



### **3-40 CIVIL LITIGATION PROCESS**

#### **Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

None

B. Form(s)

PD 1108 Chief's Employee Retention File Index

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

#### **3-40-1 Purpose**

The purpose of this policy is to outline the process for Albuquerque Police Department (Department) personnel when they are involved in a civil suit.

#### **3-40-2 Policy**

It is the policy of the Department, through the City of Albuquerque Risk Management Division, to designate private contractors to conduct investigations involving civil suits filed against the Department and its personnel.

#### **6 3-40-3 Rules**

A. Notification Responsibility Regarding Pending Civil Action

1. Department personnel shall:

- a. Within twenty-four (24) hours, inform their Deputy Chief and the Tort Claims Manager in the City of Albuquerque Risk Management Division when served with an official instrument from a court of law naming them as a party, defendant, or co-defendant in any action resulting from their official duties; and
- b. Notify their chain of command before contacting their Deputy Chief or area commander.

B. Duty of Personnel to Cooperate with Investigators



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

**SOP 3-40**

**P&P Draft 11/02/2022**

**2**

1. Department personnel named or involved in suits resulting from their official acts shall fully cooperate with all requests related to the litigation from the City Attorney or their designated counsel and with investigators appointed to represent the City or the Department.
2. If community members ask Department personnel questions concerning civil suits against the City or Department, they shall refer them to the City's Risk Management Division.
3. Periodically, different firms and individuals will contract with the Office of the City Attorney to conduct investigations. When contacted by an investigator or attorney, Department personnel shall contact the Office of the City Attorney to confirm the authority of the investigator or attorney to conduct investigations into any given case.
4. When requests are made for Internal Affairs files, the Internal Affairs Professional Standard (IAPS) Division Lieutenant shall grant the limited access to the files.
  - a. Authorized, contracted investigators may:
    - i. Read the files and take notes; and
    - ii. Have copies of the Chief's Employee Retention File Index Form and the initial complaint made by a community member.
      1. No other copies of documents, materials, or recordings in the Internal Affairs files shall be provided.



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