



2-58 FORCE REVIEW BOARD (FRB)

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

None

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-58-1 Purpose

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

2-58-2 Policy

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

N/A 2-58-3 Definitions

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

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

B. Concern

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

C. Course of Business (COB) Document

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



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

D. Deficient Investigation

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

E. Designee

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

F. Level 2 Use of Force FRB Meeting

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

G. Level 3 Use of Force FRB Meeting

The FRB meeting that reviews Level 3 uses of force.

H. Material Discrepancy

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

I. Non-voting Attendee

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

J. Non-voting Member

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

K. Preponderance of the Evidence

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

L. Referral



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

M. Representative

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

N. Success

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

O. Tactical Activation FRB Meeting

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

P. Ten Percent (10%) Sample

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

Q. Voting Member

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

7 2-58-4 **Composition**

A. Chair

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

B. Voting Members

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

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



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

C. Non-Voting Members

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

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

D. Non-Voting Attendees

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

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

7 2-58-5 Training Requirements

A. Voting and non-voting members and their designees shall complete the following training:

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

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

7 2-58-6 Member and Attendee Responsibilities

A. The FRB Chair or their designee shall:



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

B. FRB administrative personnel shall:

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

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C. A voting member or their designee shall:

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

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

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

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



6 1. Attendance is mandatory if requested by FRB administrative personnel.

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

6 2-58-7 Procedures

A. Meetings

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

N/A 4. The Chair of the FRB may require an observer to leave for any reason.

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

B. Case Review

1. FRB administrative support staff shall provide case materials to the FRB.
2. Within thirty (30) days of the FRB receiving the use of force investigation from the FRB administrative support staff, the FRB shall review each investigation.
3. The FRB shall identify whether the incident raised equipment, policy, supervisory, tactical, or training concerns that require remediation. The FRB shall also document any successes observed during each review.

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



5. The FRB shall review tactical deployments to analyze and critique specialized response protocols.
6. The FRB shall review a ten percent (10%) sample of Level 2 use of force investigations closed in the previous month.
7. On a quarterly basis, the FRB shall review use of force data provided by the IAFD to discuss trends and patterns identified by the data analyst to improve Department operations.
8. For use of force investigations, the FRB shall determine whether:
 - a. The investigation was thorough and complete;
 - b. The investigation findings were supported by the preponderance of the evidence;
 - c. Any use of force was lawful and consistent with Department policy and/or training;
 - d. The incident raised equipment, policy, supervisory, tactics, or training concerns; and
 - e. IAFD personnel appropriately identified and took corrective action(s) for all discrepancies.
9. For tactical activations, the FRB shall determine whether:
 - a. The incident raised equipment, policy, supervisory, tactics, or training concerns; and
 - b. SOD personnel adhered to specialized response protocols consistent with Department Standard Operating Procedures (SOP).

N/A C. Presentation

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

5 D. Voting

1. No voting member shall attend any portion of an FRB case review when:
 - a. That member was involved in any part of the incident being reviewed. An involved individual is an officer who applied, participated in, or ordered the use of force; or



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- b. That member has a relationship with an involved Department employee who is a family or household member, spouse, or domestic partner or any other relationship that in reality or appearance suggests improper influence between the voting member and the Department employee. Otherwise, no voting member shall abstain from voting.

N/A

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

E. Identification of Concerns

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

F. Deficient Investigations

1. Where the FRB determines that a use of force investigation is incomplete or findings are not supported by the preponderance of the evidence, the FRB shall document the deficiency and order an additional investigation through a referral.



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

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G. Referrals

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

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

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4. If a referral cannot be completed within the timeframe designated by the FRB, the responsible bureau or division employee shall provide the reason and proposed date of completion via memorandum, and sent to FRB administrative personnel.



- a. The FRB shall ensure the responsible bureau or division employee complies with the requirements for referrals as outlined in this SOP.
5. If an FRB voting member identifies a potential policy violation, they shall complete an Internal Affairs Request (IAR) through the IA database web application no later than twenty-four (24) hours after identifying the violation.

7 2-58-8 Record Maintenance

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



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

A. Related SOP(s)

~~2-20~~ ~~Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments~~

~~2-52~~ ~~Use of Force: General~~

~~2-53~~ ~~Use of Force: Definitions~~ ~~Electronic Control Weapon (ECW)~~ None

~~2-54~~ ~~Intermediate Weapon Systems~~ ~~Use of Force Reporting and Supervisory Force Investigation~~

~~2-55~~ ~~Use of Force: De-escalation~~ Appendix

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-58-1 Purpose

The purpose of this policy is to outline the requirements of the ~~define the~~ Force Review Board (FRB), its purpose, and its processes of operation. The FRB reviews and evaluates use of force investigations, tactical deployments, and use of force statistics to make decisions for improvements within the Albuquerque Police Department (Department) ~~al improvements to identify concerns and deficiencies regarding policy, training, tactics, equipment, and/or supervision~~ equipment, policy, tactics, training, and/or supervision.

2-58-2 Policy

It is the policy of ~~the~~ The Albuquerque Police Department (Albuquerque Police Department (Department)) ~~to~~ conducts reviews and evaluations of all Level 3 uses of force (formerly known as serious use of force) investigations; ~~to conduct reviews and evaluations of a ten percent (10%) sample of all Level 2 uses of force investigations;~~ and to conduct reviews and evaluations of all specialized tactical deployments where force is used in an effort to maintain high quality investigations and adherence to best practices. The Department ensures that use of force investigations are complete and supported by the preponderance of the evidence.



