIS will be notified and shall respond to the scene.~~  
~~Supervisors responding to an aAccidental discharge of an ECW cartridge shall: not include a function test.~~



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- ~~Use PD Form Supervisor On Scene Response Handbook Guide;~~
- ~~Complete PD Form On Scene Investigation Allegation Prisoner Injuries Level 2 and Level 3;~~
- ~~Complete an Internal Affairs (IA) database web application entry using the non-force entry type; and~~
- ~~Attach the ECW log for accidental discharges of an ECW cartridge.~~
- ~~a.~~
- ~~14. When an incident has been deemed categorized as a tactical activation, the Incident Commander shall contact IAFD FIS. On scene investigations for tactical activations will be conducted by IAFD. Tactical activations do not require an on scene investigation due to IAFD responding to the incident. If the IAFD FIS detective determines the force was only a Level 1 use of force used during a tactical activation, they shall notify the Incident Commander of the tactical activation. A non-involved supervisor designated by the Incident Commander shall complete a Level 1 investigation;~~  
~~(Placeholder: Add language to indicate supervisor will refer level 2 and 3 to FIS)~~
- ~~15. During use of force incidents where the Multi-Agency Task Force the Multi-Agency Task Force (MATF) personnel take over the criminal investigation (for example, an officer involved shooting an officer involved shooting), IAFD shall respond to the scene and shall be responsible for the administrative investigation, but will not interfere with the MATF investigation.~~
- ~~a. Involved and witness officers shall be granted the ability to do a voluntary interview with MATF.~~
- ~~b. All civilian witnesses shall be contacted by MATF personnel first.~~
- ~~IAFD FIS shall attempt to follow up with all civilian witnesses after the MATF interviews at a later time.~~
- ~~IAFD's on scene responsibilities include:~~
- ~~Identifying involved and witness officer(s);~~
- ~~Physically separating involved and witness officers, when possible;~~
- ~~Issuing a verbal order for officers not to discuss the use of force;~~
- ~~Issuing admonishments to involve witness officer(s); and~~
- ~~Identifying any potential misconduct based on evidence provided in administrative briefing provided by MATF;~~
- ~~Visually inspecting personnel and the individual for injuries and request medical attention where the individual is injured or complains of pain or there was a Level 2 or Level 3 use of force;~~
- ~~Sworn personnel do not need to request medical personnel when all applications of force missed the individual.~~
- ~~Ensure that at least one sworn personnel is present with and monitoring the individual.~~
- ~~Once personnel have been separated, asking involved officers what type of force was used; and~~



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N/A

- ~~— The FIS Detectives supervisor will may cClassifyingy the use of force without asking the involved or witness officer what type of force was used, if the level of force is at least classified as a Level 2 or Level 3 use of force.;~~
- ~~— Identify and attempt to interview or obtain a written statement from civilian witnesses at the scene of the use of force;~~
- ~~— Use the Form Level 1 Supervisor Interview Guide Witness and Individual to conduct an interview;~~
- ~~— Document on the applicable form when witnesses refused to provide a statement or witness information;~~
- ~~— When a witness refuses to provide a statement in a Level 1 use of force, use Form Supervisory Review Level 1 Use of Force;~~
- ~~— For all other use of force investigations, use Form On Scene Investigation Allegations Prisoner Injuries Level 2 and 3;~~
- ~~— The on scene supervisor is not required to view any OBRD video if the level of force is at least classified as a Level 2 or Level 3 use of force;~~
- ~~— If the on scene supervisor believes the level of force was a Level 1 or is unsure whether it was a Level 2 or Level 3, the on scene supervisor shall review the involved officer's OBRD video;~~
- ~~— The on scene supervisor shall review the witness officer's OBRD video if any uncertainty remains to classify the use of force;~~
- ~~— Ensure all evidence is properly located, gathered, and preserved at the scene of a Level 1 use of force;~~
- ~~— Ensure the scene is secured for FIS detective(s) if the use of force is a Level 2 or Level 3;~~
- ~~— Require the submission of a use of force written narrative (written or recorded) from the involved and witness officer(s) by the end of the shift;~~
- ~~— The FIS detective for a Level 2 or Level 3 or the on scene supervisor for a Level 1 may allow the use of force narrative to be completed by the subsequent shift.~~
- 15. Conduct an investigation in a rigorous manner any other necessary fact-gathering activities to reach reliable conclusions.; and
  - ~~— Attend any on scene interviews with the individual, including obtaining a statement from the detained individual(s) after providing them with a Miranda warning, regarding the officer's use of Level 1 force.;~~

B. Tactical Activations

1. When an incident has been categorized as a tactical activation, the Incident Commander shall contact IAFD.
  - a. FIS IAFD shall classify the use of force and shall conduct and document the use of force investigation, regardless of the level of force used.

