



2-58 FORCE REVIEW BOARD

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2-58-1 Purpose and Scope

The purpose of this Standard Operating Procedure (SOP) is to establish the requirements pertaining to the preparation for, the performance of, and the reporting from the Force Review Board. The Force Review Board acts as means to review and evaluate use of force investigations, tactical deployments, and force statistics. This SOP will aid in ensuring the credibility, accuracy, and completeness of use of force investigations and tactical deployments reviewed by the Force Review Board. The FRB will act as an executive level forum that will determine any deficiencies and/or concerns within policy, training, tactics, equipment, and/or supervision. The FRB will also document any successes observed during each review.

2-58-2 Policy

It is the policy of the Albuquerque Police Department to conduct reviews of all serious use of force investigations, ten percent (10%) sample of supervisory force investigations, and all specialized tactical deployments in an effort to maintain high quality investigations.

The FRB will identify and report areas of concern or successes within the investigations reviewed.

Where the FRB identifies areas of concern it shall make a referral(s) to the appropriate Area Command/Division so that a resolution can be formulated. This may include modifications to equipment, policy, training, tactics or supervision.

FRB shall follow up on referrals to units and personnel in the Department to assure that appropriate referrals are closed with the appropriate corrective action.

2-58-3 Definitions



A. Concern

Any identified issue of importance that is not addressed by policy, rule, or training.

B. Course of Business Document (COB)

Any routine document(s) created by or produced in an official capacity to indicate a plan or solution. This can include, but is not limited to, memos, forms, and/or police reports, and which is reflected in routine course-of-business files, e.g., e-mails, automated dating protocols, and centralized systems storage with system-assigned dating and delivery protocols. For example a standalone 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.

C. Data Analysis FRB

The FRB meeting to review all force statistics and data trends related to FRB reviewed investigations.

D. Deficiency

An identified failure or shortcoming that does not meet standards set by department SOPs, policies, procedures, and state and federal laws. Further guidance in determining if a deficiency exists is set forth below.

E. Designee

An individual who may sit on the FRB as a replacement for a permanent member who is unable to attend a meeting. To be a qualified designee, a member must have already attended FRB training that is provided by the organization.

F. FRB Report

Document that summarizes the voting outcome and discussion by the Force Review Board. The Chief will approve this report no later than fifteen (15) calendar days after the FRB meeting.

G. Recommendation

A formal request or suggestion made by a voting member or designee of the FRB to implement a specific course of action.

H. Referral

A recommendation that has been voted on and approved by the FRB. All referrals shall be assigned to a specific unit or person to remediate an identified deficiency or concern.



I. Serious Use of Force FRB

The FRB meeting to review all UOF investigations where the level of force rose to the level of "serious" as defined by Department policy

J. Supervisory Use of Force FRB

The FRB meeting to review a ten percent sample of closed UOF investigations (Chain of Command reviews), where the level of force did not rise to that of a serious use of force.

K. Tactical Activation FRB

An FRB meeting to review all specialized tactical unit deployments to analyze and evaluate response protocols and uses of force.

L. Ten Percent (10%) Sample

The selection of supervisory Use of Force cases that will be presented to the FRB monthly. The ten percent sample is based off of the case completed date for a given month. A list of cases that are completed in a given month are numbered and the data is entered into an online random sample generator.

2-58-4 Training Requirements for Force Review Board Members

A. Voting and Non-Voting Members as well as Designees shall complete the following training:

1. APD 40 hour use of force course
 - a. To include any refresher trainings
2. FRB training course
3. FRB annual refresher course
4. Reality-based training (RBT)

2-58-5 Responsibilities of the Force Review Board (FRB)

The Force Review Board will meet routinely and shall identify whether an incident reveals concerns and/or deficiencies in policy, training, equipment, tactics, and/or supervision that requires documentation and/or remediation. The FRB will also document any successes observed during each review.



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OPA DRAFT as of 12/3/2018

- A. The FRB will review each Serious Use of Force investigation completed by the Internal Affairs Force Division within thirty (30) days of the Administrative Lieutenant receiving the investigative report.
- B. The FRB will review a ten percent sample (10%) sample of Supervisory Use of Force investigations that are closed in the previous month (the sample will be determined through the use of a random number generator).
- C. The FRB will review each tactical unit deployment to analyze and evaluate response protocols and uses of force.
- D. The FRB will review use of force data, on at least a monthly basis, to discuss significant trends and patterns.
- E. The FRB will evaluate
 1. Whether the investigation is thorough and complete. This will be done by engaging the case presenter in a question and answer session following explanation of the incident to gain a full understanding of the facts leading up to and following the use of force, serious use of force or tactical deployment.
 2. The findings made by the presenter to assure that they are supported by a preponderance of the evidence.
 3. Whether any use of force was consistent or inconsistent with Department policy and training.
 4. Whether the incident raised policy, training, equipment, tactical and/or supervisory deficiencies or concerns and refer such incidents to the appropriate unit within APD to ensure they are resolved.
 5. Whether or not the chain of command appropriately identified and took actions to correct any deficiencies in the way the incident was handled and/or investigated.
- F. Generate a referral when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the force investigation findings

