



ALBUQUERQUE POLICE DEPARTMENT
INTERNAL AFFAIRS FORCE DIVISION CURRENT PROCESSES

Revised – April 20, 2023

The purpose of this document is to outline the current investigative process at IAFD to investigate Use of Force cases. This document is intended to fulfill the requirements of Paragraph 13 of the Amended Stipulated Order (Doc. 906) in *United States v. City of Albuquerque*, 14-cv-1025. This document reflects the current investigative process at IAFD.

INTERNAL AFFAIRS FORCE DIVISION CURRENT PROCESSES

ON-SCENE AND ADMINISTRATIVE - USE of FORCE

1. Use of force occurs.
2. The supervisor of the officer(s) that used force will respond to the scene. If the direct supervisor is unavailable or is either involved or a witness to the use of force, another supervisor will respond.
3. The supervisor will issue a direct order that the officers on-scene not speak about the use of force. This direct order occurs either by radio transmission while the supervisor is enroute to the call, or once the supervisors arrived on-scene.
4. The supervisor will visually inspect all involved officers and the individual(s) on whom force was used (referred to as "individual" throughout this document) and shall assess independently for any visible injuries, and where necessary:
 - a. Request Emergency Medical Services ("EMS") if there are visible injuries or a complaint of injury, if not done so already by the officers.
 - i. If the individual is injured or complains of injury, he/she will either be treated at the scene, refuse treatment, or be transported to the hospital by either Albuquerque Police Department ("APD") personnel or by EMS.
 1. If transported to the hospital by APD, the transporting officer will record the starting and ending mileage via the Emergency Communication Center ("ECC"), also known as dispatch.
 - ii. If an employee(s) is injured, he/she will either be treated at the scene, refuse treatment, or be transported to the hospital by APD personnel or EMS.
 1. Supervisors will also contact MedCor for reporting and further directions for employee injury.
5. The responding supervisor will contact the officers and identify all officers who were involved or witnessed the use of force.
 - a. Involved officers are those who participated, ordered, or authorized the use(s) of force.
 - b. Witness officers are those who were on-scene, and either eye witnessed the use of force, directly heard statements made by the individual(s) and/or officer(s) involved during the events leading up to the use of force, during the use of force, or after the use of force, or otherwise could provide material details for the use of force investigation. Additional witness officers may be identified later in the investigation as more evidence and information is available. For example, if there is a Noise Flash Diversionary Device ("NFDD") deployed during a tactical activation and that use of the NFDD is in question, the case agent will identify witness officers to address the inconsistency.
6. The responding supervisor will make a reasonable effort to identify all civilian witnesses. If civilian witnesses have to leave the scene, the responding supervisor will obtain contact information and encourage a written or verbal statement.