~~— The on scene supervisor shall immediately contact FIS to conduct the investigation when they determine the use of force by an officer(s) involves a Level 2 or Level 3 use of force;~~



- ~~The supervisor shall fill out and sign Form Supervisor Review On Scene Investigation Prisoner Injury Allegation of a Use of Force Level 2 and 3 to document their on-scene investigation and classification.~~
- ~~The supervisor will keep the individual involved, and involved and witness officers on scene and document the circumstances in the classification section of Form On Scene Investigation Allegations Prisoner Injuries Level 2 and 3.~~
- ~~Where there are not charges against the individual and there is no basis for detention, the on-scene supervisor shall request the individual to stay on scene but shall allow them to leave if they decline. If the individual leaves, the on-scene supervisor shall attempt to obtain their contact information and provide that information to the FIS detective.~~
- ~~When an individual must be transported to the hospital, the on-scene supervisor shall not attempt to keep the individual on scene.~~
- ~~The on-scene supervisor shall complete Form Supervisor Review Level 1 Use of Force for Level 1 use of force investigations;~~
- ~~The on-scene supervisor shall ensure that an original incident report is completed when the officer has a physical injury preventing them from completing a report, in an officer involved shooting, or the officer is the victim of a crime.~~

~~=====~~  
~~=====~~  
~~=====~~

~~D.C.~~        Supervisor Documentation of Level 1 Use of Force

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1. ~~In general, Tthe on-scene supervisor shall be the investigating supervisor for a Level 1 use of1. force. However, the commander may reassign the investigation to another supervisor.~~ The on-scene supervisor shall be the investigating supervisor for a Level 1 use of force unless the investigation is reassigned by the area commander.
2. ~~Supervisors shall generate a BlueTeam entry for the use of force without regard to the number of involved or witness officers. The supervisor is responsible for initiating the BlueTeamIA database web application entry before the end of a shift during which the use of force occurred, without regard for the number of involved or witnessed officers.~~ The investigating supervisor shall initiate an IA database web application entry for each individual upon whom force was used by the end of their shift. The supervisor shall attach the narrative to the BlueTeam entry whenWhere an officer provides a written narrative of the use of force, the supervisor shall attach the narrative to the BlueTeam entry.
  - a. ~~The investigating supervisor shall complete aA additional BlueTeamIA database web application entry for each additional individual upon whom force was used shall be completed when more than one individual is involved.~~ An additional BlueTeamIA database web application entry for each additional individual upon whom force was used shall be completed when more than one individual is involved.
  - b. ~~The investigating supervisor shall attach evidentiary items to the IA database web application entry, including, but not limited to:~~ The investigating supervisor shall attach evidentiary items to the IA database web application entry, including, but not limited to:
    - i. Involved and witness officers' OBRD footage;
    - ii. Other video footage that captured the use of force;
    - iii. Involved and witness officer's 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.

D. Use of Force ~~Use of Force~~ Review Timelines

~~1.~~

~~Additional Investigative Requirements~~

- ~~— The investigating supervisor shall ensure the involved and witness officer(s) on-body recording device OBRD footage, and any other video of the use of force, is attached to the corresponding BlueTeam IA database web application entry.~~
- ~~— The investigating supervisor shall conduct follow-up interviews as necessary to make a determination regarding whether the use of force was within policy.~~
- ~~2. The investigating supervisor shall not be required to interview perimeter sworn personnel who only heard a use of force, such as a Noise Flash Diversionary Device (NFDD), 40 millimeter, 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.~~

~~Level 1 Use of Force Timelines~~

- ~~— These provisions do not affect officer obligations following a use of force.~~
- ~~— The purpose of the timelines herein is to establish expectations for each rank within the chain of command for completing their portions of a use of force investigation. Nothing within this policy prohibits the Department from issuing discipline within the timelines set forth by the Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association. Nothing in these provisions shall prevent a commander from instituting their own lieutenant deadlines shorter than those set forth herein to ensure the ninety (90) calendar deadline is met.~~
- ~~— First-line supervisors shall complete and document a supervisory force review of a Level 1 use of force within seventy-two (72) hours after the first-line supervisor leaves the scene of a use of force.~~
- ~~— Where the first-line supervisor is unable to complete a review within the initial seventy-two (72) hour deadline, the first-line supervisor shall request an extension by completing the Extension Request Form in IA database web application, outlining the reason(s) for an extension, to the involved officer's chain of command.~~
- ~~— The first-line supervisor requesting an extension shall include the number of additional days needed for review, not to exceed forty-five (45) days, and shall include articulable reasons to support the need for the number of additional days requested.~~
- ~~— The commander or their designee shall deny requests that do not demonstrate or have an articulable reason for the requested extension.~~



