



3-44 REVIEW OF COMPLETED ADMINISTRATIVE INVESTIGATION CASES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-62 Internal Affairs Professional Standards (IAPS) Division (Formerly 7-1)
- 3-46 Discipline System

B. Form(s)

None

C. Other Resource(s)

- Agreement Between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO
- Agreement Between the City of Albuquerque and Prisoner Transport Officers
- City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees (AFSCME, Local 2962, AFL-CIO, CLC)
- City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement
- ROA 1994, §§ 9-4-1-1 to 9-4-1-14 Civilian Police Oversight Agency
- United States v. City of Albuquerque*, No. 1:14-cv-01025, Document 465-1 (Court-Approved Settlement Agreement (CASA)) (D.N.M. July 30, 2019)

D. Rescinded Special Order(s)

None

3-44-1 Purpose

The purpose of this policy is to detail the process that occurs upon the completion of an administrative investigation into an alleged policy violation.

3-44-2 Policy

It is the policy of the Albuquerque Police Department (Department) to review completed administrative investigations and to ensure that accurate findings are properly documented.

N/A 3-44-3 Definitions

A. Bureau Head



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

A Deputy Chief responsible for overseeing a bureau within the Department.

B. Chart of Sanctions

An appendix in SOP Discipline System that identifies levels of disciplinary action to be imposed based on the classification of the offense and prior disciplinary history of the identified policy violations.

C. Civilian Police Complaint (CPC)

An external allegation that a Department employee violated a Department policy or violated a federal, state, or local law. External allegations are those made by non-Department personnel, other than personnel of the City Attorney's Office and City Administration.

D. Civilian Police Oversight Agency (CPOA)

An independent agency of City government, not part of either the City administration or City Council, that consists of the Civilian Police Oversight Agency Board and an Administrative Office led by the CPOA Executive Director, consistent with ROA 1994, § 9-4-1-4.

The CPOA receives, investigates, and reviews complaints and commendations submitted by community members concerning Department personnel. The CPOA also reviews Department policies, practices, and procedures, in order to provide recommendations throughout the policy development process and ultimately to the Chief of Police.

E. Clear and Convincing Standard

Evidence which could place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are "highly probable." In other words, if the material presented instantly tilts the evidentiary scales in the affirmative when weighed against the evidence offered in opposition.

F. Division Head

A commander or civilian equivalent responsible for overseeing and operating a Department division.

G. Internal Affairs (IA)

The Divisions of the Department responsible for fairly, impartially, and thoroughly investigating internal complaints of policy violations by Department personnel and uses of force.

H. Preponderance of Evidence



A conclusion is established by a preponderance of evidence when it is shown that the underlying facts are more likely true than not true. "Preponderance of evidence" means the greater weight of evidence, taking into consideration the quality and persuasiveness of the evidence, not the number of witnesses or exhibits.

5 3-44-4 **Procedures**

A. Timelines

1. Department personnel shall complete administrative investigations within the relevant timelines.
 - a. The timeline for conducting an administrative investigation for members of the Albuquerque Police Officers' Association (APOA) is defined by the Collective Bargaining Agreement (CBA) between the City of Albuquerque and the Albuquerque Police Officers' Association.
 - b. The timeline for members of the American Federation of State, County, and Municipal Employees (AFSCME), AFO-CIO, Local 3022 is defined by the Collective Bargaining Agreement between City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO.
 - c. The timeline for all Department personnel not covered by a union contract shall be consistent with the Court-Approved Settlement Agreement (CASA) in *United States v. City of Albuquerque*, 1:14-cv-01025.
 - d. Investigating personnel may request in writing for the Chief of Police or their designee to approve an extension of the timeline.
 - e. The Chief of Police or their designee may grant and approve an extension of time for completion of the investigation as allowed by the relevant CBA or the CASA.
2. Department personnel shall review and make a determination on final discipline within the relevant timelines.
 - a. The timeline for review of an administrative investigation for members of the Albuquerque Police Officers' Association (APOA) is defined by the Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association.
 - b. The timeline for members of the American Federation of State, County, and Municipal Employees (AFSCME), AFO-CIO, Local 3022 is defined by the Collective Bargaining Agreement between City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO.
 - c. The timeline for all Department personnel not covered by a union contract shall be consistent with the Court-Approved Settlement Agreement (CASA) in *United States v. City of Albuquerque*, 1:14-cv-01025.