2-58-6 FRB Meeting and Voting Procedures

- A. The FRB Administrative Lieutenant shall send an agenda and case documents to all FRB members and designees at least seven (7) calendar days prior to a meeting.
- B. The FRB Administrative Lieutenant shall provide a status update on previous referrals from the FRB at the beginning of the meeting.



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

1. Where more than two (2) voting members must leave (due to emergencies, call-outs, etc.) the meeting shall be rescheduled.

D. Voting

1. All FRB voting members must vote on deficiencies and recommendations to address deficiencies.
2. A majority vote is necessary to:
 - a. Identify a deficiency; and
 - b. Refer a recommendation.
3. Where there is a tie in voting, the FRB Chair (or designee) shall provide the tie-breaking vote.
4. The FRB Chair will capture the votes of the Board members on one voting sheet.
5. An FRB member or designee shall not participate in any meeting or review involving a department employee who is a family or household member, spouse, or domestic partner or any relationship that in reality or appearance suggests improper influence between two or more department employees.

E. The officer(s) involved in, or witness to, the activation being presented to FRB shall not be present

F. The FRB Chair has the discretion to approve additional individuals to attend and observe an FRB meeting (other than the officer(s) involved in the activation 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 recommendations.
2. An observer may be asked to leave for any reason deemed by the FRB Chair.

G. When an FRB voting member attends the meeting, the FRB member's designee may also attend in an observational capacity.

H. The Administrative Lieutenant, or designee, shall document in the minutes:

1. All identified deficiencies or concerns;



2. The votes on the deficiencies or concerns;
 3. All recommendations;
 4. The votes on recommendations;
 5. All referrals; and
 6. Absent FRB members and the reason for their absence.
- I. The FRB Administrative Lieutenant shall document in the FRB Report, and the referral, those identified deficiencies and/or concerns, and recommendations approved by a majority vote.

2-58-7 Force Review Board Individual Roles

The Chief of Police will appoint the chair and the designee chair of the FRB.

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

1. Deputy Chief of the Administrative Support Bureau or Designee: Commander from the Administrative Support Bureau
2. Deputy Chief of the Field Services Bureau or Designee: Commander from the Field Services Bureau
3. Deputy Chief of the Investigative Bureau or Designee: Commander from the Investigative Bureau
4. Field Services Commander or Designee: Other Field Service Commander
5. Academy Division Commander or Designee: Academy Deputy Commander or Lieutenant

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

1. FRB Chair or FRB Designee Chair (except in a tie vote; see below 6. d. 3)
2. FRB Administrative Lieutenant or Designee
3. Legal Advisor or Designee: Attorney from the City Attorney's Office
4. Subject Matter Expert(s) in the fields of:
 - a. Internal Affairs Force Division;
 - b. Tactical;
 - c. Training; and



d. Crisis Intervention

C. Additional non-voting attendees

1. Administrative Support Staff; and
2. Executive Director of the Civilian Police Oversight Agency

2-58-8 Force Review Board Individual Responsibilities

A. FRB Chair

1. Call the meeting to order;
2. Facilitates the meetings of the Board;
3. Review and approve the FRB Report; and
4. Completes the voting sheet for every case presented.
5. Shall provide the tie-breaking vote, when there is a tie in voting.

B. FRB Administrative Lieutenant/ Designee

1. Review previous meetings minutes, and get approval of aforementioned minutes from the board.
2. Provide status reports to the FRB at the beginning of each meeting on progress being made to close referrals from the Board.
3. Keep minutes of each FRB meeting.
4. Generate the BlueTeam Referral entry and send it to the appropriate Area Command or Division.
5. Prepare the FRB Report and provide to the Chief of Police within fifteen (15) calendar days of the case presentation and within forty-five (45) calendar days of the FRB Administrative Lieutenant receiving the file.
6. Monitor the assignment and closure of referrals by the FRB through BlueTeam.