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- ~~— The commander shall not, under any circumstances, grant an extension past the deadline to complete a use of force investigation.~~
- ~~— The commander shall reassign a case, when necessary, to ensure it will be reviewed within the timeline.~~
- ~~— Prior to the end of shift during which the use of force incident occurred, the first-line supervisor shall have the responsibility to document the Level 1 use of force in the Department's project management software by inputting all required fields in the following link:  
<https://app.smartsheet.com/b/form/e528bc0ec3f64bb18cbe8dbd7b77c095>.~~
- ~~— The commander of the involved officer(s) shall ensure the chain of command's review is complete within ninety (90) calendar days from the date of notification of the use of force incident. The commander shall ensure a complete and thorough chain of command review is conducted before sending the review to the Performance Review Unit (PRU).~~
- ~~— The commander shall ensure lieutenants complete their review of a Level 1 use of force within [The commander shall ensure all lower ranks complete their review of a Level 1 use of force in sufficient time to allow the Commander to complete their review of the use of force and to allow time to send back to correct any deficiencies.]~~
- ~~— If the commander does not ensure these timelines are met, the commander shall be subject to discipline.~~
- ~~— The commander may request a thirty (30) day extension from the Chief of Police.~~

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3. ~~Supervisors shall complete and document a supervisory force review of a Level 1 use of force within seventy-two (72) hours after the supervisor leaves the scene of a use of force.~~
  - a. ~~Where a supervisor is unable to complete a review within the initial seventy-two (72) hour deadline, they supervisor may seek an seven day extension by completing the extension by completing an extension request form in in the BlueTeam IA database web application, outlining the reason(s) for an extension and the time requested, to the involved officer's commander.~~
  - ~~Where a lieutenant is unable to complete a review within the ten (10) day deadline, they may seek an extension by completing an extension request form in the IA database web application, outlining the reason(s) for an extension and the time requested, to the involved lieutenant's commander.~~
  - ~~The lieutenant in the involved officer's chain of command will have ten calendar days from receiving the supervisor's review to complete a review of a Level 1 use of force. The commander of the involved officer(s) will have no more than ninety (90) calendar days from the date of incident to ensure a complete and thorough chain of command review is conducted before sending the review to the Internal Affairs Force Division (IAFD) Performance Review Unit (PRU).~~
  - ~~The commander of the involved officer(s) shall consider their deadline when approving extension requests.~~
  - ~~Under no circumstances shall the commander exceed the deadline of ninety (90) calendar days.~~



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4.1. Supervisors shall complete and document a supervisory force review of a Level 1 use of force within seventy-two (72) hours after the supervisor leaves the scene of a use of force.

- a. Where a supervisor is unable to complete a review within the initial seventy-two (72) hour deadline the supervisor may seek a seven-day extension by completing the extension request form in BlueTeam A database web application, outlining the reason(s) for an extension, to the involved officer's commander.
- b. The lieutenant in the involved officer'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 officer'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.

~~d. The commander in the involved officer's chain of command will have ten calendar days from receiving the lieutenant's review to complete the review of a Level 1 use of force. The commander will have ultimate responsibility to ensure the entire chain of command review is thoroughly completed within ninety (90) days from the date of incident.~~

5.2. The supervisory review of all Level 1 uses of force shall include:

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- a. All written or recorded use of force narratives and/or statements provided by Department personnel and/or community member/witness(es);
- b. Uniform Incident Reports to include the original and Supplemental Reports;
- ~~a. The reviewing chain of command's form pertaining to their level of review;~~
- c. A list of evidence that was gathered, including sufficient identifying and contact information of civilian community member witness(es) (names, phone numbers and addresses) to the use of force.
- ~~i. The supervisor shall specifically note document in their report if there were no witnesses to the use of force.~~
- ~~ii. The supervisor shall also explain why witness information was not gathered in circumstances where there were witnesses to the use of force that were not documented.~~
- ~~e. Include in the report, shall also include all available identifying information for anyone who refuses to provide a statement;~~
- ~~f. The names of all other Department employees personnel who witnessed the use of force;~~
- ~~g. The supervisor's A evaluation narrative evaluating of the use of force, based on the supervisor's analysis of the evidence gathered, including determining whether the officer's actions complied with Department policy;~~