3. The Chief of Police or their designee and the employee or their representative may agree to grant an extension if there are extenuating circumstances, including but not limited to military deployments and extended absences.

B. Types of Investigations and Process

1. Administrative Review of a CPC

- a. The CPOA forwards the completed investigation of a CPC to the IAPS Division.
- b. Upon receipt of the completed investigation, IAPS Division personnel shall forward the completed investigation for review by the chain of command and shall follow the discipline review process.

2. Administrative Review of IA Investigations (Excludes a Level 3 Use of Force)

IAPS Division personnel, or in cases of minor misconduct, the chain of command shall investigate an administrative investigation of misconduct that does not involve a Level 3 use of force.

3. Administrative Investigation of Level 3 Use of Force (Includes an Officer-Involved Shooting (OIS))

- a. IA shall investigate a Level 3 use of force.
- b. IA shall handle all aspects of the investigation related to the imposition of discipline.
- c. IA shall forward a Level 3 use of force investigation to the CPOA for review and a recommendation for discipline, if discipline is warranted.
- d. The CPOA shall return its recommendation to IA for review by the chain of command and imposition of appropriate discipline.

C. Role of IAPS Division in Administrative Investigation Case Reviews

1. IAPS Division personnel shall:

- a. Be the record keeper of administrative investigation records;
- b. Be the point of contact for the CPOA to ensure consistency and proper tracking of the administrative investigation;
- c. Upon completing the review of the administrative investigation, enter the required information in the IA database; and
- d. Upon receipt of the final decision from the chain of command, take appropriate steps to impose discipline if discipline is warranted.

D. Review by CPOA Executive Director

1. This Standard Operating Procedure (SOP) outlines the CPOA's review process because of how the process impacts the Department's functions and responsibilities for administrative investigations; however, the CPOA's review of



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

investigations shall be consistent with ROA 1994, §§ 9-4-1-1 to 9-4-1-14 and consistent with the CPOA's policies and procedures.

2. The CPOA Executive Director shall review CPC investigations that are conducted by the CPOA's investigators and shall review the IAFD's investigations of serious uses of force, including cases involving OISs.
3. The CPOA Executive Director shall propose findings and recommendations regarding discipline against an officer involved in the incident.
 - a. The Civilian Police Oversight Agency Board (CPOAB) shall review and make a final decision to adopt or reject the proposed findings and recommendation for discipline by the Chief of Police.
4. The CPOA Executive Director shall route the case and the CPOAB's decision and recommendation for discipline to the IAPS Division.

E. Discipline Review Process

1. IA shall forward for review all investigatory cases completed by the IAPS Division, Internal Affairs Force Division (IAFD), the Civilian Police Oversight Agency (CPOA), and/or an area commander or division head to the Professional Integrity Division Commander.
 - a. The Professional Integrity Division Commander shall:
 - i. Review the investigatory case and review the recommended discipline;
 - ii. Ensure that the investigation and report is complete, thorough, and impartial;
 - iii. Properly document any mitigating or aggravating circumstances, or any deviations from the Chart of Sanctions;
 - iv. Make recommendations on findings and discipline;
 - v. Forward the file to the alternate Professional Integrity Division Commander for their review and recommendations on findings and discipline;
 - vi. If the recommended discipline is over forty (40) hours, forward the case to the Deputy Superintendent of Police Reform for final review;
 - vii. For cases that were investigated by area commanders or division heads, function as the final disciplinary authority unless they do not concur with the recommendation by the area commander or division head;
 - viii. Forward cases of nonoccurrence to the alternate Professional Integrity Division Commander for review to make the final decision on discipline; and
 - ix. Once they issue a final decision, route the file to IA for its records and imposition of discipline if warranted.
2. The Chief of Police, Superintendent of Police Reform, or their designees shall have the discretion to impose discipline and the discretion to decide the level of discipline that shall be imposed. If the Chief of Police, Superintendent of Police Reform, or their designee's decision differs from the CPOA's recommendation, they shall send an Interoffice Memorandum to the CPOA Executive Director within



thirty (30) days of the CPOA's recommendation, explaining the reasons why the recommendation was not followed.