~~The FRB will~~ identify and report concerns, deficiencies, and/or successes found in use of force investigations and tactical activations. ~~Quarterly updates regarding concerns, deficiencies, referrals to the Internal Affairs Professional Standards (IAPS) Division, and/or successes based on FRB referrals are~~ will be sent to the Training Academy Division as part of a needs assessment for consideration in future use of force training.

~~When the FRB identifies concerns, deficiencies, and/or successes, it shall make a referral(s) or referrals to the appropriate bureau or division for resolution. This may include modifying equipment, policy, training, tactics or supervision.~~ equipment, policy, tactics, training, and/or supervision. timely, comprehensive, and reliable reviews of Level 2 and Level 3 use of force investigations to ensure the findings are supported by a preponderance of the evidence and tactical activations investigations in order to analyze and critique specialized response protocols to ensure investigations they are complete and, for administrative investigations, to ensure the findings are supported by a preponderance of the evidence.

~~The FRB shall follow up on referrals to assure they are resolved through the appropriate corrective action.~~

N/A

2-58-3 Definitions

A. Presenter

~~The presenter is the investigator or supervisor who has specific knowledge of the investigation and will provide an explanation of the incident.~~

B. Concern

~~A concern is any identified issue that requires a resolution of importance related to not addressed by policy or training equipment, policy, supervision, tactics, and/or training.~~

D. Course of Business (COB) Document

~~A course of business (COB) document is any routine document(s) created by or produced in an official capacity to describe or assess a routine business practice to indicate a plan or solution. This can also include, but is not limited to, memoranda, forms, and/or police reports, and/or documents reflected in routine course of business files (e.g., e-mails, automated dating protocols, and centralized storage systems with system-assigned dating and delivery protocols). For example, a single document photocopied with a given date is not sufficient; however, a "forwarded e-mail" with a COB date and time or copy from a central server is sufficient.~~

E. Deficiency

~~A deficiency is an identified failure or shortcoming to meet a requirement by policy, law or best practices, or a failure or shortcoming in training, policy, equipment, tactics, and/or supervision equipment, policy, tactics, training and/or supervision.~~

F. Designee



~~An designee is an individual who may sit on the FRB as a replacement for a voting member who is unable to attend a meeting. To be a qualified designee, a member must have completed Department approved FRB training.~~

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

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

B. Concern

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

C. Course of Business (COB) Document

Any routine document(s) created by or produced in an official capacity to describe or assess a routine business practice to indicate a plan or solution. This can also include, but is not limited to, memoranda, police reports, and/or documents reflected in routine course of business files.

~~Level 3 Use of Force FRB~~

~~The FRB meeting that reviews Level 3 (formerly known as serious) uses of force.~~

D. Deficient Investigation

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

E. Designee

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

F. Level 2 Use of Force FRB Meeting

The FRB meeting that reviews a ~~ten percent (10%)~~ sample of Level 2 uses of force.

G. Level 3 Use of Force FRB Meeting

The FRB meeting that reviews Level 3 uses of force.



~~G.~~ Presenter

~~G. The presenter is the An individual investigator or supervisor who has specific knowledge of the investigation and and will provide an explanation of the incident.~~

~~H.~~ Representative

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

~~I.~~ FRB Report

~~I. A report summarizing the voting outcome and discussion by the FRB for the Chief of Police. Once approved by the Chief of Police, a copy of the report will be sent to the Executive Director of the Civilian Police Oversight Agency (CPOA).~~

~~H.~~ Material Discrepancy

~~H. A material discrepancy is a lack of compatibility between two (2) or more facts that could change the outcome of an investigation.~~

~~K.~~ Misconduct

~~K. A violation of Department policies or procedures; violation of federal, state, or local criminal laws; constitutional violations, whether criminal or civil; violation of personnel rules; or violation of administrative rules or regulations.~~

~~L.~~ Non-member voting Attendees

~~L. A person without voting authority who is authorized by the FRB Chair to attend the FRB meeting. At the discretion of the FRB Chair, non-voting attendees may ask questions, answer questions from the FRB voting members, and participate in discussion of matters before the FRB. Non-member attendees are members A member for which attendance is not mandatory. Non-member attendees include Department administrative support staff personnel and, representatives, and the Executive Director of the CPOA.~~

~~M.~~ Non-voting Mmembers

~~J.~~

~~J. Non-voting members are a A Board member who does n attendees whose attendance is mandatory but do not have voting authority. At the discretion of the FRB Chair, non-voting members may ask questions, answer questions from the FRB voting members, and participate in discussion of matters before the FRB. The FRB Chair as a non-voting member shall have voting authority to either break a tie or establish quorum.~~

~~K.~~ Preponderance of the Evidence



~~The preponderance of the evidence is greater weight of evidence; evidence that establishes that a fact is more probable than not.~~

~~Presenter~~

~~An individual who has specific knowledge of the investigation and shall provide an explanation of the incident. The individual who presents an incident and/or investigation to the FRB.~~

L. Referral

~~A referral is a decision that requires further action as determined by the FRB by specific Department personnel that has been voted on and approved by the FRB. All referrals shall be assigned to a specific person to remediate an identified deficiency or concern.~~