C. Voting Member or Designees

1. Review investigation material in its entirety, minimum of five (5) calendar days to review.



2. Mandatory attendance to FRB meetings

- a. A voting member who is not able to attend an FRB meeting should notify the FRB Administrative Lieutenant at least five (5) calendar days prior to the meeting.

D. Non-Voting Member or Designee

1. Review investigation material in its entirety, minimum of five (5) calendar days to review.

2. Mandatory attendance to FRB meetings

- a. A voting member who is not able to attend an FRB meeting should notify the FRB Administrative Lieutenant at least five (5) calendar days prior to the meeting.

3. Legal Advisor or designee

- a. Shall provide a legal perspective on the case, if necessary.

4. Subject Matter Expert

- a. To provide answers to questions posed by the board within their expertise.

5. Administrative Support Staff

- a. Will either run or assist with the PowerPoint presentation
- b. Prepare an agenda identifying cases that will be presented to the Board
- c. Prepare the case documents for the Board to review
- d. Distribute agenda and case document to voting members seven (7) calendar days prior to the FRB meeting.

6. Executive Director of the Civilian Police Oversight Agency

- a. The Executive Director will be provided an opportunity at the end of the presentation to ask questions of the presenter and SMEs concerning the case.

2-58-9 Identifying Deficiencies or Concerns

The FRB shall follow the standards below in evaluating whether there existed any policy, training, equipment, tactics or supervisory deficiencies:

A. Policy deficiency or concern



In evaluating issues of concern regarding policy, 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.

B. Training deficiency or concern

In evaluating issues of concern regarding training, FRB shall consider whether the involved officer, unit, division, or Department should receive additional/refresher training and whether the training itself should be revised/amended for the entire Department.

C. Equipment deficiency or concern

In evaluating concerns regarding equipment, FRB shall consider whether the officer had access to the right equipment to resolve the situation; whether equipment appeared to function properly or improperly; whether changes in equipment type should be made in the future; and whether policy and training adequately address the equipment officers will use in similar situations.

D. Tactics deficiency or concern

In evaluating concerns regarding tactics and officer safety, FRB will consider whether the officer's decision-making properly considered officer safety, de-escalation opportunities, time, distance, best practices, safety of the subject, and the safety of the public.

E. Supervisory deficiency or concern

In evaluating issues of concern regarding supervision, FRB will consider whether the supervisory response was appropriate and consistent with policy, training, and best practices.

2-58-10 Deficient Investigations

- A. In all cases where the FRB determines an investigation is deficient, or the findings are not supported by a preponderance of the evidence, the FRB will document their concerns and order an additional investigation.
1. The FRB will document the specific evidence (or lack of evidence) from the incident that supports its finding that a presentation was not supported by a preponderance of the evidence.
 2. The original use of force investigation and addendum will be forwarded, as part of a referral, to the appropriate Area Command or Division Commander for additional investigation via BlueTeam by the administrative Lieutenant or designee.



3. The affected Area, or Division Commander, is responsible for the additional investigation and shall respond in writing documenting corrective measures, within seven (7) calendar days of receiving notification of the request for additional investigation.
 - a. If the additional investigation cannot be completed within seven (7) calendar days, a memo shall be written to inform the board of the date of completion.
- B. If misconduct is identified by the board, a referral will be sent to Internal Affairs.

2-58-11 Referrals and Responses

- A. All referrals will be tracked and maintained in BlueTeam.
- B. The FRB Administrative Lieutenant shall generate the BlueTeam Referral entry and send it to the appropriate Area Command or Division.
- C. The referral shall contain:
 1. The deficiency or concern;
 2. The recommendation;
 3. The person responsible for completing the recommended task; and
 4. The date the documented action on the referral is due back to the Administrative Lieutenant.
- 6-7 D. The responsible department employee will address and implement any recommendations given by the FRB within the timeframe designated.
- E. The person responsible for completing a recommendation shall attach all COB documents providing proof of actions to BlueTeam.
- F. If a referral cannot be completed by the due date, the department employee shall provide the reason and proposed date of completion via memorandum, which must be sent by hard copy to the FRB Administrative Lieutenant as well as attached to the BlueTeam entry.
- G. If misconduct is identified, a referral will be sent to Internal Affairs.