F. Confidentiality and Access

1. Supervisors who review completed administrative investigation cases shall be responsible for the security and confidentiality of the cases that are in their possession.
 - a. Supervisors shall store cases and records in a secured area, such as a locked drawer or locked office, when they are not being reviewed.
 - b. Department personnel outside the chain of command are prohibited from viewing cases and records.
 - c. Department personnel are prohibited from releasing information about the cases outside the chain of command.
2. Department personnel may review their completed administrative investigation cases, consistent with SOP Internal Affairs Professional Standards (IAPS) Division.

N/A



3-44 REVIEW OF COMPLETED ADMINISTRATIVE INVESTIGATION CASES

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

A. Related SOP(s)

~~1-62 Internal Affairs Professional Standards (IAPS) Division (Currently 7-1) 7-11-62 Internal Affairs Section~~
Internal Affairs Professional Standards (IAPS) Division (Formerly 7-1)
3-46 Discipline System

B. Form(s)

None

C. Other Resource(s)

Agreement Between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO
Agreement Between the City of Albuquerque and Prisoner Transport Officers City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees (AFSCME, Local 2962, AFL-CIO, CLC)
~~Court Approved Settlement Agreement, *United States v. City of Albuquerque*, 1:14-cv-01025~~
~~Collective Bargaining Agreement between City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement~~
~~Collective Bargaining Agreement between City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO~~
ROA 1994, §§ 9-4-1-1 to 9-4-1-14 Civilian Police Oversight Agency
United States v. City of Albuquerque, No. 1:14-cv-01025, Document 465-1 (Court-Approved Settlement Agreement (CASA)) (D.N.M. July 30, 2019)

D. Rescinded Special Order(s)

None

3-44-1 Purpose

~~This purpose of this policy is to details the process that occurs upon the completion of an administrative investigation into misconduct investigation an alleged policy violation. It also sets out the procedure for reviewing a serious use of force investigation only for the purpose of imposing discipline. For a general review of use of force administrative investigations, refer~~



~~to the Use of Force Reporting and Supervisory Force Investigation Requirements SOP and the Force Review Board SOP.~~

3-44-2 ~~—~~Policy

It is the policy of the Albuquerque Police Department (Department) to review completed administrative investigations and to ensure that accurate findings are properly documented.
~~maintain constitutional and effective policing, and to promote officer safety and accountability,, the Department ensures that all findings in administrative misconduct investigations are supported by the appropriate standard of proof. The Department reviews recommendations from the Civilian Police Oversight Agency (CPOA) and the chain of command and ensures that an officer who commits misconduct is held accountable in a fair, consistent system of discipline.~~

N/A

3-44-3 Definitions

A. Bureau Head

~~This is a~~A Deputy Chief or ~~Major~~ responsible for overseeing a bBureau within the Department.

B. Chart of Sanctions

An appendix in SOP Discipline System that identifies levels of disciplinary action to be imposed based on the classification of the offense and prior disciplinary history of the identified policy violations.

~~This is a matrix listing disciplinary sanctions based on the level of offense and the number of offenses committed within a given time period. The Chart of Sanctions is part of the Discipline System SOP. The chart identifies the specific violation and disciplinary penalty if there is culpability. The Chart of Sanctions is located in the Discipline System SOP. The chart identifies the specific violation and disciplinary penalty if there is culpability.~~

~~CIRT~~

~~Acronym for Critical Incident Response Team~~

C. Civilian Police Complaints (CPCs)

An external allegation that a Department employee violated a Department policy or violated a federal, state, or local law. External allegations are those made by non-Department personnel, other than personnel of the City Attorney's Office and City Administration.

