



1-1 PERSONNEL CODE OF CONDUCT

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-4 Biased-Based Policing/Profiling
- 1-5 Harassment/Sexual Harassment in the Workplace
- 1-10 Peer Support Program
- 1-11 Behavioral Sciences Section
- 2-2 Department Property
- 2-5 Use of Police Vehicles
- 2-8 Use of On-Body Recording Devices
- 2-16 Records
- 2-81 Off-Duty Conduct: Power of Arrest
- 3-31 Physical Fitness Testing and Training
- 3-41 Complaints Involving Department Policy or Personnel

B. Form(s)

- Department of Technology and Innovation Mobile Device Policy and Procedures
- Employee Self Service Portal Outside Employment Form
- Employee Self Service Portal Personal Information
- PD 2047 Armed Forces Membership Notice

C. Other Resource(s)

- Albuquerque, N.M., Administrative Instructions
- Albuquerque, N.M., Code of Ordinances (1994)
- Albuquerque, N.M., Conflict of Interest; Employees, § 3-3-5 (1994)
- Albuquerque, N.M., Merit System Ordinance, art. X (1994)
- Albuquerque, N.M., Harassment/Sexual Harassment Policy (2020)

- City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement
- City of Albuquerque Personnel Rules and Regulations (2001)
- N.M. Const.
- N.M. Stat. Ann. § 10-16-1 et seq. Governmental Conduct
- N.M. Stat. Ann. § 30-23-1 et seq. Misconduct by Officials
- N.M. Stat. Ann. § 30-25-1 et seq. Perjury and False Affirmations
- N.M. Stat. Ann. § 30-26-1 et seq. Interference with Public Records
- N.M. Stat. Ann. § 24-16-1 et seq. Dee Johnson Clean Indoor Air Act
- N.M. Stat. Ann. § 40-13-1 et seq. Family Violence Protection
- U.S. Const.
- United States of America v. City of Albuquerque, No. 1:14-cv-01025 – Document 465 (D.N.M. 2019)



D. Rescinded Special Order(s)

None

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~~Add supervisor policy to this related SOP's~~

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1-1-1 Purpose

~~The purpose of this policy is to establish rules a Code of Conduct for all Department personnel to follow to assure the Constitution is upheld and the rights of all citizens are protected to create safe and secure community.~~

It is the purpose of this policy to embody the mission statement of the Albuquerque Police Department provide specific guidelines of the standards of conduct for- (Department) by providing the Albuquerque Police Department (Department) embodied the mission statement, sworn and non-sworn so that personnel officers have a clear understanding of expectations pertaining to conduct and activities while on and off duty clear expectations for professional standards of conduct on- and off-duty. The Department shall hold personnel accountable to the community and to the organization.

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1-1-2 Policy

It is the policy of the Department to achieve its vision statement, which is an Albuquerque where citizens and the police department work together through mutual trust to build a thriving community. It is also the policy of the Department to uphold its mission statement, which is -to reduce crime, increase safety, and build relationships through community policing. -

~~The Department's mission is to assure a safe and secure community by developing a police force that upholds the Constitution and protects the rights of all citizens, and through the~~



~~shared responsibility of police personnel, government leaders, and the overall community. It is the policy of tThe Department for Department personnel whether sworn or nonsworn to preserve the peace and protect our community through community oriented policing, with fairness, integrity, pride and respect. fairly enforces the laws and protects the lives, property, and safety of Albuquerque citizens, victims, offenders, and its law enforcement officers. In partnership with the community, the Department engages in constitutional policing to promote public safety, and it enforces all laws to reduce crime.~~

~~Department personnel, whether sworn or nonsworn, are expected to follow thea prescribed rulescode of conduct and to act responsibly whether on or off duty. The Department will hold all personnel accountable for their actions, particularly when those actions reflect adversely on the Department or result in an appearance of impropriety or conflict of interest that may violate the public trust and erode the public's confidence in the Department.~~

~~1-1-3~~ 1-1-3 **Definitions**

~~A.~~ Conduct Unbecoming

~~Conduct on the part of an officer or employee that is contrary to the interests of the public served or the mission of the Department. Any conduct which adversely affects the morale, operations, or efficiency of the department or any conduct which has a tendency to adversely affect, lower, or destroy public respect and confidence in the department, or any officer or employee. Conduct unbecoming also includes any conduct which brings the department or any officer or employee into disrepute or brings discredit upon the department, or any department personnel. Department personnel shall conduct themselves at all times, both on and off duty, in such a manner so as to reflect most favorably upon the department. Behavior that may cast doubt on the integrity, honesty, moral judgment, or character of any Department personnel; tends to bring discredit to the agency; or impairs the agency's efficient and effective operation.,,~~