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- ~~f. h.~~ An assessment of the incident for tactical and training implications, including whether the need to use force could have been reduced or eliminated through the use of de-escalation techniques, consistent with SOP Use of Force: De-escalation;
- ~~g. i.~~ ~~The supervisor's~~ Documentation from the supervisor of any tactical issues found during the review, which shall be included as part of the BlueTeam-IA database web application entry; ~~and~~
- ~~j.~~ An Internal Affairs Request (IAR) Documentation of any apparent policy violations along with a written Referrals submitted to the Internal Affairs Professional Standards (IAPS) Division anytime a potential policy violation is identified; for the initiation of an administrative investigation. In instances of apparent serious misconduct the investigation will be conducted by personnel from IAPS.
- ~~k.~~ Photographs of the involved officer(s), the individual, and the scene;
  - ~~i.~~ If an intermediate weapons system was used, photographs of the weapon system.
- ~~l.~~ A copy of the Computer-Aided Dispatch (CAD) printouts;
- ~~m.~~ If an ECW was used, attach the device log and audit trail from evidence.com; and
- ~~n.~~ All other relevant documentation.
  - ~~— A device log is a history of the events; and~~
  - ~~— An audit trail is a history of battery uploads.~~

h.=====

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3. The investigating supervisor shall forward a Level 1 use of force review through the involved officer's chain of command once it has been completed.

~~6. a.~~ The commander of the involved officer shall assess the BlueTeam-IA database web application entry to ensure that it is complete and that the findings are supported by a preponderance of the evidence.

~~a. b.~~ Where two (2) or more officers are involved in a Level 1 use of force, the supervisor shall forward such reviews will be forwarded through the primary officer's chain of command through the investigating supervisor's chain of command.

N/A

~~4. The Ainvestigating supervisor's immediate~~ A supervisor shall open an Internal Affairs Request (IAR) on all deficient force investigations, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

N/A

~~a. AThe A supervisor's immediate~~ supervisor and shall document the deficient investigation in the supervisor's work performance record (refer to, consistent with SOP Employee Work Plan/Performance Evaluations for sanction classifications and additional duties). Each time a supervisor conducts a deficient force review it will be documented in work performance records by their immediate supervisor.

N/A



~~b. The investigating supervisor who conducts two (2) or more deficient force reviews shall receive the appropriate corrective and/or disciplinary action (refer to consistent with SOP Disciplinary System for sanction classifications and additional duties), and may also be subject to additional including training, demotion and/or removal from their a supervisory position.~~

~~The chain of command will be provided the resources to identify a sufficient review.~~

~~7. A deficient review is a supervisory finding that is not based on the preponderance of evidence finding for the application of force, or fails to identify and resolve material discrepancies.~~

~~8.2. A supervisor conducting two or more deficient force reviews shall receive the appropriate corrective and/or disciplinary action, including training, demotion and/or removal from a supervisory position.~~

E. On-Body Recording Device (OBRD) Viewing Requirements

1. In conducting a Level 1 use of force review, the investigating supervisor shall review the involved officer's and witness officer's OBRD ~~videos~~ footage from the initial point of contact with the individual upon whom force was used ~~on~~ until the time the individual was placed in a police ~~unit~~ vehicle or until they are released from the scene.

a. The investigating supervisor shall ensure bookmarks are applied on OBRD ~~the videos~~ footage that pertains to the use of force and all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all ~~misconduct~~ potential policy violations.

2. The lieutenant shall review all OBRD ~~videos~~ footage associated with a Level 1 use of force incident for all sworn personnel logged on the relevant CAD records ~~s~~ by logging into Evidence.com.

a. The lieutenant shall ensure bookmarks are applied on OBRD ~~the videos~~ footage that pertains to all deficiencies and concerns with equipment, policy, supervision, tactics, and/or training, and all ~~misconduct~~ policy violations.

b. The lieutenant shall ensure bookmarks are applied anywhere they cite to evidence in their review.