~~Civilian police complaints are complaints originating externally from non-Department personnel.~~

D. Civilian Police Oversight Agency (CPOA)



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

~~E.~~

~~An independent agency of City government, not part of either the City administration or City Council, which was created by City ordinance and is overseen by a board comprised of community members, consistent with the Civilian Police Oversight Agency Ordinance, ROA 1994, §§ 9-4-1-1 to 9-4-1-14. An independent agency of City government, not part of either the City administration or City Council, that consists of the Civilian Police Oversight Agency Board and an Administrative Office led by the CPOA Executive Director, consistent with ROA 1994, § 9-4-1-4.~~

The CPOA receives, investigates, and reviews complaints and commendations submitted by community members concerning Department personnel. The CPOA also reviews Department policies, practices, and procedures, in order to provide recommendations throughout the policy development process and ultimately to the Chief of Police.

~~This is an independent entity created by city of Albuquerque municipal ordinance Section 9-4-1 through 9-4-14 to provide an effective civilian oversight function for the Department Albuquerque city police so as to promote police officer accountability and to protect the rights of Albuquerque's citizens. It maintains operational independence from both the City Council and the City of Albuquerque's administration, and is charged with the responsibility of investigating all citizen complaints concerning police~~

~~F.~~ G.E. Clear and Convincing Standard

Evidence which could place in the ultimate factfinder an abiding conviction that the truth of its factual contentions are "highly probable." In other words, if the material presented instantly tilts the evidentiary scales in the affirmative when weighed against the evidence offered in opposition. A fact is established by a clear and convincing standard when the fact is highly and substantially more probable to be true than not and the reviewer must have a firm belief or conviction in its factuality.

~~H.F.~~ H.F. Division Head

~~This is a C~~ This is a C Commander or civilian equivalent responsible for overseeing and operating a Department ~~d~~ D Division.

~~Executive Staff Member~~

G. Internal Affairs (IA)

The Divisions of the Department responsible for fairly, impartially, and thoroughly investigating internal complaints of policy violations by Department personnel and uses of force.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

~~I. IAS~~

~~Acronym for Internal Affairs Section.~~

~~M. OIS~~

~~Acronym for officer involved shooting.~~

~~Q.H. Preponderance of Evidence~~

~~A fact-conclusion is established by a preponderance of evidence when it is shown that the underlying facts are more likely true than not true. "Preponderance of evidence" means the greater weight of evidence, taking into consideration the quality and persuasiveness of the evidence, not the number of witnesses or exhibits.~~

5 3-44-4 — Procedures

A. Timelines

~~1. Department personnel shall complete an administrative investigations within the relevant timelines.~~

- ~~a. The timeline for conducting an administrative investigation for members of the Albuquerque Police Officers' Association (APOA) is defined by the conducted by the IAS or the by CPOA is completed within Collective Bargaining Agreement (CBA) between the City of Albuquerque and the Albuquerque Police Officers' Association. 90 days following initiation of the complaint investigation. The 90 day period does not include review time.~~
- ~~b. The timeline for members of the American Federation of State, County, and Municipal Employees (AFSCME), AFO-CIO, Local 3022 is defined by the Collective Bargaining Agreement between City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO.~~
- ~~c. The timeline for all Department personnel not covered by a union contract shall be consistent with the Court-Approved Settlement Agreement (CASA) in *United States v. City of Albuquerque*, 1:14-cv-01025.~~
- ~~d. Investigating personnel may request in writing for the Chief of Police or their designee to approve an extension of the timeline.~~
- ~~e. The Chief of Police or their designee may grant and approve a An extension of time for completion of the investigation may be granted for a maximum of 30 days as allowed by the relevant CBA or the CASA.~~

~~2. Department personnel shall rThe request for an extension must be in writing and approved by the Chief. Review and make a and final approval of the investigation, and the determination on and imposition of the final discipline within the relevant timelines.~~



