

ALBUQUERQUE POLICE DEPARTMENT
* ADMINISTRATIVE ORDERS*

Effective:3/16/2011; Replaces: 06/23/2006
AOR

**3-24 REVIEW OF COMPLETED ADMINISTRATIVE
INVESTIGATION CASES**

POLICY:

Department policy is to thoroughly review each completed Citizen Police Complaint and Internal investigation case at all levels of command.

RULES:

3-24-1 REVIEW AND FORWARDING OF COMPLETED CASES
[5]

After the Internal Affairs Unit (IAU) completes a case, the IAU investigator shall forward the case to the Commander/Manager of the accused employee.

3-24-2 CASE REVIEW BY THE CHAIN OF COMMAND
[7]

The Commander/Manager should review the identified SOP sections and may add additional SOP Sections if appropriate. The Commander/Manager may request additional information from the effected employee's chain of command to assist him/her in making a determination. The Commander/Manager should then make a finding of sustained, not sustained, unfounded or exonerated for each SOP section with a brief explanation of the factual basis for the finding.

The Commander/Manager, with input from the effected employee's chain of command, shall make a recommendation as to what discipline, if any, should be imposed. The Commander/Manager should list all mitigating and aggravating circumstances which were considered. If the Commander/Manager recommends a level of discipline outside of that suggested by the Chart of Sanctions, the Commander/Manager must include a written justification for the deviation. The Commander/Manager will then be required to forward his/her recommendation along with the complete file to the Deputy Chief of Police. Under normal circumstances, the entire process shall not take longer than five days from the time of receipt until the time it is delivered to Internal Affairs.

In order to ensure that all cases are kept confidential, Commander/Managers will store all completed cases in a secure area while in his/her possession.

3-24-3 CASE REVIEW BY THE INTERNAL AFFAIRS UNIT
[N/A]

The Internal Affairs Unit will review the recommended discipline and certify if it is consistent with past discipline for similar findings.

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3-24-4 **CASE REVIEW BY THE INDEPENDENT REVIEW OFFICER**
[N/A]

The Independent Review Officer shall review the case and shall indicate by letter whether the investigation was objective, fair, impartial, free from political influence, and otherwise in compliance with the Independent Counsel Ordinance, and shall make recommendations as to whether disciplinary action should be taken. The IRO will then return the case and letter to the Internal Affairs Unit.

3-24-5 **FINAL CASE REVIEW**
[N/A]

Upon return of the case from IRO, Internal Affairs will forward the case and IRO's recommendation(s) to the Deputy Chief/Deputy Director/Area Commander of the accused employee. The Deputy Chief/Deputy Director/Area Commander shall review the case, the supervisors' recommendations, and the IRO's findings.

- A. If the Deputy Chief/Deputy Director/Area Commander concurs with IRO but modifies the chain's recommendation, the division commander and Internal Affairs shall be notified. The division commander shall take the necessary action in accordance with the Deputy Chief/ Deputy Director/Area Commander's decision.

- B. If the Deputy Chief/Deputy Director/Area Commander's recommendations do not concur with those of the IRO, the Deputy Chief/Deputy Director/Area Commander will notify Internal Affairs in writing. At that time, the appropriate Deputy Chief/Deputy Director/Area Commander will direct his/her staff to arrange for a meeting between the Deputy Chief/Deputy Director/Area Commander (and/or the Chief), the IRO, and the Internal Affairs Lieutenant to discuss and possibly reconcile any differences.
 - 1. Internal Affairs Lieutenant or designee will attend said meeting to answer or address administrative review issues.

 - 2. If the meeting does not produce a concurrence and/or compromise, Internal Affairs will be notified and written documentation of recommendations by both sides will be forwarded, with the case, to the Chief of Police for review and final disposition.

 - 3. If the final decision by the Chief does not concur with IRO's findings, a letter will be sent by Internal Affairs to the Chief Administrative Officer to advise of the non-concurrence (as per Directive #3; Ordinance 0-61).

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3-24-6 FINAL DECISION AUTHORITY
[N/A]

- A. The Division Heads and Bureau Deputy Chiefs/Deputy Director have the authority to make the final decision on disciplinary actions not exceeding a 5-day suspension.
- B. For disciplinary actions in excess of a 5-day suspension, including demotions and terminations, only the Chief of Police has the authority to make the final decision.