M. Representative

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

N. Success

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

~~O.D. Voting Member~~

~~Voting members are attendees whose attendance is mandatory and who have voting responsibility.~~

~~P.D. Referral~~

~~A referral is a decision to require further action by specific Department personnel that has been voted on and approved by the FRB. All referrals shall be assigned to a specific person to remediate an identified deficiency or concern.~~

~~Q.D. Level 3 Use of Force FRB~~

~~The FRB meeting that reviews Level 3 (formerly known as serious) uses of force.~~

~~R.D. Level 2 Use of Force FRB~~

~~The FRB meeting that reviews a ten percent (10%) sample of Level 2 uses of force.~~

~~S.O. Tactical Activation FRB Meeting~~



The FRB meeting that reviews all ~~specialized tactical unit~~ deployments to analyze and evaluate response protocols ~~and uses of force~~.

~~T.P.~~ P. Ten Percent (10%) Sample

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

Q. Voting Member

~~Voting members are attendees. An Board~~ FRB member whose attendance is mandatory and who has ~~case review and voting responsibility.~~

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~~U.D.~~ Preponderance of Evidence

~~The preponderance of the evidence is greater weight of evidence; evidence that establishes that a fact is more probable than not.~~

2-58-4 Responsibilities of the FRB ~~Force Review Board (FRB)~~ Composition

A. Chair

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

B. Voting Members

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

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



- ~~c. e=~~ Deputy Chief of the Investigative Bureau or their designee who completed FRB and Department-mandated use of training ~~Department-approved FRB training; Commander or Lieutenant from the Investigative Bureau or Deputy Chief from the Support Management Services and Support Bureau;~~
- ~~d. d. Field Services Bureau~~ FSB Commander or their designee who completed FRB and Department-mandated use of training ~~Department-approved FRB training; Oother Field Services Bureau FSB Commander or Lieutenant; and~~
- ~~e. e=~~ Academy Division Commander or their designee who completed FRB and Department-mandated use of training ~~Department-approved FRB training; Academy Division Lieutenant.~~

C. Non-Voting Members

1. ~~2=~~ The FRB shall be comprised of the following non-voting members:

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

D. Non-Voting Attendees

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

- ~~a. a=~~ Administrative support staff;
- ~~b. b=~~ Executive Director of the CPOA; and
- ~~c. c=~~ Representatives, including, but not limited to:
 - ~~i. i=~~ Internal Affairs Force Division (IAFD);
 - ~~ii. ii=~~ Internal Affairs Professional Standards (IAPS) Division;
 - ~~iii. iii=~~ Tactical Section;
 - ~~iv. iv. Training~~ Academy Division;
 - ~~v. v=~~ Crisis Intervention Division ~~Section (CIS);~~
 - ~~vi. vi=~~ Compliance and Oversight Division;
 - ~~vii.~~ Crisis Negotiation Team; and
 - ~~viii. 4=~~ Any other personnel deemed appropriate by the ~~executive staff~~ FRB.

~~The FRB shall identify whether the incident raised policy, training, equipment, tactical and/or supervisory equipment, policy, supervisory, tactical, and/or training, and/or~~



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~~supervisory deficiencies or concerns that require documentation and/or remediation. The FRB will~~shall ~~also document any successes observed during each review.~~

~~The FRB will~~shall ~~review each Level 3 use of force investigation completed by the Internal Affairs Force Division (IAFD). The FRB administrative support staff will provide the FRB the case materials, and the FRB will review the case within thirty (30) days of the FRB members receiving the case materials.~~

~~Any Level 3 use of force that results from a specialized tactical unit deployment shall be reviewed by the FRB. The specialized tactical unit deployment and IAFD investigation will~~shall ~~be presented during the same meeting.~~

~~A.~~

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

~~The FRB will~~shall ~~review each specialized tactical unit deployments to analyze and critique specialized response protocols and uses of force.~~

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

~~C. Any Level 2 use of force that results from a specialized tactical unit deployment shall be reviewed by the FRB, as part of a ten percent (10%) sample of Level 2 use of force investigations. The specialized tactical unit deployment and IAFD investigation will~~shall ~~be presented during the same meeting.~~

~~The FRB administrative support staff will~~shall ~~provide the FRB the case materials, and the FRB will~~shall ~~review the case within thirty (30) days of the FRB members receiving the case materials.~~

~~D. The FRB will~~shall ~~review use of force data provided by the IAFD, on a quarterly basis, to discuss trends and patterns identified by the data analyst to improve departmental operations.~~

~~E. The FRB will~~shall ~~evaluate~~determine whether:

~~1. Whether~~Tthe investigation is thorough and complete. This will~~shall~~ be done by FRB members reviewing the investigation materials and presentation;

~~2. Whether~~tThe investigation findings are supported by the preponderance of the evidence;

~~3. Whether~~aAny use of force was consistent or inconsistent with Department policy and/or training;



~~4. Whether the incident raised equipment, policy, supervisory, tactics, and/or training, equipment, tactical and/or supervisory deficiencies or concerns; and~~

~~5. Whether or not the chain of command appropriately identified and took corrective action(s) to correct for any all deficiencies or concerns.~~

~~F. The FRB will shall refer a case for additional investigation when the FRB concludes that additional evidence, if available, is necessary to resolve inconsistencies or improve the reliability or credibility of the use of force investigation findings. The referral will shall be added to the use of force case file.~~