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

- a. The timeline for review of an administrative investigation for members of the Albuquerque Police Officers' Association (APOA) is defined by the Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association.
- b. The timeline for members of the American Federation of State, County, and Municipal Employees (AFSCME), AFO-CIO, Local 3022 is defined by the Collective Bargaining Agreement between City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO.
- c. The timeline for all Department personnel not covered by a union contract shall be consistent with the Court-Approved Settlement Agreement (CASA) in *United States v. City of Albuquerque*, 1:14-cv-01025.
~~is made within 30 days following completion of the investigation.~~

3. The Chief of Police or their designee and the employee or their representative may agree to grant a~~An extension may be granted if there are~~ extenuating circumstances, including but not limited to such as military deployments, officer hospitalizations, and extended absences, upon agreement by the Chief of Police or his designee and the employee or his/hor representative.

~~a.~~
~~_____~~

~~D.B.~~ Types of Investigations and Process

~~The process for review of an investigation depends on the type of complaint and the nature of the investigation.~~

~~3.1.~~ An administrative Review Investigation of a Civilian Police Complaints (CPCs)

- a. The CPOA forwards the completed investigation of a CPC ~~CPCs are investigated by the CPOA and forwarded to the IAPS Division.~~
- b. Upon receipt of the completed investigation, IAS IAPS Division personnel shall ~~to forward the completed investigation for initiate a review by the chain of command and~~ shall follow the discipline review process.

~~b. if the complaint is sustained, to impose discipline.~~

~~4.2.~~ Administrative Review of Investigations of Misconduct ~~IA Investigations (Excludes other than a a Level 3 serious use of Force)~~

IAPS Division personnel, or in cases of minor misconduct, the chain of command shall investigate a~~An administrative investigation of misconduct that does not involve a~~ Level 3 serious use of force is investigated by IAS (or the chain of



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

~~command in cases of minor misconduct). The chain of command shall and reviewed the administrative investigation by the chain of command before the Chief or designee imposes appropriate discipline is imposed, if discipline is warranted.~~



~~5.3. An administrative investigation of Level 3 Serious Use of Force (including an Officer-Involved Shooting (including OIS))~~

~~a. IA shall investigate a Level 3 A serious use of force is investigated by CIRT.~~

~~a.b. The IAS Division IA shall handle all aspects of the investigation related in relating to the imposition of discipline.~~

~~b.c. IAFD shall forward a Level 3 A serious use of force investigation is forwarded to the CPOA for review and a recommendation as to for discipline, if discipline is warranted.~~

~~c.d. The CPOA shall returns its recommendation to IAS Division for review~~



by

~~the chain of command and imposition of appropriate discipline, by the Chief or designee.~~

~~E.C. Role of Internal Affairs Section IAPS Division in Administrative Investigation Case Reviews~~

1. IAPS Division personnel shall:

a. Be IAS is the record keeper of administrative investigation records;



b. IAS is Be the point of contact for with the CPOA to ensure consistency and proper tracking of the administrative investigation;

a.c. Upon completing the review of the administrative investigation, IAS enter the updates required information into the IA database; early intervention system and

b.d. Upon receipt of the final decision from the chain of command, IAS takes appropriate steps to impose discipline if discipline is warranted.

~~e.~~

~~F.D. Review by CPOA Executive Director~~

1. This Standard Operating Procedure (SOP) outlines the CPOA's review process because of how the process impacts the Department's functions and responsibilities for administrative investigations; however, the CPOA's review of investigations is not governed by this policy but instead by shall be consistent with



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

~~ROA 1994, §§ Section 9-4-1-1 to 9-4-1-14 Revised Ordinance of Albuquerque (1994) and consistent with and the CPOA's pPolicies and pProcedures.~~

~~1. and CPOA Policies & Procedures. This policy discusses CPOA's review process for informational purposes and because of how that process impacts APD's functions and responsibilities.~~

2. The CPOA Executive Director shall reviews CPC investigations that are conducted by the CPOA's CPOA investigators and shall review the IAFD's CRT investigations of serious uses use of force, (including OIS cases involving OISs).