~~The lieutenant shall ensure bookmarks are applied to the following actions, when applicable:~~

~~Active resistance;~~

~~De-escalation;~~

~~Electronic control weapon (ECW) as a show of force (pointing, painting, or arcing);~~

~~Electronic control weapon (ECW), un-holstered;~~



- ~~— Firearm, pointed/un-holstered;~~
- ~~— Firearm, un-holster;~~
- ~~— Handcuffing;~~
- ~~— Injuries, asked or talked about;~~
- ~~— Injuries, photos taken;~~
- ~~— Officer interview;~~
- ~~— Officers separated;~~
- ~~— Continued... On-body recording device (OBRD) review;~~
- ~~— Other intermediate weapon systems as a show of force;~~
- ~~— Continued...~~
- ~~— Missing recording;~~
- ~~— Passive restraint system (PRS);~~
- ~~— Policy violation(s);~~
- ~~— Pursuit intervention technique;~~
- ~~— Rescue started;~~
- ~~— Spit sock;~~
- ~~— Supervisor notified;~~
- ~~— Suspect interview;~~
- ~~— Suspect interview, Miranda read;~~
- ~~— Suspect interview: "Are they injured?";~~
- ~~— Suspect placed in patrol vehicle;~~
- ~~— Transport/mileage;~~
- ~~— Use of Force;~~
- ~~— Use of tire deflation device;~~
- ~~— Verbal commands, identify as police;~~
- ~~— Verbal commands, intent to arrest/detain;~~
- ~~— Verbal commands, use of force warning;~~
- ~~— Video malfunction;~~
- ~~— Video malfunction, audio;~~
- ~~— Witness canvassing;~~
- ~~— Witness interview;~~
- ~~— Written statement; and~~
- ~~— Written statement encouraged.~~

3. The commander shall be responsible for watching all OBRD videos footage that captures the use of force and all bookmarked portions of the footage video.

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

1. The chain of command is responsible for accurately completing the appropriate form for their level of review to include citing to evidence when required by the form.

- ~~— The Lieutenants shall ensure that are responsible for ensuring that all proper attachments are included in the IA database web application entry. Proper attachments include, but are not limited to:~~
- ~~— (Placeholder: Cite to APD forms)~~



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~~4.2.~~ After a Level 1 use of force review has been completed, the reviewing investigating supervisor's chain of command shall order additional review when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings.

~~Where the involved officer's commander determines that the findings of the investigating supervisor are not supported by a preponderance of the evidence, the commander shall document the reasons for such determination in their review. Where the findings of a supervisory review are not supported by a preponderance of the evidence, the involved officer's eCommander shall document the reasons for such determination in their review.~~

~~2.~~

~~The supervisor's reviewing commander shall generate an IAR take appropriate action to address the inadequately supported determination and any deficiencies that led to it.~~

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3. 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 of apparent criminal conduct in the use of force by an officer, ~~with notice to the affected officer.~~

a. Upon this notification, IAFD shall immediately initiate an administrative and criminal investigation into the use of force.

4. When a supervisor within the 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 then notify FIS IAFD shall be notified immediately to review and classify the use of force case for possible assignment ~~conduct the investigation, with notice to the affected officer.~~

N/A

5. When a policy violation collateral misconduct is discovered during a Level 1 use of force review, the personnel identifying the policy violation will ensure that an IAR is completed within no later than twenty-four (24) hours of obtaining that knowledge (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties) ~~an administrative investigation will be initiated by the officer's supervisor, or IAPS, depending on the nature of the alleged misconduct.~~

~~5.6.~~ After an investigation is complete, a commander ~~will~~ shall mark the investigation as complete in the IA database web application entry.

~~F.G.~~ Performance Review Unit (PRU) Review of Audit Review of Level 1 Use of Force Investigations ~~Reviews~~



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1. Upon receipt of a Level 1 use of force ~~investigation review~~ from a commander, the PRU ~~personnel~~ shall conduct a review to ensure ~~that~~ it is complete and ~~that~~ the findings are supported by the preponderance of evidence.

a. ~~When PRU personnel determine that it is found a Level 1 investigation was incomplete, PRU personnel they will~~ send it back to the original reviewing commander with instructions.

b. ~~Where the PRU personnel determines that a Level 1 use of force review investigation is deficient, it will be sent back to the originating supervisor~~ chain of command for correction.

i. ~~Deficient review investigations identified by PRU personnel will~~ result in an IAR.