7 2-58-5 Composition of the FRB Training Requirements

A. Voting and non-voting members and their designees shall complete the following training:

1. Mandated Department use of force training and refresher updates; and

2. FRB training course and FRB refresher course(s).

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

7 ~~The Chief of Police will shall appoint all voting members to include the Chair of the FRB and their designee.~~

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

~~1. a. Deputy Chief of the Administrative Services Bureau or designee; Commander from the Administrative Services Bureau or Deputy Chief from the Support Services Bureau;~~

~~2. b. Deputy Chief of the Field Services Bureau or designee; Commander from the Field Services Bureau or Deputy Chief from the Support Services Bureau;~~

~~3. c. Deputy Chief of the Investigative Bureau or designee; Commander from the Investigative Bureau or Deputy Chief from the Support Services Bureau;~~

~~4. d. Field Services Commander or designee; other Field Service Commander; and~~

~~5. e. Academy Division Commander or designee; Academy Lieutenant.~~

~~B. 2. The FRB will shall be comprised of the following non-voting members:~~

~~1. a. FRB Chair or FRB Chair their designee (except in a tie vote);~~



~~2. b. FRB administrative personnel; and~~

~~3. c. Legal Advisor or their designee; attorney from the City of Albuquerque Attorney's Office Legal Department.~~

~~C. The FRB shall be comprised of the following nNon-voting attendees:~~

~~1. a. Administrative support staff;~~

~~2. b. Executive Director of the CPOA; and~~

~~3. c. Representatives, including, but not limited to from:~~

~~a. i. Internal Affairs Force Division (IAFD);~~

~~b. ii. Internal Affairs Professional Standards (IAPS) Division;~~

~~c. iii. Tactical Section;~~

~~d. iv. Training Academy;~~

~~e. v. Crisis Intervention Unit Section;~~

~~f. vi. Accountability Compliance and Oversight Division; and~~

~~Crisis Negotiations Team; and~~

~~g. 1. Any other personnel deemed appropriate by the executive staff.~~

2-58-6 FRB-Member and Attendee Responsibilities

A. The FRB Chair or their designee shall:

~~1. Call the meeting to order;~~

~~2.1. Facilitate the meetings of the FRB;~~

~~3. Ensure that the previous meeting minutes are approved;~~

~~4.2. Ensure all FRB members vote; and~~

~~3. Provide the tie-breaking vote when there is a tie; and~~

~~4. Provide The Executive Director of the CPOA shall be provided an the opportunity at the end of the presentation, prior to voting, to make a statement and/or ask questions of the presenter/representative.~~

~~5.~~

B. FRB administrative personnel shall:

1. Document the meeting minutes, including, but not limited to, meeting attendance, votes, referrals, and minutes;



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- ~~Minutes;~~
- ~~a. Identified deficiencies, concerns, and successes;~~
- ~~b. Votes on the deficiencies and concerns~~
- ~~c. Referrals; and~~
- ~~d. Votes on referrals; and~~
- ~~e. Absent FRB members and their attending designee. Meeting attendance.~~

~~2. Complete voting sheets;~~

~~3. Provide FRB referral(s) to the appropriate bureau or division;~~

~~4.2. Prepare and provide the FRB report to the Chief of Police and Superintendent of Police Reform within fifteen (15) calendar days of the investigation presentation and within forty-five (45) calendar days of the FRB members receiving the file;~~

~~5.3. Monitor the assignment, progress, and closure of referrals by the FRB; and~~

~~6. Provide status reports to the FRB on the progress being made to close referrals from the FRB; and~~

~~7. Provide copies of Level 3 Use of Force FRB documents to the CPOA within fifteen (15) calendar days for its review; and~~

~~4. Provide copies of the Level 3 use of force FRB investigation presentations and a copy of the Chief of Police and Superintendent of Police Reform's report will to the Executive Director of the CPOA within thirty (30) calendar days for their review.~~

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~~8. A~~

C. ~~v~~oting members or their designee shall:

~~1. Review the provided related investigative on material in its entirety prior to attending FRB meetings;~~

~~4.~~

~~2. Attend FRB meetings; and~~

~~a. If unable to attend the FRB meeting, notify FRB administrative personnel prior to the meeting, via email, and identify the designee who will ~~shall~~ attend; and~~

~~2. Review previous minutes and referral updates, when applicable; and ~~e.~~~~

~~3. Attend FRB meetings.~~

~~3.a. If unable to attend the FRB meeting, notify FRB administrative personnel prior to the meeting and identify the designee.~~

6

D. ~~A n~~Non-~~v~~oting members or their designee shall ~~;~~



~~4.D. Review the related provided entire investigative material in its entirety prior to attending FRB meetings. the provided investigative material in its entirety, prior to attending the FRB meeting; and; This shall not pertain to FRB administrative personnel.~~

~~2. Attend FRB meetings.~~

~~a. If unable to attend the FRB meeting, notify FRB administrative personnel prior to the meeting, via email, and identify the designee who will shall attend; and~~

~~b. Review previous minutes and referral updates, when applicable.~~

~~E. The Legal Advisor or their designee shall;~~

~~4.E. Provide confidential a legal advice to the FRB opinion on the investigation, and policy issues, and confidential legal advice regarding the FRB process, if necessary.~~

~~F. The A n Non-voting a Attendees shall;~~

~~4.F. Provide answers to questions posed by the FRB within their area of expertise.~~

6 1. Attendance is mandatory if requested by FRB administrative personnel.