3. The CPOA Executive Director shall proposes findings and recommendations regarding discipline against an officer involved in the incident.

a. The Civilian Police Oversight Agency Board (CPOAB) shall reviews and makes a final decision to adopting or rejecting the proposed findings and recommendation for discipline by to the Chief of Police.

4. The CPOA Executive Director shall routes the case and the Police Oversight Board CPOAB's Board's decision and recommendation for discipline to the IAPS Division IAS.

~~G.E. Discipline Review Process by Chain of Command~~

1. IA shall forward for review all investigatory cases completed by the IAPS Division, Internal Affairs Force Division (IAFD), the Civilian Police Oversight Agency (CPOA), and/or an area commander or division head to the Professional Integrity Division Commander.

a. The Professional Integrity Division Commander shall:

- i. Review the investigatory case and review the recommended discipline;
- ii. Ensure that the investigation and report is complete, thorough, and impartial;
- iii. Properly document any mitigating or aggravating circumstances, or any deviations from the Chart of Sanctions;
- iv. Make recommendations on findings and discipline;
- v. Forward the file to the alternate Professional Integrity Division Commander for their review and recommendations on findings and discipline;
- vi. If the recommended discipline is over forty (40) hours, forward the case to the Deputy Superintendent of Police Reform for final review;
- vii. For cases that were investigated by area commanders or division heads, function as the final disciplinary authority unless they do not concur with the recommendation by the area commander or division head;
- viii. Forward cases of nonoccurrence to the alternate Professional Integrity Division Commander for review to make the final decision on discipline; and
- ix. Once they issue a final decision, route the file to IA for its records and imposition of discipline if warranted.

~~IA shall forward for review all investigatory cases completed by the IAPS Division, Internal Affairs Force Division (IAFD), and/or the Civilian Police~~



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

~~Oversight Agency (CPOA), and/or an area commander/division head to an executive staff member, other than the Chief of Police and Superintendent of Police Reform, selected by rotation and, when possible, excluding executive staff members in the chain of command of the subjects of the investigations to the Professional Integrity Division Commander.~~

~~1. All investigatory cases, once completed by a supervisor, IAS and/or CPOA, will be forwarded to the investigated employee's Division Head for review.~~

~~The Professional Integrity Division Commander shall review the investigatory case and review the recommended discipline.~~

~~The Professional Integrity Division Commander shall make recommendations on findings and discipline, and forward the file to the Police Reform Bureau Deputy Chief of Police.~~

~~For cases that were investigated by area commanders/division heads, the Professional Integrity Division Commander shall be the final disciplinary authority, unless they do not concur with the recommendation by the area commander/division head.~~

~~The Professional Integrity Division Commander shall forward cases of nonconcurrence to the Police Reform Bureau Deputy Chief of Police for review and to make the final decision on discipline.~~

~~The executive staff member Police Reform Bureau Deputy Chief of Police shall:~~

- ~~1. Division Head reviews the file SOP sections which refer to the alleged misconduct and recommendation regarding findings and discipline; may add additional SOP sections if appropriate.~~
- ~~1. The investigated employee's Division Head notes whether the Division Head does or does not concur that the findings are supported by a preponderance of the evidence (or for findings that allegations are unfounded, a clear and convincing standard). For investigations in which CPOA recommends discipline, the Division Head notes whether he or she agrees with the CPOA's recommended discipline. For other cases, the Division Head recommends discipline based on the Chart of Sanctions. The Division Head consults with other members of investigated employee's chain of command regarding recommendations.~~
- ~~f. The Division Head lists and considers all mitigating and aggravating circumstances.~~
- ~~g. If the Division Head recommends discipline that deviates from the Chart of Sanctions, the Division Head includes a detailed justification for the recommended deviation.~~
- ~~h. The Division Head considers whether non-disciplinary corrective action, such as counseling or re-training is also appropriate.~~
- ~~i. The Division Head ensures that the investigation and report is complete, thorough, and impartial. If it is not, the Division Head will articulate any problems and send the case back to the investigator to address deficiencies.~~