~~4.~~

2. After completing ~~its~~ their review, the PRU personnel shall forward the ~~ensure that the file is forwarded to IAFD for recordkeeping.~~

N/A

~~3. Where the PRU determines that a Level 1 use of force review is deficient, it will be sent back to the originating supervisor for correction.~~

~~4. Deficiencies noted by the PRU detective in a completed Level 1 use of force review shall be forwarded to the affected commander by the Deputy Chief of the Compliance Bureau to assure entry of the findings into the work performance records of the reviewing chain of command.~~

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

1. The Chief of Police ~~of Police~~ may assign or re-assign a Level 1 use of force review with notice to the ~~affected~~ involved officer.

2. The Chief of Police ~~of Police~~ may return a Level 1 use of force to the original supervisor for further analysis.

3. The Chief of Police ~~of Police~~ shall explain any assignment or re-assignment of a Level 1 use of force review in writing.

~~3-a.~~ IAFD shall track all reassignments to include who the case was reassigned to and the reason why.

4. Where a Level 1 use of force by an officer could have violated Department policy, the Chief ~~of Police~~ of Police shall:

a. Refer the matter to the chain of command to conduct an administrative investigation into the potential policy violation; ~~or~~



b. Refer the matter to the ~~Internal Affairs Misconduct Division~~ IAPS Division to conduct an administrative investigation into the alleged misconduct.

5. The Chief ~~of Police~~ of Police shall ensure that ~~equipment, policy, supervision, tactics, and/or training~~ policy, training, or equipment concerns noted during a Level 1 use of force review are resolved through the referral of such issues to the appropriate Departmental division for corrective action.

~~5.6.~~ A supervisor requesting the reassignment of a Level 1 use of force review shall complete an interoffice Memorandum to the Chief of Police requesting reassignment and explaining the reason for the reassignment. The supervisor shall attach the ~~is an interoffice Memorandum shall be attached to the initial IA database web application entry.~~

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~~6.~~ Once a commander finds that a Level 1 use of force review finding by a supervisor is supported by a preponderance of the evidence, the file shall be forwarded to the ~~PRU~~.

~~7.~~ The quality of supervisory force investigations shall be taken into account in the performance evaluations of the officers performing such reviews.

~~2-57-4~~ **2-57-65** Level 2 and Level 3 Use of Force Investigations by the Force Investigation Section (FIS/AFD)

A. General Requirements

1. ~~An FIS/AFD~~ Detective/Investigator shall respond to the scene and conduct investigations of Level 2 and Level 3 uses of force.

~~FIS/AFD shall respond to the scene and conduct all investigations for for any and all on scene use of force investigation responsibilities uses of force which occur as a result of any tactical activation when any level of force is used.~~

2. ~~FIS/AFD~~ personnel shall also conduct administrative investigations into uses of force indicating apparent criminal conduct by an officer, with notice to the affected officer.

3. Where a Level 2 or Level 3 use of force investigation indicates apparent criminal conduct by an officer in the use of force, ~~FIS/AFD~~ IAFD shall refer the incident to an investigator from the Criminal Investigations Division (CID) for investigation and ensure the Chief of Police is notified in writing.

a. The criminal investigator shall have no involvement in the administrative investigation into the use of force; and

~~3.~~ Notice of such a referral shall be provided to the affected officer; and



~~\_\_\_\_\_~~  
b. The criminal investigation shall remain separate from and independent of the administrative investigation into the use of force.

4. In instances where the Multi-Agency Task Force (MATF) is conducting the criminal investigation of a use of Force, the ~~IAFD~~ FISIAFD shall conduct the administrative investigation.

B. Level 2 and Level 3 Use of Force Investigations by ~~the Force Investigation Section (FISIAFD)~~

1. In conducting its investigations of Level 2 or Level ~~3~~ uses of force, ~~FISIAFD~~ Detectors/Investigators shall:

~~\_\_\_\_\_~~  
~~Classifying the use of force:~~

- a. Respond to the scene and consult with the on-scene supervisor to ensure ~~that~~ all personnel and individual(s) involved in a use of force have been examined for injuries and provided necessary medical attention;
- b. Advise the individual involved in the use of force incident of ~~his or her~~ their rights where it is necessary to gather additional information about injuries;
- c. ~~Categorize~~ Classify the use of force in accordance with the Department's classification procedures;
- 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, ~~is collected~~;
- e. Canvass for and interview witness(es). In addition, witnesses shall be encouraged to provide and sign a written statement in their own words;
- f. Ensure ~~that~~ each officer 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 officer(s) to the use of force that they are not to speak about the force incident until they are interviewed by the IAFD Detective/Investigator of the FISIAFD;
- h. Conduct only one-on-one interviews with involved and witness officers;
- 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 sworn personnel. The IAFD/Detective/Investigator shall not be required to interview perimeter sworn personnel who only heard a use of force, such as an NFDD, 40-millimeter, 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 ~~that~~ all use of force reports identify all ~~officers~~ sworn personnel who were involved in the incident, witnessed the incident, or were on ~~the~~ scene when the incident occurred;



- ~~k.m.~~ m. 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 ~~that~~ may suggest legal or procedural justifications for officers' conduct;
- ~~k.n.~~ n. Record all interviews;
- ~~m.o.~~ o. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible; and
- ~~m.p.~~ p. Make all reasonable efforts to resolve material inconsistencies between the officer, individuals ~~subject~~, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or individuals ~~subjects~~.