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

6 ~~2. The Administrative Support Staff shall:~~

~~a. Assist with the PowerPoint presentation, if needed;~~

~~b. Prepare an agenda identifying investigations that will shall be presented to the FRB; and~~

~~c. Prepare the investigation documents for the FRB to review.~~

~~3. The Executive Director of the CPOA will shall be provided an opportunity at the end of the presentation to make a statement and/or ask questions of the presenter/representative.~~

2-58-7 Training Requirements for FRB Members Procedures

A. Meetings

1. The attendance of three (3) voting members is required to establish a quorum and take action as a Board. An FRB meeting shall be rescheduled if a quorum is not present.



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2. The Chair shall adjourn the meeting and reschedule if ~~more than two (2) voting members must~~ ~~shall leave~~ quorum is lost (e.g., due to emergencies, call-outs, etc.).

3. The FRB Chair has the discretion to approve additional individuals to attend and observe an FRB meeting, with the exception of the officer(s) involved in the investigation being reviewed.

a. Individuals in an observational capacity may not participate in any of the meeting discussions nor provide any opinions, suggestions, proposed ~~deficiencies~~ concerns, or referrals to the Board, unless called on by the FRB Chair.

N/A

4. The Chair of the FRB may require an observer to leave for any reason.

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

~~FRB administrative personnel shall document all deficiencies, concerns, successes, and referrals in the FRB Chief of Police's Report and minutes.~~

B. Case Review

1. ~~The FRB administrative support staff shall provide the FRB the case materials, and the FRB shall review the case within thirty (30) days of the FRB members receiving the case materials.~~ FRB administrative support staff shall provide the FRB case materials to the FRB.

2. Within thirty (30) days of the FRB receiving the use of force investigation from the FRB administrative support staff, the FRB shall review each investigation ~~to ensure that it is complete and that the findings are supported by a preponderance of the evidence."~~

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

5

4. The FRB shall review each Level 3 use of force investigation ~~completed by the Internal Affairs Force Division (IAFD).~~

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~~Any Level 3 use of force that results from a specialized tactical unit deployment shall be reviewed by the FRB. The specialized tactical unit deployment and IAFD investigation shall be presented during the same meeting.~~



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5. The FRB shall review ~~specialized tactical unit~~ deployments to analyze and critique ~~specialized response protocols and uses of force.~~

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

~~Any Level 2 use of force that results from a specialized tactical unit deployment shall be reviewed by the FRB, as part of a ten percent (10%) sample of Level 2 use of force investigations. The specialized tactical unit deployment and IAFD investigation shall be presented during the same meeting.~~

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

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

8. :

a. The investigation was ~~is~~ thorough and complete;

b. The investigation findings ~~are~~ were supported by the preponderance of the evidence;

c. Any use of force was lawful and consistent with Department policy and/or training;

d. The incident raised equipment, policy, supervisory, tactics, ~~and~~ or training concerns; and

e. ~~The chain of command~~ IAFD personnel appropriately identified and took corrective action(s) for all ~~concerns~~ discrepancies.

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

a. The incident raised equipment, policy, supervisory, tactics, or training concerns; and

b. SOD personnel adhered to specialized response protocols consistent with Department Standard Operating Procedures (SOP).

N/A



A. Voting

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

~~a. That member was involved in any part of the incident being reviewed. An involved individual is an officer who applied, participated in, or ordered the use of force; or~~

~~a. That member has a relationship with an involved Department employee who is a family or household member, spouse, or domestic partner or any other relationship that in reality or appearance suggests improper influence between the voting member and the Department employee. Otherwise, no voting member shall abstain from voting.~~

~~1. A majority vote is necessary for the FRB to make a referral.~~

~~1. Where there is a tie, the FRB Chair (or designee) shall provide the tie breaking vote.~~

C. Presentation

~~1. When a case is presented to the FRB, no officer who is involved in, a witness to, or who has been or is being investigated for that the use of force incident case shall be present. An involved individual is an officer who applied, participated in, or ordered the use of force.~~

~~2. Regardless of the above section, the Tactical Section Lieutenant may present regarding tactical activations/deployments.~~

5

~~Case Review~~

D. Voting

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

~~a. That member was involved in any part of the incident being reviewed. An involved individual is an officer who applied, participated in, or ordered the use of force; or~~

~~b. That member has a relationship with an involved Department employee who is a family or household member, spouse, or domestic partner or any other relationship that in reality or appearance suggests improper influence between the voting member and the Department employee. Otherwise, no voting member shall abstain from voting.~~

N/A

~~2. A majority vote is necessary for the FRB to make a referral except for a referral made for an administrative -internal- investigation.~~



~~Where there is a tie, the FRB Chair (or their designee) shall provide the tie-breaking vote.~~

~~3.~~

E. Identification of Concerns

1. The FRB shall abide by ~~follow~~ the following standards ~~below~~ when evaluating any equipment, policy, training, equipment, tactics, training, or ~~or~~ supervisory deficiencies or concerns:

