



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-30

Effective: 04/25/16 Expires: 10/22/16 Replaces: 09/26/02

3-30 FORCE REVIEW BOARD

3-30-1 Purpose

The purpose of this policy is to define the role of the Force Review Board in reviewing use of force investigations, tactical deployments, and use of force statistics and trends.

3-30-2 Policy Statement

Department policy is to review the use of force and tactical deployments to determine compliance with department policy and constitutional policing. And, further, to recognize any additional needs as they pertain to training, equipment, policy, tactical deployment, discipline, and investigations. The review process will determine if officers are properly trained and properly using their training; if policies reflect current best practices for law enforcement; if discipline, imposed when required, is fair and consistent; and if investigations are conducted in a fair, timely, comprehensive, and reliable manner. Therefore, the Department establishes the Force Review Board (FRB) to put this policy into effect.

3-30-3 Procedures

A. Force Review Board Appointments and Meetings

1. The FRB is chaired by the Assistant Chief of Police and comprised of at least the following members (or their designee with the approval of the Assistant Chief of Police):
 - a. Assistant Chief of Police
 - b. Deputy Chief of the Investigative Bureau
 - c. Deputy Chief of the Special Services Bureau
 - d. Two Field Services Bureau Majors
 - e. Academy Director/Major
 - f. APD Legal Advisor
 - g. The Director, CPOA
 - h. APOA representative (this representative will not participate in discussions or votes that could affect application of discipline in any case)
 - i. Use of Force Instructor from APD Academy
 - j. A patrolman first class officer
 - k. A sergeant
 - l. A lieutenant
 - m. Any other as determined by the Chief of Police
2. The patrolman first class officer, sergeant, and lieutenant are appointed by the Chief for one year positions.
3. FRB meets monthly and as scheduled by the Assistant Chief of Police to address the responsibilities described in this policy.



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- a. Case packets are distributed to members one week before the meeting.
 - b. The Assistant Chief will prepare an agenda, identifying the cases under review, any status reports due responding to recommendations made at prior FRB meetings, statistical reports being reviewed, and any other pending matters before the board.
 - c. Administrative staff will keep minutes of each meeting.
 - d. Attendance by members is mandatory and attendance will be excused only for good cause. In the case of a member's absence, the member may send a designee with the approval of the Assistant Chief of Police
 - e. Seven members constitute a quorum.
 - f. A majority vote of members present is required for taking substantive action.
 - g. Each voting member will complete a case review sheet for any deployment or use of force case presented to the FRB.
4. If approved by the Assistant Chief of Police, the following persons may attend Force Review Board meetings in a non-voting capacity:
- a. Executive Director of the Administrative Support Bureau (Administrative Compliance)
 - b. Involved employees' commander (consultation role only)
 - c. Subject Matter Expert (consultation role only)
 - d. Any officer at the rank of Commander or above
 - e. Administrative or other staff requested by the Assistant Chief of Police
5. The officer(s) who used force or who is/are otherwise subject(s) of an Internal Affairs investigation will not be present.
- B. Responsibilities:
1. FRB will review all Internal Affairs Division serious use of force administrative cases within 30 days of receiving the case report.
 - a. FRB will review the written case report;
 - b. FRB will receive an incident presentation by the lead investigator from the Critical Incident Review Team (CIRT).
 - c. FRB will discuss the report and question the investigator so as to get a clear understanding of the incident giving rise to the report. The FRB will ensure each member has a full understanding of the facts and circumstances surrounding the incident;
 - d. FRB will evaluate:
 - i. Whether the investigation is thorough and complete
 - ii. Whether the force was consistent or inconsistent with department policy and training
 - iii. Whether the investigator's findings are supported by a preponderance of the evidence
 - iv. Whether, with the goal of continual improvement, there are considerations that need to be addressed regarding:



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 - Tactics (including de-escalation and best practices)
 - Training
 - Policy
 - Supervision
- v. Whether the chain of command appropriately identified and took actions to correct any deficiencies in the way the incident was handled
- vi. Whether the chain of command appropriately identified and took actions to correct any deficiencies in the investigation or report
- vii. Confirm that uniform standards were applied in use of force investigations and discipline
- viii. Identify instances, trends, or patterns of deficiencies regarding policy, training, equipment, or tactics.
- ix. Monitor all aspects of the department's use of force practices with the goal of continual improvement.
- e. In all cases where the FRB determines the investigation of the case is deficient, or the findings are not supported by a preponderance of the evidence, the FRB will document their concerns and order additional investigation.
- i. Documentation of FRB's concerns and orders will be attached to the use of force investigation.
 - ii. All evidence supportive of the FRB concerns will be explicitly stated in this documentation.
- f. Should the FRB determine a use of force violates APD policy, or principles of constitutional policing, and that this violation was not already addressed by the investigator, the FRB will document the violation and forward it to the Chief of Police and Internal Affairs Division for further investigation, if needed, and corrective and/or disciplinary action as necessary, including training, removal from the unit, or progressive discipline.
2. FRB will review all Investigative Response Team (IRT) serious use of force criminal cases within 30 days of receipt of the investigation. IRT will coordinate with the Internal Affairs Division to submit related cases to reviewed at the same meeting. Criminal cases will be reviewed in the same manner as Internal Affairs Division serious use of force administrative cases except as follows:
- a. Presentations are done by the lead IRT investigator.
 - b. The criminal investigation will not contain findings or be evaluated by a preponderance of the evidence. Rather, these cases are to be prepared and evaluated for the thoroughness and quality expected of cases submitted to the District Attorney.
3. FRB will review a random sample of supervisory force investigations approved by Commanders every 90 days.
- a. Internal Affairs Division will use a random number generator to select 10% of supervisory force investigations approved by commanders in the previous quarter.



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- b. The IA lieutenant will compile the case information for FRB review and will provide a brief overview of the investigation.
 - c. Other than the presentation and presence of the lead investigator, FRB will evaluate cases in the same manner as Internal Affairs Division serious use of force administrative cases.
4. FRB will review each tactical deployment (SWAT or K-9) in order to evaluate what went well and what could have been handled differently.
- a. The tactical lieutenant or commander will make a presentation regarding the deployment and outcome.
 - b. With the goal of continual improvement, FRB will consider whether there are needs to be addressed regarding:
 - Equipment
 - Tactics (including de-escalation and best practices)
 - Training
 - Policy
 - Supervision
5. The FRB will review quarterly reports of statistics and analysis of all use of force incidents to identify trends, patterns, and other statistical analysis to identify potential deficiencies in policy and/or implementation of policy or best practices for law enforcement. Internal Affairs Division will prepare and present these reports.
6. For all types of cases reviewed, the FRB will identify, document, and forward all issues of concern regarding equipment, tactics, training, policy, and supervision to the applicable division Major/Commander.
- a. In evaluating concerns regarding equipment, FRB will consider whether the officer had access to the right equipment to resolve the situation, whether any equipment used appeared to function properly or improperly, whether changes in equipment type should be made in the future, and whether policy and training adequately address the equipment officers will use in similar situations.
 - b. In evaluating tactical issues, FRB will consider whether the officer's decision-making properly considered de-escalation opportunities, timing and space considerations, best practices, safety of the subject, officer safety, and the safety of the public.
 - c. In evaluating issues of concern regarding training, FRB will consider not only whether the involved officer should receive additional training, but also the scope of training and whether all officers should receive some additional training. If additional training is recommended for all officers, the Assistant Chief of Police will give this recommendation to the director of the APD Academy.
 - d. In evaluating issues of concern regarding policy, FRB will consider whether the policy is appropriate as applied to the incident, and whether changes should be made to policy either to clarify an ambiguity or to modify the policy as it applies to situations similar to the one under review. If changes to the policy are recommended, the Assistant Chief of Police will make the appropriate recommendation to the SOP liaison.



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- e. In evaluating issues of concern regarding supervision, FRB will consider whether the supervisory response was appropriate, consistent with policy and the principles of constitutional policing, and exemplified the department's core values of integrity, respect, fairness, and pride.
- f. Unless FRB assigns responsibility to another person, the Major/Commander of the affected division is responsible for addressing all issues forwarded from the FRB and respond in writing documenting corrective measures.
- g. If the assigned Major/Commander is not present at the FRB meeting to receive the assignment, the Assistant Chief of Police will contact the Major/Commander after the meeting to make the assignment.
- h. The Major/Commander will submit the response addressing all issues to the Assistant Chief prior to the next FRB meeting.
- i. In reviewing the response at that next meeting, FRB may require the Major/Commander to make six month, annual, or other follow-up reports as needed to ensure implementation of FRB's recommendations.

3-30-4 Reports and Records

1. Within fifteen days of each FRB meeting, the Assistant Chief will compile the FRB members' case review sheets and the meeting minutes into a report for each case presented, identifying the FRB findings and recommendations. These reports will be submitted to the Chief for approval.
2. Internal Affairs shall be the custodian of all FRB reports and records.