2. An ~~FIS~~ IAFD Detective/ investigator ~~with the FIS~~ shall complete an initial use of force data report for all Level 2 and Level 3 ~~Level 3~~ use of force incidents and submit it through the chain of command to the Chief of Police as soon as possible, but in no circumstances later than twenty-four (24) hours after the use of force.

3. An ~~FIS~~ IAFD Detective/ investigator ~~with the FIS~~ shall complete Level 2 or Level 3 administrative investigations within ~~two months~~ ninety (90) calendar days after learning of the use of force.

~~3.a.~~ a. Any request for an extension to this time limit must be approved by the IAFD ~~Commander of IAFD~~ through consultation with the Chief of Police ~~of Police~~.

C. Additional Special IAFD-On-scene Considerations Responsibilities for IAFD Investigations During an MATF Activations

1. During an MATF activation, IAFD shall conduct the its Level 2 or Level 3 administrative investigation, and shall also:

~~IAFD shall n~~ Not interfere with the MATF investigation; and n;

- a.
  - i. IAFD shall wait for MATF to contact and conduct interviews, if any, with involved and witness officers shall be granted the ability to do a voluntary interview with MATF before contacting officers; and
  - ii. IAFD shall wait for MATF to contact and conduct interviews, if any, with All civilian community member witnesses before contacting those civilian witnesses shall be contacted by MATF personnel first; and;

====  
====  
====

~~IAFD shall respond to the scene and shall be responsible for the administrative investigation.~~

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~~iii. IAFD FIS~~ IAFD shall attempt to follow up with all civilian community member witnesses after the MATF interviews at a later time.

~~IAFD's on scene responsibilities include:~~

~~Involved and witness officers shall be granted the ability to do a voluntary interview with MATF.~~

~~All civilian witnesses shall be contacted by MATF personnel first.~~

~~IAFD FIS shall attempt to follow up with all civilian witnesses after the MATF interviews at a later time;~~

b. Attend the administrative briefing provided by MATF FIS detectives shall identify any potential misconduct based on evidence provided in the administrative briefing provided by MATF; an d.:

~~Identify any potential misconduct based on the evidence provided in the MATF administrative briefing.~~

~~Identifying involved and witness officer(s);~~

~~Physically separating involved and witness officers, when possible;~~

~~Issuing a verbal order for officers not to discuss the use of force;~~

~~Issuing admonishments to involve witness officer(s);~~

~~Identifying any potential misconduct based on evidence provided in administrative briefing provided by MATF;~~

~~Visually inspecting personnel and the individual for injuries and request medical attention where the individual is injured or complains of pain or there was a Level 2 or Level 3 use of force;~~

~~Sworn personnel do not need to request medical personnel when all applications of force missed the individual.~~

~~Ensure that at least one sworn personnel is present with and monitoring the individual.~~

~~Once personnel have been separated, asking involved officers what type of force was used; and~~

~~C.D.~~ Level 2 and Level 3 Use of Force Investigation Reports by the Force Investigation Section IAFD

1. At the conclusion of each use of force investigation, ~~the FIS~~ IAFD 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 officer's conduct based on the ~~FIS~~ IAFD'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 incident, and all underlying use of force data reports;



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- i. In situations in which there are no known witnesses, the report shall specifically state this fact.
- 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 report shall state the reasons why such information was not recorded.
- ~~b.~~iii. The report shall also include all available identifying information for anyone who refuses to provide a statement.
- c. The names of all other officers or employees witnessing the use of force;
- d. The investigator's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with Department policy, and federal and state and federal law.
- ~~e.~~i. The narrative shall also include 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 a weapon was used by an officer, 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 officers involved in the use of force.