~~B.A.~~ Conflict of Interest

~~A conflict of interest exists when an employee's personal interest in a transaction, business dealing, or an obligation owed to someone else conflicts with the employee's obligation to the Department or City of Albuquerque. ,,~~
~~The use of powers or resources of the position to obtain personal benefits to pursue private interests as opposed to using those powers or resources only to advance public interest. Arises when an employee's personal interest in a transaction, business dealing, or an obligation owed to someone else conflicts with the employee's obligation to the Department or the City of Albuquerque. This includes using one's position as an employee of the Department or City to advance personal or financial gain or advantage, based on possessing sensitive information gained during employment. In addition, a conflict of interest can arise when one's personal conduct impacts the Department's official business, reputation, and compliance with official and~~



~~regulatory obligations. All employees must comply with all Department policies, governmental regulations, and state and federal laws at all times.~~

~~C. Controlled Substances~~

~~A drug which federal, state, or local law has declared to be illegal for sale or use but may be dispensed under a physician's prescription. The basis for control and regulation is founded on the danger of addiction, abuse, physical and mental harm, possible death, illegal trafficking and dangers posed by those who have used the substances.~~

~~Prohibited drugs or substances for sworn or nonsworn members of the Albuquerque Police Department shall include marijuana, cocaine, opiates, amphetamines, phencyclidine, barbiturates, benzodiazepines, methadone, methaqualone, propoxyphene, and anabolic androgynous agents at levels at or above the minimum thresholds specified in Appendix A of Part 1 of this defined in the City's Substance Abuse Policy.~~

~~D. Felony~~

~~A crime is a felony if it is so designated by law or if upon conviction thereof a sentence of death or of imprisonment for a term of one year or more is authorized. NMSA 30-1-16(A).~~



~~E.~~B. _____ Fraternalization

A romantic relationship between Department personnel, including sworn personnel, civilians, and police cadets, that results in an actual or reasonably perceived adverse impact on matters such as the chain of command; the authority or objectivity of a supervisor; or the impartial participation in and application of departmental goals or activities. Such inappropriate relationships include, but are not limited to, sexual relationships between employees of the same chain of command, including civilian personnel and police cadets, or any personal relationship that may reasonably appear to be unprofessional, exclusionary, inappropriate, or preferential amongst all Department personnel. ~~Fraternalization relates to prohibited personal relationships between Department employees of different ranks and positions. Fraternalization involves improper relationships, ranging from overly casual relationships to friendships to romantic relationships. When fraternization occurs between employees of different hierarchical pairing, it can potentially undermine the chain of command, order, and discipline. The Department training policy and other policies forbid improper fraternization between employees and police cadets.~~

~~F.~~ _____ Official I.D. identification Card/Badge (ID Card)

~~It is the official identification card, provided to personnel upon hiring, which will be returned to Payroll upon termination of employment. The ID Card is an official credential for personnel, which authorizes access to restricted areas. It is the official employee identification card, provided to the employee upon hiring, which will be returned to Payroll upon termination of employment.~~

~~G.~~C. _____ Insubordination

Willful or intentional disobedience of a lawful and objectively reasonable directive by a supervisor or disrespectful ~~or harassing~~ conduct directed ~~to~~ towards any Department superior. ~~Defiance of authority. Refusal to obey an order, whether verbal or written.~~

~~H.~~ _____ Misdemeanor

~~A crime is a misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment in excess of six months but less than one year is authorized. NMSA 30-1-16(B).~~

~~I.~~D. _____ Order of Protection

An injunction or a restraining or other court order granted for the protection of a victim of domestic abuse as defined in N.M. Stat. Ann. § 40-13-1 et seq.