7. The responding supervisor or officers on-scene will request a Crime Scene Specialist (“CSS”) to process the scene. This includes taking photographs of the scene, involved officers, the individual(s), and all visible injury(s) of any parties involved in the use of force.
8. The responding supervisor will classify the use of force by talking separately with the involved officers and watching the involved officers’ On-Body Recording Device (“OBRD”) video of the use of force. If needed, he/she will watch the witness officers’ OBRD video to classify properly.
 - a. If the use of force is classified as a level one, the use of force review will remain with the officer’s chain of command or the unit responsible for conducting level one use of force reviews. If the use of force is classified as a level two or three, the supervisor will request, from ECC, the Internal Affairs Force Division (“IAFD”) on-call supervisor telephone number and call the IAFD on-call supervisor.
9. The responding supervisor will report via telephone to the IAFD on-call supervisor the classification of the use of force and all known details about the incident. The IAFD on-call supervisor will ask specific questions of the responding supervisor such as: if they have started their canvass to ensure all material witnesses do not leave the scene before APD can request their written or verbal statement, whether they have ordered the officers not to discuss the actions leading up to the arrest and/or use of force in this incident, or if there were any injuries to either the individual or officers that require medical treatment and if medical treatment has been requested.
10. The IAFD on-call supervisor will determine which detective responds to the scene. IAFD will maintain a roster of three detectives on-call each week. The IAFD on-call supervisor bases their decision on the complexity of the case to avoid overloading any one detective with complex cases such as Special Operations Division (“SOD”) uses of force during a tactical activation, Officer Involved Shooting (“OIS”), or in-custody deaths involving force.
 - a. The IAFD on-call supervisors will respond with the IAFD on-call detective when there is a level two or three use of force involving a tactical activation, OIS, or in-custody death that involves force.
11. The IAFD on-call supervisor will call the IAFD on-call detective, advise him/her of the location of the use of force and any details collected during the initial call between the responding and IAFD on-call supervisor.
12. The IAFD on-call supervisor will then notify the on-call External Force Investigation Team (“EFIT”) supervisor who will assign an EFIT on-call investigator to respond with IAFD to the location of the use of force.
13. The IAFD on-call detective and EFIT on-call investigator will respond to the scene within one hour of the call. EFIT will not respond to the UOF scenes if the on-call investigator is in the EFIT Transition Plan level 3 or 4 (other than an OIS) or specifically requested by an IAFD Supervisor. If the on-call investigator has graduated the EFIT Transition Plan EFIT will not respond unless requested by a Deputy Commander.
14. While waiting for the IAFD on-call detective, the responding supervisor will ensure that officers begin their use of force paperwork. On a very limited basis, when IAFD and EFIT respond to UOF calls and when taking a written statement might not be feasible because of ongoing criminal conduct, the need to respond to other criminal conduct, or for officer safety reasons, and with written authorization of an IAFD Lieutenant or higher with the agreement by the EFIT Lead Supervisor or higher, a verbal statement can be recorded in lieu of the written use of force narrative. If the individual is going to be arrested, the responding supervisor will ensure that booking documents are prepared.

15. Once the IAFD on-call detective and EFIT on-call investigator ("IAFD team") are on-scene, they will verify that the following either has been completed by the responding supervisor and officers or complete it themselves:
- Identify involved officers.
 - Identify witness officers.
 - Identify the individual on whom force was used.
 - Identify civilian witnesses. If any civilian witnesses are on-scene, request either an interview of the witness or a written statement. If a formal witness statement is required due to circumstances surrounding the event, the IAFD/EFIT team will request civilian witnesses respond to and provide the statement at an appropriate location.
 - Determine if the individual is injured by physically checking or asking the individual if they are injured. Request medical attention, if necessary. Conduct a thorough interview with the Individual on whom force was used.
 - If the individual is unable to be interviewed at that time, the IAFD detective will collect as much personal contact information as possible and will conduct the interview at a later date.
 - This does not preclude the interview of an individual under the influence of drugs, alcohol or impairment in any manner.
 - Ensure all involved and witness officers sign written admonishments and collect same for the investigative file. Verify the initial classification of use of force.
 - Ensure a CSS has processed the scene and taken photographs of the scene, officers, and individual(s).
 - Canvass the area for all other evidence, including but not limited to unidentified civilian witnesses, camera footage in the vicinity, etc.
 - Verify and collect the responding supervisor on-scene checklist.
16. If, at any point during the on-scene investigation, the level of force cannot be agreed upon by the assigned IAFD Detective and EFIT Investigator, the on-call IAFD Supervisor will respond to the scene to assist in properly classifying the level of force. For any level 2 or level 3 use of force call-out, that is classified on scene as a level 1 use of force, the classification will be reviewed (within 24-hours) by the EFIT Lead Supervisor to determine whether the UOF was properly classified.
17. If, at any point during the on-scene investigation, the IAFD on-call team identifies potential misconduct, the IAFD detective will initiate a misconduct investigation by entering an Internal Affairs Request ("IAR") through Blue Team within 24-hours. Note: this can occur at any point during the investigation. (See *MISCONDUCT*).