2-58-12 Reports and Records

Internal Affairs Force Division shall be the custodian of all records pertaining to the functioning of FRB. The following documents shall be compiled in a BlueTeam entry, and ultimately housed in IAPro for tracking:



A. FRB Meeting Entry

1. Agenda
2. Sign in sheet
3. Minutes
4. Voting Sheets
5. FRB Report
6. PowerPoint presentations

B. FRB Referral Entry

1. Referral(s)
2. Referral closure COB documents

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SOP 2-56

Effective:04/25/16 Review Due:10/22/16 Replaces: 09/26/02

2-56 FORCE REVIEW BOARD

2-56-1 Purpose

The purpose of this policy is to define the role of the Force Review Board in reviewing use of force investigations, tactical deployments, and use of force statistics and trends.

2-56-2 Policy Statement

Department policy is to review the use of force and tactical deployments to determine compliance with department policy and constitutional policing. And, further, to recognize any additional needs as they pertain to training, equipment, policy, tactical deployment, discipline, and investigations. The review process will determine if officers are properly trained and properly using their training; if policies reflect current best practices for law enforcement; if discipline, imposed when required, is fair and consistent; and if investigations are conducted in a fair, timely, comprehensive, and reliable manner. Therefore, the Department establishes the Force Review Board (FRB) to put this policy into effect.



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2-56-3 Procedures

A. Force Review Board Appointments and Meetings

1. The FRB is chaired by the Assistant Chief of Police and comprised of at least the following members (or their designee with the approval of the Assistant Chief of Police):
 - a. Assistant Chief of Police
 - b. Deputy Chief of the Investigative Bureau
 - c. Deputy Chief of the Special Services Bureau
 - d. Two Field Services Bureau Majors
 - e. Academy Director/Major
 - f. APD Legal Advisor
 - g. The Director, CPOA
 - h. APOA representative (this representative will not participate in discussions or votes that could affect application of discipline in any case)
 - i. Use of Force Instructor from APD Academy
 - j. A patrolman first class officer
 - k. A sergeant
 - l. A lieutenant
 - m. Any other as determined by the Chief of Police
2. The patrolman first class officer, sergeant, and lieutenant are appointed by the Chief for one year positions.
3. FRB meets monthly and as scheduled by the Assistant Chief of Police to address the responsibilities described in this policy.
 - a. Case packets are distributed to members one week before the meeting.
 - b. The Assistant Chief will prepare an agenda, identifying the cases under review, any status reports due responding to recommendations made at prior FRB meetings, statistical reports being reviewed, and any other pending matters before the board.
 - c. Administrative staff will keep minutes of each meeting.
 - d. Attendance by members is mandatory and attendance will be excused only for good cause. In the case of a member's absence, the member may send a designee with the approval of the Assistant Chief of Police
 - e. Seven members constitute a quorum.
 - f. A majority vote of members present is required for taking substantive action.
 - g. Each voting member will complete a case review sheet for any deployment or use of force case presented to the FRB.



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4. If approved by the Assistant Chief of Police, the following persons may attend Force Review Board meetings in a non-voting capacity:
 - a. Executive Director of the Administrative Support Bureau (Administrative Compliance)
 - b. Involved employees' commander (consultation role only)
 - c. Subject Matter Expert (consultation role only)
 - d. Any officer at the rank of Commander or above
 - e. Administrative or other staff requested by the Assistant Chief of Police
5. The officer(s) who used force or who is/are otherwise subject(s) of an Internal Affairs investigation will not be present.

B. Responsibilities:

1. FRB will review all Internal Affairs Division serious use of force administrative cases within 30 days of receiving the case report.
 - a. FRB will review the written case report;
 - b. FRB will receive an incident presentation by the lead investigator from the Critical Incident Review Team (CIRT).
 - c. FRB will discuss the report and question the investigator so as to get a clear understanding of the incident giving rise to the report. The FRB will ensure each member has a full understanding of the facts and circumstances surrounding the incident;
 - d. FRB will evaluate:
 - i. Whether the investigation is thorough and complete
 - ii. Whether the force was consistent or inconsistent with department policy and training
 - iii. Whether the investigator's findings are supported by a preponderance of the evidence
 - iv. Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding:
 - Equipment
 - Tactics (including de-escalation and best practices)
 - Training
 - Policy
 - Supervision
 - v. Whether the chain of command appropriately identified and took actions to correct any deficiencies in the way the incident was handled
 - vi. Whether the chain of command appropriately identified and took actions to correct any deficiencies in the investigation or report
 - vii. Confirm that uniform standards were applied in use of force investigations and discipline