~~A court order directing a respondent to stay away from another person and not to commit any act of stalking, domestic abuse, harassment, or sexual abuse.~~

E. Prohibited Personal Relationship

A dating or intimate relationship ~~A~~ between a supervisor and any Department personnel within their same chain of command ~~continuing dating or intimate relationship.~~

F. Relative

~~J.~~

Includes spouse, child, stepchild, mother, father, grandparents, grandchild, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, son-in-law and daughter-in-law. The term also includes ~~applies to a domestic partner and the mother, father, brother, sister, child, stepchild, grandparents or grandchild of the domestic partner.~~

~~K.~~ G. Retaliation

Conduct or action designed to serve as retribution against another, including any deliberate, purposeful actions or failures to act that cause or could reasonably expected to cause ~~or expected to cause,~~ physical harm, property damage, significant emotional stress, or some other serious negative ~~effect~~ outcome. Includes intentional ~~adverse conduct towards any individual or group, not otherwise authorized by law or policy, in response to the individual or group's behavior.~~

H. Supervisor

Sworn Department personnel at the rank of sergeant or above (or anyone acting in those capacities) and non-sworn Department personnel with oversight responsibility for other personnel.

~~L.~~ Unprotected Speech

~~Speech which is not a matter of "public concern" and is not protected by the First Amendment. Speech that is prohibited and subject to governmental regulation. Examples of unprotected speech include obscenity, fighting words, fraudulent misrepresentation, advocacy of imminent lawless behavior and defamation.~~

M. Visitor's Pass

~~A temporary authorization allowing access to restricted areas. It is provided to visitors after they present proper photo identification. The visitors will note in the security visiting log the name and phone number of the APD personnel they will visit and their time of entry. All visitors must return the visitor's pass to Security upon departure.~~



1-1-4 Rules of Conduct Authority of Federal, State, and Local Laws and Regulations

A. Department personnel shall obey the United States Constitution, the Constitution of the State of New Mexico, the New Mexico Governmental Conduct Act, the City of Albuquerque Code of Ordinances, the City's Administrative Instructions, the City's Personnel Rules and Regulations, and all Department directives and orders.

A. ~~Training~~

1 ~~The Department will provide training on the rules of conduct, as detailed in this policy, to all cadets during basic training at the Police Academy. Subsequently, an annual one-hour in-service training will be provided to all officers concerning the rules of conduct. This refresher will be scheduled as an annual in-service training and tracked through the Department's Advanced Training Academy's record maintenance system.~~

1-7 B. ~~Compliance with Laws, Rules, and Regulations~~

1. ~~All sworn personnel, Prisoner Transport Officers, and Police Service Aides are required to take an oath of office.~~

2. ~~Personnel will obey all federal, state, and local laws, all applicable rules and regulations. Personnel will also enforce those lawful directives while protecting the rights of individuals, as established in the Constitution of the United States and the Constitution of the State of New Mexico. Adherence includes, but is not limited to, obeying all felony, misdemeanor, and traffic laws, applicable local ordinances, as well as all lawfully issued civil orders of any jurisdiction. Each quarter, the Department will compile and review violation reports to identify trends.~~

1 3.B. All sworn personnel shall maintain an active, unrestricted state certification issued by the New Mexico Law Enforcement Academy (NMLEA). ~~Personnel shall maintain all state certification requirements and standards established by the New Mexico State Law Enforcement Academy.~~ Permanent revocation of certification shall ~~will~~ be prima facie evidence of a violation of this policy. ~~Upon receiving notification that the sworn personnel's an employee's certification has been suspended or revoked by the New Mexico Law Enforcement Academy MLEA, sworn personnel~~ Department personnel ~~must shall~~ notify the appropriate D ~~deputy~~ C ~~chief~~ or major in writing, through their chain of command, within twenty-four (24) hours of receipt of said notification.

4 ~~Personnel who are served with a Court Order of Protection will immediately provide a copy of that Order of Protection through the chain of command to the assistant chief.~~ Chief of Staff.