18. If, at any point the use of force is identified as potentially criminal, the IAFD Commander and EFIT Administrator will be notified both telephonically and via email and provided a synopsis of the case. Upon review, if the IAFD Commander concurs with the assessment, the IAFD Commander will refer to the Multi-Agency Task Force ("MATF") through the MATF Commander via email. This can occur at any point during the investigation.
 - a. Any potentially criminal referral will have a corresponding misconduct IAR for the misconduct administrative investigation. (See *MISCONDUCT*).
19. The involved or witnessing officers will complete their use of force narrative by the end of their shift. Responding supervisors will review and approve officer narratives for accuracy, detail, and completion. Narrative forms will be submitted via email to the IAFD on-call team by the end of the shift.
20. The responding supervisor will complete the Supervisory On-Scene Investigation form. This is submitted by the end of the shift and emailed to the on-call IAFD detective.
21. On-scene follow-up may be required by the IAFD detective based on the need for material evidence collection such as camera footage unavailable at the time of the call-out.
22. The IAFD on-call detective will begin the Evaluative Data form. This is an inventory of all of the evidence collected for the case. As soon as practicable, but no later than 24-hours after the call-out, the IAFD detective will enter the use of force in Blue Team. In the case of a technology or server failure, the IAFD on-call detective will send an email to the Executive Director of Police Reform, attaching the Evaluative Data Form in the email, which will serve as the 24-hour notice. The IAFD on-call detective will include the email in the case file for proof of 24-hour notification. The entry includes basic information about the use of force case which is sent to the Executive Director for the 24-hour notification required for every level two and level three use of force. This entry is also sent to the IAFD administrative staff and the IAFD chain of command to include the Executive Director.
23. The IAFD team will meet with the IAFD immediate supervisor the next business day following the call-out to brief them regarding the use of force. This includes reviewing the reported use of force portion of OBRD video together.
24. The IAFD on-call detective will upload his/her OBRD video the next business day and prior to meeting with their supervisor.
25. The IAFD administrative staff shall receive the initial Blue Team entry from the IAFD detective. IAFD administrative staff shall request photographs taken by the CSS from the Scientific Evidence Division (SED) photo lab through Blue Team. The SED will upload the photographs in Blue Team and send them back to the IAFD administrative staff.

26. The IAFD administrative staff accepts the case from Blue Team into IAPro. Blue Team feeds into IAPro and IAPro feeds into the data warehouse.
- a. The IAFD administrative staff will assign a file number (or force number) to the use of force in IAPro. There are multiple entry types allowed in IAPro and Blue Team. Many of these entry types may be utilized in one case and are linked together in IAPro. For example, vehicle pursuits can result in a use of force, misconduct, and a job well done; therefore, all four will be linked in IAPro. Also, the K-9 Unit enters all deployments into Blue Team. It should be noted that all K-9 deployments do not result in a K-9 bite. When there is a K-9 bite, the linked data will include a K-9 deployment entry and a use of force entry.

Below are examples of entry types:

Civilian Police Complaints (CPC) = CPC2021-000000

Force Internal Investigations (FII)/IAFD investigated misconduct = FII2021-000000

K9 Utilization = K92021-000000

Force = F2021-000000

Award Nominations = AN2021-000000

Vehicle Crashes = VC2021-000000

Internal Investigations (IAPS misconduct) = I2021-000000

Non-Force = NF2021-000000

27. The case will remain in IAPro until assigned to a case agent. Case agent assignments shall be made expeditiously.
28. Once the case is assigned, the administrative staff will send the case to the case agent in both IAPro and Blue Team. The case agent will receive the case in both platforms as Blue Team houses use of force injury and applications data. The remainder of the case is in IAPro. The case agent will organize cases in IAPro using sub-folders such as IAFD interviews, extensions, admonishments, and OBRD.
29. The case agent will cooperatively work with the assigned EFIT investigator. IA force and EFIT personnel shall jointly conduct investigations of all Level 2 and Level 3 uses of force, subject to the exception in Paragraph 23 of the stipulated agreement (Doc. 702). IA force and EFIT personnel shall jointly investigate and review all Level 2 and Level 3 uses of force in a manner that is consistent with the requirements of the CASA, APD policy, and the CBA.
30. Within 72 hours of the use of force call-out, and on an ongoing basis, the case agent will provide EFIT all evidence collected, and EFIT will acknowledge receipt of all evidence.

CASE AGENT – USE of FORCE

31. The case agent and EFIT Investigator will review all collected evidence. This includes reports, OBRD video, civilian witness statements, etc. The amount of time spent on evidence review varies by the volume of evidence for each case, specifically OBRD video footage.
32. If, at any point during the investigation, the IAFD detective and/or EFIT investigator identifies potential misconduct, the IAFD detective or EFIT investigator will initiate a misconduct investigation by entering an IAR through Blue Team as soon as practicable, but no later than 24-hours after identification. (See *MISCONDUCT*).