~~Equipment deficiency or concern:~~

~~Deficiency: In evaluating a deficiency concern in equipment, the FRB shall consider whether the equipment available to the officer(s) was inadequate to address the situation, for example, based on best practices or whether additional or other equipment would better address the situation. Where department personnel comply with policy in the use of equipment, the FRB cannot make a referral for a policy violation but may make other referrals, including but not limited to a referral to change the policy. However, the FRB cannot make a referral regarding the failure to use equipment that is defined by policy as misconduct a policy violation. A policy violation Misconduct must be referred to the IAPS Division for investigation.~~

~~a. Concern: In evaluating a concern regarding equipment, the FRB shall consider whether additional or other equipment would be beneficial to better address a situation.~~

~~Policy deficiency or concern:~~

~~Deficiency: In evaluating a deficiency concern regarding policy, the FRB shall consider whether changes are required by law, best practices, or training, or the policy should be revised for clarity or other reasons by law, or best practices, training, and policies regarding equipment use and tactics. However, the FRB cannot make a referral regarding a violation of policy that is defined by policy as a policy violation misconduct. A policy violation Misconduct must be referred to the IAPS Division for investigation.~~

~~b. Concern: In evaluating a concern regarding policy, the FRB shall consider whether changes should be made to policy either to clarify an ambiguity or to modify the policy as it applies to situations similar to the one under review. If the FRB identifies a policy violation not identified in the investigation, this violation shall be referred to the IAPS Division for investigation.~~

~~Tactics deficiency or concern:~~

~~Deficiency: In evaluating a deficiency concern regarding tactics, the FRB shall consider whether the officer's decision-making properly considered officer safety, de-escalation opportunities, time, distance, adherence to best practices, safety of the individual, and the safety of the public. However, the FRB cannot make a referral regarding a tactical deficiency that is defined by policy as misconduct a policy violation. A policy violation Misconduct must be referred to the IAPS Division for investigation.~~



- ~~c. Concern: In evaluating a concern regarding tacticsAlso, the FRB shall consider whether changes in tactics would be beneficial to the safety of the officer(s), individual(s), and the public.~~
- ~~— Training deficiency or concern:~~
- ~~— Deficiency: In evaluating a deficiency in concern regarding training, †The FRB shall consider whether there was a shortcoming in the training or adherence to the training by an officer, unit, division, or the Department. However, the FRB cannot make a referral for training if the deficiency is defined by policy as a policy violationmisconduct. A policy violationMisconduct mustshall be referred to the IAPS Division for investigation.~~
- ~~d. Concern: In evaluating a concern regarding trainingAlso, †The FRB shall also consider whether additional training would be beneficial for an officer, unit, division, or the Department.~~
- ~~— Supervisory deficiency or concern:~~
- ~~— Deficiency: In evaluating a supervisory deficiencyconcern, †The FRB shall consider whether the supervisory response was appropriate and consistent with policy, training, and adherence to best practices. However, FRB cannot make a referral regarding a supervisory deficiency that is defined by policy as a policy violationmisconduct. MisconductA policy violation mustshall be referred to the IAPS Division for investigation. Also,~~
- ~~e. Concern: In evaluating a supervisory concern, †The FRB shall also consider whether changes in supervisory practices would be beneficial to the officer(s), and/or the Department.~~

F. Deficient Investigations

1. Where the FRB determines that a use of force~~n~~ investigation is incomplete~~deficient~~ or findings are not supported by the preponderance of the evidence, the FRB shall document the ~~concerns~~ deficiency and order an additional investigation through a referral.
- ~~a. The FRB shall document the specific evidence (or lack of evidence) from the incident that supports its finding that an investigation was not supported by the preponderance of the evidence.~~
- ~~— FRB administrative personnel shall forward the original use of force investigation, as part of a referral, to the appropriate bureau or division for additional investigation.~~
- b. The receiving bureau or division is responsible for the additional investigation and shall respond in writing documenting proposed corrective measures within seven (7) calendar days of receiving the referral by the deadline imposed by FRB. The additional investigation shall be added to the use of force case file, titled "Addendum".



- i. If the additional investigation or proposed corrective measures cannot be completed within seven (7) calendar days by the deadline, the receiving bureau or division shall send a memorandum to FRB personnel informing them of the expected date of completion.

~~If an the FRB voting member identifies potential misconduct a potential policy violation, FRB administrative personnel they shall send an Internal Affairs Referral (IAR) to the IAPS Division.~~

7

Referrals

G.

- 1. The FRB shall refer a case for additional investigation when the FRB concludes that additional evidence, if available, is necessary to resolve inconsistencies or improve the reliability or credibility of the use of force investigation findings. The referral response and/or additional investigation shall be added to the use of force case file.

~~(Division/section/person) shall track and maintain a~~ All FRB referrals shall be tracked and maintained by the Department.

- 2. FRB administrative personnel shall:

- Generate and send the referral to the appropriate bureau or division.

- a. The referral shall contain:

- i. The deficiency, concern, or success identified;
- ii. The action the Board votes to be taken;
- iii. The bureau or division employee responsible for taking appropriate action and completing the referral; and
~~The supervisor that shall receive, consider, and take appropriate action on the response through the chain of command; and~~
The date the response to the referral is due back to FRB administrative personnel.

- iv.

- b. Track and maintain all FRB referrals.

5

- 3. The responsible bureau or division employee shall:

- a. Address and implement any referrals given by the FRB within the timeframe designated. In the written response, the responsible identified bureau or division employee shall document in writing:

- i. The response to the referral shall be labeled the response used "Response to Referral."