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

- ~~j. The Division Head forwards this recommendation, attached to the completed file, to the appropriate Bureau Head.~~
- ~~k. The Bureau Head reviews the file and recommendation regarding findings and discipline.~~
- ~~l. The Bureau Head ensures that the investigation and report is complete, thorough, and impartial. If it is not, the Bureau Head will articulate any problems and send the case back to the Division Head to address deficiencies.~~
- ~~m. The Bureau Head makes the final decision regarding findings and discipline. If it is determined that the appropriate level of discipline is thirty-nine (39) hours or a level less than or equal to a 39-hour suspension, unless this decision is inconsistent with the Police Reform Bureau Deputy Chief of Police executive staff member shall impose discipline; IAS's findings or with CPOA's findings and recommendation.~~
- ~~n. If the Police Reform Bureau Deputy Chief of Police executive staff member determines that the appropriate level of discipline is forty (40) hours equal to or more of greater than a 40-hour suspension, or if the Chief of Police or Superintendent of Police Reform Bureau Head's decision is inconsistent with the findings of the IAS Division or with the findings and recommendation of the CPOA, the final decision is made by the Chief or Assistant Chief, as explained below shall review the case and make the final decision regarding findings and discipline, and imposition of discipline.~~
- ~~o. Properly document any mitigating or aggravating circumstances, or any deviations from the Chart of Sanctions.~~
- ~~p. If the Bureau Head issues a final decision, he/she routes the file and decision to IAS Division A for its records and imposition of discipline if warranted.~~
- ~~q. If the Bureau Head does not issue a final decision, he/she indicates concurrence or non-concurrence with the proposed findings and recommendation and forwards the file to the Chief or Assistant Chief for final disposition. The Bureau Head ensures that the file includes appropriate documentation regarding any mitigating and aggravating circumstances, deviations from the Chart of Sanctions, and any disagreement with IAS's or CPOA's findings or recommendation for discipline.~~

~~G. Review by the Chief or Assistant Chief~~

- ~~o. The Chief of Police, Superintendent of Police Reform, or their designees shall For all cases in which the Bureau Chief does not issue a final decision, the Chief or Assistant Chief reviews the complete file and recommendations regarding findings and discipline. The Chief or Assistant Chief makes the final determination about findings and the appropriate level of discipline.~~
- ~~p. The Chief or Assistant Chief ensures that any mitigating and aggravating circumstances and any deviations from the Chart of Sanctions are documented appropriately.~~
- ~~q. The Chief or Assistant Chief ensures that the investigation and report is complete, thorough, and impartial. If it is not, the Chief or Assistant Chief~~



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-44 (Formerly 3-24 and 3-45)

P&P Draft 05/18/2022

~~will articulate any problems and send the case back to the Bureau Head to address deficiencies.~~

~~11.~~

~~The Chief or Assistant Chief routes the file and decision to IAS for its records and imposition of discipline.~~

~~12.~~

~~13.2. The Chief have the has discretion over, and whether, and at what level to impose discipline and the discretion to decide the level of discipline that shall be imposed discipline. If the Chief of Police, Superintendent of Police Reform, or their designee's Chief's decision differs from the CPOA's recommendation, they Chief of Police shall sends an Interoffice Memorandum a memo to the CPOA Executive Director within thirty (30) days of the CPOA's recommendation, explaining the reasons why the recommendation was not followed.~~

H.F. Confidentiality and Access

1. ~~Supervisors who review completed administrative investigation cases shall be are~~ responsible for the security and confidentiality ~~of the cases that are reviewed which are~~ in their possession.

~~a.~~

~~b.a. The Supervisors shall store cases and records are stored in a secured secure area, such as a locked drawer or locked office, when they are not being reviewed.~~

~~b. Individuals Department personnel outside the chain of command are prohibited from viewing cases and records.~~

~~c. Employees Department personnel are prohibited from releasing information about these cases outside the chain of command, except for IAS and Records employees who consult with the Legal Department.~~

N/A

2. ~~Department personnel may review their completed administrative investigation cases, consistent with SOP Internal Affairs Professional Standards (IAPS) Division. An employee may review his/her own case file in IAS by contacting IAS.~~