33. The case agent and the immediate supervisor will meet to discuss the investigative plan (with input from the EFIT investigator) and drafted by the immediate supervisor within three business days of the case assignment. The investigative plan is designed to create benchmarks throughout the investigative process to ensure cases are completed within timelines, to keep supervisors informed, and to identify any issues as early in the investigation as possible. This includes reviewing evidence, scheduling, preparing and conducting interviews, and case analysis and write-up. An integral part of the investigative plan involves the immediate supervisor earlier in the investigative process to allow for closer supervision and collaboration between the supervisor and the detective.
- a. An important part of the investigative plan is developing interview questions based on policy, potential policy violation(s), and the evidence of the case.
 - b. The investigative plan will be uploaded into IAPro, by the case agents' immediate supervisor.
 - c. It is imperative that this investigative plan be updated weekly until the case is submitted to the immediate supervisor as investigative steps are completed.
 - d. The EFIT Lead Supervisor will attend, at a minimum, bi-weekly case status meetings. The case status meetings will be led by the IAFD Commander, or designee, and will include all case agents, EFIT investigators and IAFD supervisors. The EFIT Lead Supervisor will observe the meeting and provide guidance as needed.
34. The case agent, with the guidance and participation of the EFIT investigator, will conduct in person interviews with involved and, if needed, witness officers (except as outlined in the EFIT Transition plan). The interviews are to be audio and video recorded. During those interviews, the IAFD interview script shall be read into the record, which includes introduction, breaks off the record, and conclusory language. In the event a break is taken during the interview, the case agent will record the date and time and the reason for taking the break. Once back on the record, the date and time will be stated again. The date and time of the conclusion of the interview will also be stated on the record.
35. The case agent will complete the Investigative Data form, which includes data necessary for CASA requirements.
36. The case agent will complete the Evaluative Narrative form, which includes the overall investigation in chronological order, including the analysis of each use of force.
37. The case agent will upload all collected evidence into IAPro, to include all forms and links. At this time, the case agent will also make any necessary updates in Blue Team as all of the applications of force and injuries are captured in that system.

38. The case agent will submit the case to the immediate supervisor for review in IAPro within 60 days.
39. Pursuant to the stipulated Order (Doc. 702 par. 23), EFIT shall be authorized to complete investigations and supervisory reviews of investigations of Level 2 and Level 3 uses of force without the involvement of IAFD if EFIT or APD has alleged that the IAFD personnel assigned to the investigation has committed misconduct during the course of the investigation, and it is likely to undermine the investigation; or if EFIT or APD believes that deficiencies in the tactics or work product of IAFD is likely to prevent the investigation from being completed within proscribed deadlines.
40. The EFIT Administrator, through the Lead Supervisor, will be immediately notified of such situations described. The EFIT Administrator will immediately, upon said briefing, notify the IAFD Commander.

SERGEANT/LIEUTENANT

41. The immediate supervisor will receive the case via IAPro. If there is a force and a misconduct case, they may not be received at the same time.
42. The immediate supervisor will meet with the case agent to discuss, draft the investigative plan and any subsequent revisions. (*See Case Agent – USE of Force section, #31*).
43. If the immediate supervisor finds additional misconduct, the misconduct will be reported via an IAR through Blue Team. (*See MISCONDUCT*).
44. The immediate supervisor will review the case agent's investigation for accuracy, completeness, and based on the investigation, determine the findings. This includes viewing OBRD videos.
45. In addition to the investigative plan meetings, the immediate supervisor will meet with the case agent to discuss any questions he/she may have regarding the case.
46. If there are any revisions or corrections that need to be made to the case, to include the Blue Team entry, the immediate supervisor will return the case to the case agent via IAPro. The case agent will notify the EFIT counterpart if follow-up investigation is required.
47. Depending on the type of corrections needed, the immediate supervisor will assign the case agent a deadline to make those changes and re-submit the case to the immediate supervisor through IAPro.
48. The immediate supervisor will complete the IAFD Chain of Command Review Form. This document includes findings, additional follow-up documentation if needed, and coaching elements for the case agent to aid future investigations.
49. The immediate supervisor will upload the IAFD Chain of Command Review into IAPro and review Blue Team for accuracy.
50. The immediate supervisor will route the case to an IAFD commanding officer via IAPro.

