



**2-58 FORCE REVIEW BOARD (FRB)**

**Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

1-61 Internal Affairs Force Division (IAFD) (Formerly 7-2 and 7-3)

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 22-162 Amendment to SOP 2-58 Force Review Board (FRB); Case Review

**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 provide management and oversight of tactical activations and Level 2 and Level 3 use of force.

**N/A 2-58-3 Definitions**

A. Case Sample

The selection of Level 2, Level 3 uses of force and tactical activations that will be reviewed by the FRB. The sample is based on the number of completed Level 2 or 3 use of force investigations and tactical activations in a given month and is a smaller representative portion taken from the total Level 2 and Level 3 uses of force and tactical activations.

B. 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.



C. Concern

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

D. 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.

F. 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, the individual shall have completed FRB and Department-mandated use of force training.

G. Non-voting Attendee

A person without voting authority who is authorized by the FRB Chair to be in attendance and may provide answers within their area of expertise. At the discretion of the FRB Chair, non-voting attendees may ask questions, answer questions from the FRB voting members, and participate in the discussion of matters before the FRB.

H. 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.

I. Referral

An actionable item regarding concerns that requires additional follow-up as determined by the FRB. All referrals shall be assigned to a specific person to remediate.

J. Representative

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



K. Success

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

L. Tactical Activation Case Review

The FRB's review of tactical deployments to analyze and evaluate response protocols according to SOP.

M. Voting Member

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

**7 2-58-4 Composition of FRB**

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 officers at the rank of Deputy Commander or above and designated by the Chief of Police.

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 unit 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 or their qualified designee; and
- c. Attendees 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 prior to service on the FRB:
  - 1. Department-mandated 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.
- C. Non-voting attendees shall review the FRB training.

**7 2-58-6 Member and Attendee Responsibilities**

- A. The FRB Chair or their designee shall:
  - 1. Facilitate the meetings of the FRB;
  - 2. Ensure all FRB members have reviewed case material and voted;
  - 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/non-voting attendee.

- 6** B. FRB unit 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 within fifteen (15) business days of the Board presentation;
  - 3. Monitor the assignment, progress, and closure of referrals generated 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.



- 6** C. A voting member or their designee shall:
1. Review the provided case 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, the voting member shall notify FRB unit administrative personnel via a web-based meeting attendance sheet prior to the meeting and identify the designee who will replace the voting member during the actual meeting of the FRB.

- 6** D. A non-voting member or their designee shall review the provided case material in its entirety prior to attending FRB meetings. This shall not pertain to FRB unit administrative personnel.
- E. The Legal Advisor or their designee shall provide confidential legal advice to the FRB Unit and voting members on the investigation, 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 of non-voting attendees 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. The FRB Chair shall have voting authority to either break a tie or establish quorum. 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 discretion to approve additional individuals to attend and observe an FRB meeting, with the exception of the involved officer(s) of any part of the incident being reviewed. Including involved officer(s) who applied, participated in, or ordered the use of force. An officer(s) who has a relationship with an involved



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-58 (Formerly 2-56)**

**P&P Draft 08/23/2023**

Department employee who is a family or household member, spouse, or domestic partner. An officer(s) who has any other relationship that suggests a potential improper influence upon a voting member.

- 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 who 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. The FRB shall review all uses of deadly force.
3. The FRB shall review all in-custody deaths.
4. The FRB shall review samples of other Level 2 or 3 uses of force, and tactical activation(s) within sixty (60) days of the FRB administrative support staff receiving notification of selected cases due for review. The sixty (60) day deadline for case presentation shall begin on the date that the FRB administrative support staff receives notification for any completed cases for review.

**5**

- a. For uses of deadly force and sampling of Level 2, Level 3 use of force cases, in-custody deaths and tactical activations, the Data Division administrative staff shall send notification to the Force Review Board Unit on the third Monday of each month of all cases that have been closed during the previous month.
5. The FRB shall hear presentations from the IAFD, the Special Operations Division (SOD), and the MATF chain of command and discuss as necessary to gain a full understanding of the facts of the incident(s).
6. The FRB shall determine whether the incident raised misconduct, policy, training, equipment, or tactical concerns and refer such incidents to the appropriate unit within the Department to ensure concerns are resolved.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-58 (Formerly 2-56)**

**P&P Draft 08/23/2023**

**7** 7. On a quarterly basis, the FRB shall review use of force data to discuss trends and patterns identified by the data analyst to improve Department operations with management assistance and accountability.

8. For use of force investigations, the FRB shall determine:

a. If the incident raised misconduct, equipment, policy, tactics, or training concerns.