- ~~i. The identify the deficiency, concern, or success;~~
- ~~ii. Include a Any background information that is necessary; and~~
- ~~iii. Identify the action taken in response to the deficiency, concern or success;~~
- ~~and~~
- ~~Return the response and identify the supervisor to whom the response was provided.~~

6-7

~~The bureau or division employee responsible for completing a response to a referral shall a Attach all COB documents supporting proof of completion.~~

- ~~b.~~
- ~~1. The response to the referral shall be labeled "Response to Referral."~~

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4. If a referral cannot be completed ~~by the due date~~ within the timeframe designated by the FRB, the responsible bureau or division employee shall provide the reason and proposed date of completion via memorandum, and sent to FRB administrative personnel.

- a. The FRB shall ensure the responsible bureau or division employee complies with the requirements for referrals as outlined in this ~~Standard Operating Procedure (SOP).~~

5. If an FRB voting member identifies a potential policy violation, they shall ~~send~~ complete an Internal Affairs Request ~~forral~~ (IAR) through the IA database web application no later than ~~within~~ twenty-four (24) hours after identifying the violation ~~to the IAPS Division.~~

~~A. FRB administrative personnel shall document all deficiencies, concerns, successes, and referrals in the FRB report and minutes.~~

~~A. Voting and non-voting members, to includand their designees, shall complete the following training:~~

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

7

2-58-8 FRB Meeting and Voting Procedures Record Maintenance

~~A. Internal Affairs Force Division IAFD Compliance and Oversight Division (COD) personnel shall be the custodians of all records generated by the FRB. The following documents shall be included including in the IA database web application Blue Team entry:~~



1. Agenda:

2. Sign in sheet:

3. Minutes:

4. Voting sheets:

5. ~~FRB~~ Chief of Police and Superintendent of Police Reform's report:

6. PowerPoint presentations:

7. Referral(s):

8. Response to referral(s); and

~~Any other COB documents that are deemed necessary by the FRB.~~

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

~~A.1. The attendance of three (3) voting members is required to establish a quorum and take action as a Board. An FRB meeting shall be rescheduled if a quorum is not present.~~

~~1.====~~

~~B.1. The Chair shall adjourn the meeting and reschedule if more than two (2) voting members must leave (e.g., due to emergencies, call-outs, etc.).~~

~~====~~

~~C. Voting~~

~~====~~

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

~~====~~

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

~~====~~

~~2. A majority vote is necessary for the FRB to make a referral:~~

~~====~~

- ~~a. Identify a deficiency, concern, or success; and~~
- ~~b. Make a referral.~~

~~====~~

~~3. Where there is a tie, the FRB Chair (or designee) shall provide the tie-breaking vote.~~



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~~D.1. When a case is presented to the FRB, no officer who is involved in, a witness to, or who has been or is being investigated for that case shall be present. An involved individual is an officer who applied, participated in or ordered the use of force.~~

~~1.~~

~~E.1. Regardless of the above section, the Tactical Section Lieutenant may present tactical activations.~~

~~F. The FRB Chair has the discretion to approve additional individuals to attend and observe an FRB meeting, (with the exception of the officer(s) involved in the investigation being reviewed).~~

~~1. Individuals in an observational capacity may not participate in any of the meeting discussions nor provide any opinions, suggestions, proposed deficiencies, or referrals to the Board, unless called on by the FRB Chair.~~

~~2. The Chair of the FRB may require an observer to leave for any reason.~~

~~3. Should the FRB Chair determine that confidential legal advice is necessary, the FRB Chair may suspend the meeting to receive legal advice. The FRB Chair will shall determine the individuals from the Department that should be present during the discussion of legal issues. After receiving the legal advice, the FRB Chair will shall determine whether to continue to review the case or to table the case for a future FRB meeting.~~

~~G. FRB administrative personnel shall document all deficiencies, concerns, successes, and referrals in the FRB report and minutes.~~

~~2-58-9 Identifying Deficiencies or Concerns~~

~~A.1. The FRB shall follow the standards below in evaluating any policy, training, equipment, tactics, or supervisory deficiencies or concerns:~~

~~Equipment deficiency or concern~~

~~Deficiency: In evaluating a deficiency in equipment, the FRB shall consider whether the equipment available to the officer(s) was inadequate to address the situation, for example, based on best practices. However, FRB cannot make a referral regarding the failure to use equipment that is defined by policy as misconduct. Misconduct must be referred to IAPS for investigation.~~

~~Concern: In evaluating a concern regarding equipment, the FRB shall consider whether additional or other equipment would be beneficial to better address a situation.~~

~~1. Policy deficiency or concern~~



- ~~a. Deficiency: In evaluating a deficiency in policy, the FRB shall consider whether changes are required by law, or best practices, training, and policies regarding equipment use and tactics. However, FRB cannot make a referral regarding a violation of policy that is defined by policy as misconduct. Misconduct must be referred to IAPS for investigation.~~
- ~~b. Concern: In evaluating a concern regarding policy, the FRB shall consider whether changes should be made to policy either to clarify an ambiguity or to modify the policy as it applies to situations similar to the one under review. If the FRB identifies a policy violation not identified in the investigation, this violation shall be referred to IAPS for investigation.~~