DEPUTY COMMANDER OR COMMANDER

51. The deputy commander or commander will receive the case in IAPro.
52. The deputy commander or commander will review bookmarked OBRD videos.
53. The deputy commander or commander will review the case to ensure that the findings are supported by the preponderance of the evidence.
54. The deputy commander or commander will route the case back through the chain of command for revisions via IAPro if necessary.

55. Depending on the kind of corrections needed, the deputy commander or commander will assign a deadline by which to make those changes and re-submit the case to the deputy commander or commander through IAPro.
56. The deputy commander or commander may provide additional feedback for future performance of IAFD staff either in person or via email.
57. Once the case is reviewed by the deputy commander or commander, they will determine if the case is thorough, objective, and complete, and the deputy commander or commander will complete the IAFD Commander Force Review form.
58. The deputy commander or commander will route the case to the administrative staff and the EFIT Lead Supervisor via IAPro advising it is closed and if the use of force case is in or out of policy.
59. Roundtable meetings will be utilized for complex cases to include all levels of IAFD and EFIT.

ADMINISTRATIVE STAFF

60. The IAFD administrative staff will receive the completed case from the deputy commander or commander in IAPro.
61. The IAFD administrative staff will review the file to ensure that all necessary documents are present. The administrative staff does not review the contents of the documents.
62. The IAFD administrative staff will use the date the use of force case was submitted by the deputy commander or commander as the case closed date.
63. The IAFD administrative staff will close the case in IAPro.
64. Once cases are closed via the IAFD administrative staff, each level two and three use of force is stored in the data warehouse. As of May 2021, the FRB staff has a dashboard which includes closed use of force cases within a selected date range and available for selection for FRB presentation. (See SOP 2- 58, *Force Review Board and City Ordinance 9-4-1-4C3 Civilian Police Oversight Agency*).

MISCONDUCT

65. Both Internal Affairs ("IA") divisions use IAPro for misconduct cases and each misconduct case is linked to the corresponding force case in IAPro.
 - a. Once the IAR is submitted to the Internal Affairs Professional Standards ("IAPS") Division, IAPS will intake the IAR and determine if IAFD investigates the misconduct.
 - i. If IAPS determines that IAFD investigates the misconduct, the IAR will result in a misconduct investigation or "I," which means the misconduct investigation timeline commences on that date.
 1. IAPS will submit the FII to IAFD for the case target letter(s), assignment, and completion.

2. In most instances, the FII will return to the original IAFD investigator unless the case needs reassignment.
 3. IAFD will complete an IAR when an initial policy violation is identified.
 - a. As additional policy violations are identified, additional policy violations will be added to the original FII, after conferring with the immediate supervisor, not to exceed 24-hours after identification.
 - b. Regardless of who investigates the misconduct, that portion will be bifurcated from the force investigation and documented to separate the force investigation from the misconduct investigation.
66. The misconduct case will follow the same investigative steps as a use of force investigation. Each case will be reviewed by the IAFD chain of command.
67. For sustained violations, after the IAFD commanding officer completes his/her review and approval of the misconduct case, the deputy commander/commander will complete a Disciplinary Action Packet ("DAP") which includes recommended disciplinary action. The IAFD deputy commander/commander sends the DAP via email to the IAPS Investigative Manager to review. The purpose of this review is to ensure IAFD includes IAPS in the misconduct process so both divisions are providing similar work product.
68. Once IAPS completes and returns their portion of the DAP, the IAFD deputy commander or commander forwards the case in IAPro to the IAFD administrative staff for the thirty-day chain of command review.
69. The Deputy Director or Executive Director will make the final decision if the level of discipline is thirty-nine hours or below.
 - i. If the level of discipline exceeds forty hours, the Executive Director will make the final decision.
70. Once the final decision is documented, the misconduct case will be returned to the IAFD administrative staff to close. (See *SOP 3-46 Discipline System*).