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

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

**N/A** C. Presentation

1. No officer who was involved in, a witness to, or was investigated for the use of force incident shall be present when a case is presented to the FRB. 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

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 a potential 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 vote, 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, or training 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 the use of additional or other equipment would better address the situation.
- b. Policy: The FRB shall consider whether policy changes are required by law, best practices, or training. Also, the FRB shall consider whether changes should be made to the 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.

7

F. Referrals

1. FRB administrative personnel shall:

- a. Generate and send the referral to the appropriate bureau or division within three (3) business days. 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.

5

2. 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.

5

3. 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 forward it in writing 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.
4. 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.



**2-58 FORCE REVIEW BOARD (FRB)**

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

A. Related SOP(s)

SOP 1-61 Internal Affairs Force Division (IAFD) (Formerly 7-2 and 7-3) None

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

~~SO 18-143 Force Review Board (Tactical Activations Only)~~

SO 22-162 Amendment to SOP 2-58 Force Review Board (FRB); Case Review

**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 provide management and oversight of tactical activations and Level 2 and Level 3 use of force. ~~conduct timely, comprehensive, and reliable reviews of (a) Level 2 and Level 3 use of force investigations to ensure the findings are supported by a preponderance of the evidence, and (b) tactical activations in order to analyze and critique specialized response protocols.~~

N/A

**2-58-3 Definitions**

A. Case Sample

The selection of Level 2, or Level 3 uses of force and tactical activations that will be reviewed by the FRB. The sample is based on the number of completed Level 2 or 3 use of force investigations and tactical activations in a given month and is a smaller. 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. representative portion taken from the total Level 2 and Level 3 uses of force and tactical activations.

A.B. \_\_\_\_\_ 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.C.~~      Concern

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

~~C.D.~~      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.

~~F.~~ 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.~~

~~G.F.~~      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, the individual shall have completed FRB and Department-mandated use of force training.

~~H.~~      Level 2 Use of Force FRB Meeting

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

~~I.~~      Level 3 Use of Force FRB Meeting

~~An FRB meeting that reviews Level 3 uses of force.~~

~~J.~~ Material Discrepancy

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

~~K.G.~~      Non-voting Attendee

A person without voting authority who is authorized by the FRB Chair to be in attendance and may provide answers within their area of expertise 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 the ~~in~~-discussion of matters before the FRB.

L.H. 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.

Observers

~~M.~~ Preponderance of the Evidence

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

N.I. Referral

~~An~~ decision actionable item regarding concerns that requires additional follow-up ~~further action~~ as determined by the FRB. All referrals shall be assigned to a specific person to remediate ~~an identified concern~~.

O.J. Representative

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

P.K. Success

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

Q.L. Tactical Activation Case Review ~~FRB Meeting~~

~~The FRB's~~ shall meeting that review of ~~s all~~ tactical deployments to analyze and evaluate response protocols according to SOP.

R. Case Ten Percent (10%) Sample

~~The selection of Level 2 or 3 uses of force that will be reviewed by the FRB. The ten percent (10%) sample is based on the number of completed Level 2 or 3 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.~~



S.M. \_\_\_\_\_ Voting Member

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

**7 2-58-4 Composition of FRB**

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~~ officers of officer at the rank of Deputy Commander or above and designated by the Chief of Police.:

- ~~a. Deputy Chief of the Management Services and Support Bureau or their designee who completed FRB and Department mandated use of force training;~~
- ~~b. Deputy Chief of the Field Services Bureau (FSB) or their designee who completed FRB and Department mandated use of force training;~~
- ~~c. Deputy Chief of the Investigative Bureau or their designee who completed FRB and Department mandated use of force training;~~
- ~~d. Deputy Chief of the Special Operations Bureau or their designee who completed FRB and Department mandated use of force training;~~
- ~~e. FSB Commander or their designee who completed FRB and Department mandated use of force training; and~~
- ~~f. Academy Division Commander or their designee who completed FRB and Department mandated use of force 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 unit 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 or their qualified designee; and
- c. Attendees ~~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 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 prior to service on the FRB:

- 1. Department-mandated 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.

~~B.C.~~ Non-voting attendees shall review the FRB training.

**7 2-58-6 Member and Attendee Responsibilities**

A. The FRB Chair or their designee shall:

- 1. Facilitate the meetings of the FRB;
- 2. Ensure all FRB members have reviewed case material and voted;
- 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/non-voting attendee representative.