~~2. Training deficiency or concern~~

- ~~a. Deficiency: In evaluating a deficiency in training, the FRB shall consider whether there was a shortcoming in the training or adherence to the training by an officer, unit, division, or the Department. However, the FRB cannot make a referral for training if the deficiency is defined by policy as misconduct. Misconduct must be referred to IAPS for investigation.~~
- ~~b. Concern: In evaluating a concern regarding training, the FRB shall consider whether additional training would be beneficial for an officer, unit, division, or the Department.~~

~~3. Equipment deficiency or concern~~

- ~~a. Deficiency: In evaluating a deficiency in equipment, the FRB shall consider whether the equipment available to the officer(s) was inadequate to address the situation, for example, based on best practices. However, FRB cannot make a referral regarding the failure to use equipment that is defined by policy as misconduct. Misconduct must be referred to IAPS for investigation.~~
- ~~b. Concern: In evaluating a concern regarding equipment, the FRB shall consider whether additional or other equipment would be beneficial to better address a situation.~~

~~4. Tactics deficiency or concern~~

- ~~a. Deficiency: In evaluating a deficiency regarding tactics, the FRB shall consider whether the officer's decision making properly considered officer safety, de-escalation opportunities, time, distance, adherence to best practices, safety of the individual, and the safety of the public. However, FRB cannot make a referral regarding a tactical deficiency that is defined by policy as misconduct. Misconduct must be referred to IAPS for investigation.~~
- ~~b. Concern: In evaluating a concern regarding tactics, the FRB shall consider whether changes in tactics would be beneficial to the safety of the officer(s), individual(s), and the public.~~

~~Training deficiency or concern~~



~~— Deficiency: In evaluating a deficiency in training, the FRB shall consider whether there was a shortcoming in the training or adherence to the training by an officer, unit, division, or the Department. However, the FRB cannot make a referral for training if the deficiency is defined by policy as misconduct. Misconduct must be referred to IAPS for investigation.~~

~~— Concern: In evaluating a concern regarding training, the FRB shall consider whether additional training would be beneficial for an officer, unit, division, or the Department.~~

~~5. Supervisory deficiency or concern~~

~~a. Deficiency: In evaluating a supervisor deficiency, the FRB shall consider whether the supervisory response was appropriate and consistent with policy, training, and adherence to best practices. However, FRB cannot make a referral regarding a supervisory deficiency that is defined by policy as misconduct. Misconduct must be referred to IAPS for investigation.~~

~~b.9. Concern: In evaluating a supervisory concern, the FRB shall consider whether changes in supervisory practices would be beneficial to the officer(s), and/or the Department.~~

~~2-58-10 Deficient Investigations~~

~~A. Where the FRB determines that an investigation is deficient or findings are not supported by the preponderance of the evidence, the FRB will shall document the concerns and order an additional investigation through a referral.~~

~~1. The FRB will shall document the specific evidence (or lack of evidence) from the incident that supports its finding that an investigation was not supported by the preponderance of the evidence.~~

~~2. FRB administrative personnel shall forward the original use of force investigation, as part of a referral, to the appropriate bureau or division for additional investigation.~~

~~3. The receiving bureau or division is responsible for the additional investigation and shall respond in writing documenting proposed corrective measures within seven (7) calendar days of receiving the referral. The additional investigation shall be added to the use of force case file, titled "Addendum".~~

~~a. If the additional investigation or proposed corrective measures cannot be completed within seven (7) calendar days, the receiving bureau or division shall send a memorandum to FRB personnel informing them of the expected date of completion.~~

~~B. If the FRB identifies potential misconduct, FRB administrative personnel shall send a referral to IAPS Division.~~



~~2-58-11 Referrals and Responses~~

~~B. All referrals willshall be tracked and maintained by the Department.~~

~~C. FRB administrative personnel shall generate and send the referral to the appropriate bureau or division.~~

~~D. The referral shall contain:~~

~~1. The deficiency, concern, or success identified;~~

~~2. The action the Board votes to be taken;~~

~~3. The bureau or division employee responsible for completing the referral;~~

~~4. The supervisor that willshall receive, consider, and take appropriate action on the response through the chain of command; and~~

~~5. The date the response to the referral is due back to FRB administrative personnel.~~

6-7 ~~E. The responsible bureau or division employee willshall address and implement any referrals given by the FRB within the timeframe designated. In the response, the identified bureau or employee willshall document in writing:~~

~~1. The identified deficiency, concern, or success;~~

~~2. Any background information that is necessary;~~

~~3. The action taken in response to the deficiency, concern or success; and~~

~~4. The supervisor to whom the response was provided.~~

6-7 ~~F. The bureau or division employee responsible for completing a response to a referral shall attach all COB documents supporting proof of completion.~~

~~G. The response to the referral shall be labeled "Response to Referral."~~

6-7 ~~H. If a referral cannot be completed by the due date, the responsible bureau or division employee shall provide the reason and proposed date of completion via memorandum, and sent to FRB administrative personnel.~~

~~2-58-12 Reports and Records~~

~~A. Internal Affairs Force Division shall be the custodian of all records generated by the FRB. The following documents shall be included in the BlueTeam entry:~~

~~1. Agenda;~~



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- ~~2. Sign in sheet;~~
- ~~3. Minutes;~~
- ~~4. Voting sheets;~~
- ~~5. FRB report;~~
- ~~6. PowerPoint presentations;~~
- ~~7. Referral(s);~~
- ~~8. Response to referral(s); and~~
- ~~9. Any other COB documents that are deemed necessary by the FRB.~~

REDLINED