



3-47 ACCEPTANCE OF DISCIPLINARY ACTION AND RIGHT TO APPEAL

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-52 Use of Force: General (Formerly 3-45)
- 3-46 Discipline System (Formerly 1-09)

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 (CBA)
- City of Albuquerque Personnel Rules and Regulations, Section 900 Mediation-Disciplinary Actions-Grievance Resolution and Appeal
- ROA 1994, § 3-1-25 Appeal from Suspension, Demotion and Discharge

D. Rescinded Special Order(s)

- SO 22-12 Amendment to SOP 3-47 Acceptance of Disciplinary Action and Right to Appeal

3-47-1 Purpose

The purpose of this policy is to guide Albuquerque Police Department (Department) personnel in their acceptance of disciplinary action and their right to appeal disciplinary action taken against them.

3-47-2 Policy

It is the policy of the Department to provide methods whereby Department personnel can appeal disciplinary action taken against them.

N/A 3-47-3 Definitions

None



N/A 3-47-4 Rules

A. Right of Appeal

All final disciplinary actions that result in any reprimand, loss of pay, loss of seniority, suspension, demotion, termination, or an allegation of an arbitrary and capricious management decision may be appealed to the Chief Administrative Officer (CAO) as outlined in the City's Merit System Ordinance, Section 3-1-25, or City of Albuquerque Personnel Rules and Regulations, Section 900.

6 B. Acceptance of Findings by Accused

1. Department personnel shall be presented with the final decision letter by the Area Commander/Division Head, Deputy Chief, Superintendent of Police Reform, or the Chief of Police, conducted in accordance with Standard Operating Procedure (SOP) Discipline System and SOP Due Process Notification to Personnel (refer to SOP Discipline System and SOP Due Process Notification to Personnel for sanction classifications and additional duties).
2. Department personnel shall either voluntarily accept or reject the penalties in writing.
 - a. By signing, the employee only acknowledges receiving the document, and does not signify accepting or rejecting the penalties.
3. If Department personnel accept the findings of the final decision, they shall sign the acceptance and the final decision letter shall be forwarded to the Internal Affairs Professional Standards (IAPS) Division.

C. Appeal of Findings/Penalties by Accused

1. If not accepted, Department personnel shall refer to the appropriate provisions for the appeal process in the City's Merit System Ordinance, City of Albuquerque Personnel Rules and Regulations, and/or the employee's current union contract.
2. If an employee has a sustained policy violation and the relative Standard Operating Procedure (SOP) or sanction are revised within six (6) months of discipline being imposed, the employee may write an Interoffice Memorandum to the Superintendent of Police Reform to request that their discipline be reviewed under the new SOP.



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ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATION ORDERS

SOP 3-47

P&P Draft 01/11/2023

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REDLINED