5. ~~Personnel will not commit any act that constitutes a violation of the rules, regulations, directives, or orders of the Department, to include, but not limited to, those outlined in this policy. Personnel will at all times be held accountable for their personal policy and procedure violations and must report any such violations to their chain of command.~~



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~~6. Personnel will perform any act required by the City's or Department's rules, regulations, directives, orders, or settlement agreement. Department Personnel will follow procedures for policy violations in SOP Complaints Involving Department Personnel.~~

~~a. Personnel will report any known or observed violation of policy or procedure to a supervisor.~~

~~b. All supervisors will also be held accountable for identifying and responding to policy or procedure violations by personnel under their command.~~

5-6 ~~7. Both on duty and off duty, personnel will conduct themselves in a manner that reflects favorably on the Department. Conduct unbecoming an officer or employee of APD includes the following:~~

~~a. Conduct that could bring disrepute, shame, dishonor, disgrace, or embarrassment to the Department.~~

~~b. Conduct that interferes with or compromises the efficiency of personnel and employees.~~

~~c. Conduct that impairs the operation or efficiency of the Department.~~

3 ~~8. Personnel arrested or cited for any federal, state, or local criminal offense or traffic violation occurring in any jurisdiction must inform their immediate supervisor:~~

~~a. This includes any arrest or citation for conduct occurring while on duty or off duty.~~

~~b. Personnel must inform their supervisor within 48 hours after the arrest or citation following an arrest or citation.~~

~~When probable cause is established after a criminal investigation, that an employee Completion of a criminal investigation establishing a reasonable belief that the employee has violated committed a federal, state, or local felony and/or misdemeanor.~~

~~c. The notification must be made in a reasonable amount of time., or has failed to report or document an alleged violation of law.~~

~~d. The return of an indictment or filing of a criminal information, complaint, or other formal criminal charge for the violation of any federal, state, or local felony or misdemeanor.~~

7 ~~C. Reporting for Duty~~

~~1. All personnel, including supervisors and command staff, will report for duty at the time and place required by assignment or order, and all personnel shall be physically and mentally fit to perform their assigned duties when reporting for duty and at all times when on duty.~~

~~2. Personnel will report for work in possession of all proper required Ddepartment-issued equipment so that they may immediately assume their duty role.~~



~~3. Personnel will not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department or the City of Albuquerque as to the condition of their health.~~

6-7 ~~D. On Duty Conduct~~

~~1. Personnel will constantly, intelligently, and efficiently direct their best efforts to accomplish the purposes of the Department.~~

~~2. Personnel will not engage in any activity or conduct any personal business that may cause them to neglect or be inattentive to their official duties. In addition, they may not create an actual or potential conflict of interest that impacts their employment at the Department.~~

~~3. Personnel will maintain sufficient physical and mental competency to perform properly their duties and to assume the responsibilities of their positions.~~

~~4. Personnel will perform their duties in order to maintain established standards of efficiency while carrying out the functions and objectives of the Department.~~

~~5. Personnel will notify their supervisor or, if the supervisor is unavailable, obtain approval from their supervisor or, if not available, the next, another on duty supervisor in the area command the chain of command prior to before leaving any assignment duty station or post for any reason, including illness or injury.~~

~~6. Personnel are permitted to suspend their assigned duties to have meals and breaks during their shift but only at the scheduled time approved by dispatch or a supervisor.~~

~~7. All city facilities, common work areas, conference and meeting rooms, offices, lobbies, reception areas, auditoriums, classrooms, elevators, hallways, medical facilities and restrooms will be smoke and vapor free.~~

6 ~~8. When personnel are in direct contact with the public, they will refrain from using tobacco products. This restriction is not applicable to personnel in undercover operations.~~

3-7 ~~9. Personnel will promptly obey all lawful written or oral orders given by a supervisor. This includes orders relayed from a supervisor to the individual by other personnel of the same or lesser rank.~~

~~10. Insubordination by any member of this Department is expressly prohibited. Insubordination consists of the following acts:~~

~~a. Willful neglect or deliberate refusal to perform any lawful order given by a superior, supervisor or acting supervisor.~~



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~~b. Contemptuous or disrespectful language or conduct directed at a superior and/or acting supervisor.~~

~~11. Personnel who are given an otherwise proper order that conflicts with a previously given order, rule, regulation, or directive will respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the supervisor's most recent (subsequent) order will stand.~~

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~~a. The supervisor, upon receiving notice of a prior conflicting order, bears the responsibility for resolving any such conflict.~~

~~b. After notifying the supervisor of the conflicting order, personnel will obey the second, or conflicting, order, unless instructed otherwise by the supervisor.~~

~~c. Personnel, however, will not obey any order that they know or should know would require them to commit any violation of Department or City policy or procedure or to violate any federal, state, or local law. If in doubt as to the legality of an order, personnel will request that the issuing supervisor clarify the order or personnel may confer with higher ranking authority.~~