**6** B. FRB unit administrative personnel shall:

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

~~2.~~ Prepare and provide the Chief of Police and Superintendent of Police Reform's Report FRB report to the Chief of Police and Superintendent of Police Reform within fifteen (15) calendar days of the case investigation presentation and within forty-five (45) calendar days of the FRB members reviewing the case receiving the file;

1.



2. Prepare and provide the FRB report to the Chief of Police and Superintendent of Police Reform within fifteen (15) business days of the Board presentation;

3. Monitor the assignment, progress, and closure of referrals generated 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.

**6** C. A voting member or their designee shall:

1. Review the provided case ~~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, the voting member shall notify FRB unit administrative personnel via a web-based meeting attendance sheet prior to the meeting and identify the designee who will replace the voting member during the actual meeting of the FRB.

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

E. The Legal Advisor or their designee shall provide confidential legal advice to the FRB Unit and voting members 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 of non-voting attendees 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





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-58 (Formerly 2-56)

P&P Draft 08/23/2023

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.~~ The FRB Chair shall have voting authority to either break a tie or establish quorum. 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.~~ The FRB Chair has discretion to approve additional individuals to attend and observe an FRB meeting, with the exception of the involved officer(s) of any part of the incident being reviewed. Including involved officer(s) who applied, participated in, or ordered the use of force who 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 a potential improper influence between the voting member and the Department employee.
  - 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 who 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. The FRB shall review all uses of deadly force.
3. The FRB shall review all in-custody deaths.
4. The FRB shall review samples of other Level 2 or 3 uses of force, and tactical activation(s) within sixty (60) days of the FRB administrative support staff receiving notification of selected cases due for review. The sixty (60) day deadline for case



presentation shall begin on the date that the FRB administrative support staff receives notification for any completed cases for review.

~~— For uses of deadly force and sampling of Level 2, Level 3 use of force cases, in-custody deaths and tactical activations, the Data Division administrative staff shall send notification to the Force Review Board Unit on the third Monday of each month of all cases that have been closed during the previous month. every Monday of all those cases that have been closed during the previous calendar week;~~

~~1. If a Monday falls on a holiday, the Data Division administrative staff shall send notification on the next business day following the holiday.~~

~~— 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.~~

~~— The thirty (30) day deadline for case presentation shall begin on the date that FRB administrative support staff receives notification from the IAFD administrative staff of a level 2 or level 3 case that has been closed.~~

~~— For level 2 Use of Force cases, IAFD administrative staff shall notify FRB administrative support staff no later than the 5<sup>th</sup> day of the month for all Level 2 cases that were closed during the previous calendar month.~~

~~2. For level 3 Use of Force cases, IAFD administrative staff shall send a notification every Monday for level 3 Use of Force cases that have been closed during the previous calendar week~~

~~3.~~

~~4. 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.~~

~~a.~~

5

5. The FRB shall hear presentations from the IAFD, the Special Operations Division (SOD), and the MATF chain of command and discuss as necessary to gain a full understanding of the facts of the incident(s).

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

6. The FRB shall determine whether the incident raised misconduct, policy, training, equipment, or tactical concerns and refer such incidents to the appropriate unit within the Department to ensure concerns are resolved.



7

7. On a quarterly basis, the FRB shall review use of force data to discuss trends and patterns identified by the data analyst to improve Department operations with management assistance and accountability.

~~6. The FRB shall review all tactical deployments to analyze and critique specialized response protocols.~~

~~7. The FRB shall review a ten percent (10%) sample of Level 2 use of force investigations closed in the previous month.~~

~~8. 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.~~

~~9.8.~~ 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.a. If the incident raised misconduct, equipment, policy, supervisory, tactics, or training concerns; and~~
- ~~e. IAFD personnel appropriately identified and took corrective action(s) for all discrepancies.~~

~~10.9.~~ 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. No officer who was involved in, a witness to, or was investigated for the use of force incident shall be present when a case is presented to the FRB. 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:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-58 (Formerly 2-56)

P&P Draft 08/23/2023

- 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 a potential 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 vote, 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, or 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 the use of additional or other equipment would better address the situation.
  - b. Policy: The FRB shall consider whether policy changes are required by law, best practices, or training. Also, the FRB shall consider whether changes should be made to the 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.~~



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-58 (Formerly 2-56)

P&P Draft 08/23/2023

- 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 with 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.

7

G.F. 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.~~

~~2.1.~~ FRB administrative personnel shall:

- a. Generate and send the referral to the appropriate bureau or division within three (3) business days. 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.

5

~~3.2.~~ 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.

5

~~4.3.~~ 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 forward it in writing 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.



5.4. 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.