~~D.E.~~ Level 2 and Level 3 Use of Force Investigation Review by ~~the Force Investigation Section~~ IAFD Chain of Command

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1. Upon completion of the ~~FIS~~ IAFD investigation report, the ~~FIS~~ IAFD Detective/Investigator shall forward the report through ~~his or her~~ their chain of command to the ~~IAFD Commander~~ commanding officer through the IA database web application.
2. The ~~IAFD Commander~~ commanding officer shall review the report to ensure ~~that~~ it is complete and ~~that~~, for administrative investigations, the findings are based upon the preponderance of the evidence.
3. The ~~IAFD Commander~~ commanding officer shall order additional investigation when it appears ~~that~~ 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 ~~FIS~~ IAFD investigation are not supported by a preponderance of the evidence, the ~~IAFD Commander~~ commanding officer shall document the reasons for this determination and shall include this documentation as an addendum to the original investigative report.
5. ~~The IAFD Commander~~ commanding officer ~~Any XYZ~~ reviewing supervisor shall ~~take~~ initiate an IAR to address appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it, as well as any investigation which that failed to evaluate material discrepancies.



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- 6. The IAFD ~~Commander~~ commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by ~~the FIS~~ IAFD.
- 7. Where an ~~IAFD Detective/~~ investigator of the FIS/IAFD repeatedly conducts deficient force investigations, the ~~investigator~~ shall receive the appropriate corrective and/or disciplinary action, consistent with SOP Disciplinary System. Repeated deficient force investigations shall be cause for removal from FIS/IAFD when the individual IAFD Detective/Investigator has been provided additional training and has conducted another deficient force investigation including training or removal from the FIS. ~~The commanding officer shall document the deficient investigation in the IAFD Detective/Investigator's work performance record, consistent with SOP Employee Work Plan/Performance Evaluations. These actions shall be in accordance with performance evaluation procedures.~~
- 8. When the IAFD ~~Commander~~ commanding officer determines ~~that~~ that the force investigation is complete and the findings ~~is~~ 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 Chief of Police ~~of Police~~.

N/A

~~F.~~ Chief of Police Authority to Re-assign Reviews and Resolution of Level ~~4~~ 2 and Level 3 Use of Force Policy Violations

- 1. At the discretion of the Chief of Police ~~of Police~~, 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 ~~FIS~~ IAFD for further investigation or analysis.
  - ~~a. This assignment or re-assignment shall be documented in writing with notice to the affected officer. The Chief of Police or their designee shall document the assignment or reassignment in writing with notice to the [WHOMEVER] IAFD commanding officer and the affected officer.~~
  - ~~b. Where a Level 2 and Level 3 use of force by an officer could have violated Department policy, the Chief of Police shall:~~
    - ~~i. Refer the matter to the chain of command to conduct an administrative investigation into the potential policy violation; or~~
    - ~~ii. Refer the matter to the IAPS Division to conduct an administrative investigation into the alleged misconduct.~~
- 2. After an administrative force investigation, where a use of force is found to violate policy, the Chief of Police ~~of Police~~ shall direct and ensure appropriate discipline and/or corrective action is taken.
- 3. Where a force investigation indicates apparent criminal conduct by an officer, the Chief of Police shall ensure that a CID detective or the MATF consults with the Bernalillo County District Attorney's Office (~~BCDA~~) or the United States Attorney's?



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Office (USAO), 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 ~~policy, training, tactical, or equipment~~ concerns, the Chief of Police ~~of Police~~ shall ensure that necessary training is delivered and the that equipment, policy, supervision, tactics, and/or training ~~policy, tactical, or equipment~~ concerns are resolved.

F.G. ~~Role of the Multi-Agency Task Force~~ MATF in the 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 Chief of Police ~~of Police~~, APD the Department may refer a use of force indicating apparent criminal conduct by an officer to the MATF for criminal investigation, ~~with notice to the affected officer.~~
2. To ensure ~~that~~ criminal and administrative investigations remain separate, APD's the Department's Violent Crimes Section may support the FIS/IAFD ~~of 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 ~~of Police~~ shall instruct that the investigation is to be forwarded to the appropriate prosecuting authority. If the MATF or the CID investigation indicates any apparent criminal conduct by an officer or reveals evidence of criminal conduct by an officer, the Chief of Police shall instruct MATF or CID to forward the investigation to the appropriate prosecuting authority(s)/authorities.
4. Where APD the Department refers a use of force incident to the appropriate prosecuting authority for potential criminal prosecution, the FIS/IAFD will delay any compelled interview of the target officer(s) pending consultation with the prosecuting agency authority. ~~No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Chief of Police, and after consultation with the prosecuting authority agency.~~

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