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- viii. Identify instances, trends, or patterns of deficiencies regarding policy, training, equipment, or tactics.
 - ix. Monitor all aspects of the department's use of force practices with the goal of continual improvement.
 - e. In all cases where the FRB determines the investigation of the case is deficient, or the findings are not supported by a preponderance of the evidence, the FRB will document their concerns and order additional investigation.
 - i. Documentation of FRB's concerns and orders will be attached to the use of force investigation.
 - ii. All evidence supportive of the FRB concerns will be explicitly stated in this documentation.
 - f. Should the FRB determine a use of force violates APD policy, or principles of constitutional policing, and that this violation was not already addressed by the investigator, the FRB will document the violation and forward it to the Chief of Police and Internal Affairs Division for further investigation, if needed, and corrective and/or disciplinary action as necessary, including training, removal from the unit, or progressive discipline.
2. FRB will review all Force Investigation Team (FIT) serious use of force criminal cases within 30 days of receipt of the investigation. FIT will coordinate with the Internal Affairs Division to submit related cases to reviewed at the same meeting. Criminal cases will be reviewed in the same manner as Internal Affairs Division serious use of force administrative cases except as follows:
 - a. Presentations are done by the lead FIT investigator.
 - b. The criminal investigation will not contain findings or be evaluated by a preponderance of the evidence. Rather, these cases are to be prepared and evaluated for the thoroughness and quality expected of cases submitted to the District Attorney.
3. FRB will review a random sample of supervisory force investigations approved by Commanders every 90 days.
 - a. Internal Affairs Division will use a random number generator to select 10% of supervisory force investigations approved by commanders in the previous quarter.
 - b. The IA lieutenant will compile the case information for FRB review and will provide a brief overview of the investigation.
 - c. Other than the presentation and presence of the lead investigator, FRB will evaluate cases in the same manner as Internal Affairs Division serious use of force administrative cases.



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4. FRB will review each tactical deployment (SWAT or K-9) in order to evaluate what went well and what could have been handled differently.
 - a. The tactical lieutenant or commander will make a presentation regarding the deployment and outcome.
 - b. With the goal of continual improvement, FRB will consider whether there are needs to be addressed regarding:
 - Equipment
 - Tactics (including de-escalation and best practices)
 - Training
 - Policy
 - Supervision
5. The FRB will review quarterly reports of statistics and analysis of all use of force incidents to identify trends, patterns, and other statistical analysis to identify potential deficiencies in policy and/or implementation of policy or best practices for law enforcement. Internal Affairs Division will prepare and present these reports.
6. For all types of cases reviewed, the FRB will identify, document, and forward all issues of concern regarding equipment, tactics, training, policy, and supervision to the applicable division Major/Commander.
 - a. In evaluating concerns regarding equipment, FRB will consider whether the officer had access to the right equipment to resolve the situation, whether any equipment used appeared to function properly or improperly, whether changes in equipment type should be made in the future, and whether policy and training adequately address the equipment officers will use in similar situations.
 - b. In evaluating tactical issues, FRB will consider whether the officer's decision-making properly considered de-escalation opportunities, timing and space considerations, best practices, safety of the subject, officer safety, and the safety of the public.
 - c. In evaluating issues of concern regarding training, FRB will consider not only whether the involved officer should receive additional training, but also the scope of training and whether all officers should receive some additional training. If additional training is recommended for all officers, the Assistant Chief of Police will give this recommendation to the director of the APD Academy.
 - d. In evaluating issues of concern regarding policy, FRB will consider whether the policy is appropriate as applied to the incident, and 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 changes to the policy are recommended, the Assistant Chief of Police will make the appropriate recommendation to the SOP liaison.



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- e. In evaluating issues of concern regarding supervision, FRB will consider whether the supervisory response was appropriate, consistent with policy and the principles of constitutional policing, and exemplified the department's core values of integrity, respect, fairness, and pride.
- f. Unless FRB assigns responsibility to another person, the Major/Commander of the affected division is responsible for addressing all issues forwarded from the FRB and respond in writing documenting corrective measures.
- g. If the assigned Major/Commander is not present at the FRB meeting to receive the assignment, the Assistant Chief of Police will contact the Major/Commander after the meeting to make the assignment.
- h. The Major/Commander will submit the response addressing all issues to the Assistant Chief prior to the next FRB meeting.
- i. In reviewing the response at that next meeting, FRB may require the Major/Commander to make six month, annual, or other follow-up reports as needed to ensure implementation of FRB's recommendations.

2-56-4 Reports and Records

- A. Within fifteen days of each FRB meeting, the Assistant Chief will compile the FRB members' case review sheets and the meeting minutes into a report for each case presented, identifying the FRB findings and recommendations. These reports will be submitted to the Chief for approval.
- B. Internal Affairs shall be the custodian of all FRB reports and records.