~~12. Personnel will not recommend or suggest to the Department, Department members, or any private citizen, a contracting, employment, procurement, or retention of a particular product, service, or commercial activity.~~

~~a. This includes, but is not limited to, recommending or suggesting an attorney, ambulance service, towing service, bondsman, or mortician.~~

~~b. However, this restriction does not apply to personal transactions involving nonofficial department business.~~

~~13. While on duty, personnel will not possess or distribute personal business cards or any forms of marketing or advertisement promoting personal business.~~

~~14. Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions.~~

~~15. Personnel will treat the public with respect, courtesy and professionalism at all times.~~

~~16. Police officers and Department employees are expected to conduct themselves in a professional manner at all times. Personnel are discouraged from using any language that could be considered profane, derogatory, or disrespectful toward any person. In certain situations, profanity may be acceptable, subject to review on a case-by-case basis.~~

~~17. Personnel will obtain information from the public in an official, prompt, and courteous manner, and they will then act upon it in a proper and judicious manner within the scope of their duties. Personnel who use this information will take prompt, timely, and appropriate action.~~



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~~18. Personnel will have an operating telephone in their residence(s), either a landline and/or a cell phone. Personnel will report any changes to telephone numbers or addresses to their supervisor and to the Personnel Management Division within two working days of the change.~~

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~~19. Personnel will not alter, misrepresent, or make any false statement in any verbal or written report or in any other written document that has been completed in the course of their employment.~~

~~a. Written documents include, but are not limited to, reports, citations, public records or documents, public vouchers, overtime slips, leave requests, personnel records, affidavits, or any other written instrument completed by Department personnel.~~

~~b. In addition to disciplinary action up to and including termination, a violation of this section may result in prosecution for violating New Mexico Statutes Annotated, including but not limited to, Paying or Receiving Public Money for Service Not Rendered (NMSA 30-23-2), Making or Permitting False Public Voucher (NMSA 30-23-3), Perjury (NMSA 30-25-1), or Tampering with Public Records (NMSA 30-26-1).~~

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~~20. Personnel will truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the Department.~~

~~21. Personnel will ensure form PD2035 (Employee Emergency Incident Information Form) is on file with their section or activity commander. Upon change of assignment, the supervisor will forward the form to the appropriate section or activity commander. Personnel will be responsible for updating the information on their forms as needed.~~

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~~E. On and Off-Duty Conduct~~

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~~1. Personnel shall not lend or offer their identification card or badge to anyone.~~

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~~2. Personnel will not authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.~~

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~~3. Personnel will always treat the official business of the Department as confidential. Information regarding official business will be disseminated only to those for whom it is intended, in accordance with established Department procedures. Proprietary or nonpublic information of the department is considered confidential when labeled or declared as such. All employees must maintain the confidential and private nature of this information. Confidential information, whether verbal, written, video/audio, or machine readable which is accessible to employees through their course of employment with the department is for use only in the course of their official duties. Confidential information is not intended nor suitable for release to the general public.~~



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- 5 4. Personnel will avoid regular or continuous association or activity with persons whom they know or should know are under active criminal investigation or indictment. Personnel will also avoid associating or engaging in activities with persons who have a reputation in the community or the Department for current involvement in felonious or criminal behavior, except as necessary in the performance of official duties or where unavoidable because of other personal relationships.
- 5 5. Personnel will not knowingly visit, enter, or frequent a house of prostitution, fraternize with prostitutes, or knowingly visit, enter, or frequent an illegal gambling house, except in the performance official Department business.
- 7 6. Personnel will not socialize with, engage the services of, accept services from, or do favors for any person under active criminal investigation, charges, or indictment, except as necessary or unavoidable because of prior existing personal relationships. Personnel shall only communicate with the spouse or significant other of a person under active criminal investigation, charges, or indictment, if the communication is necessary in the performance of official duties. Personnel shall treat the spouse or significant other of a person under active criminal investigation, charges, or indictment, professionally. Personnel are prohibited from associating or communicating socially with the spouse or significant other of any person under active criminal investigation, charges, or indictment, except as necessary or unavoidable because of prior existing personal relationships. Fraternization between employees that impairs the chain of command, order, and/or discipline of the Department is prohibited. While on duty, personnel shall remain professional, courteous, and businesslike.
- 5 7. Except in the performance of official Department business, personnel will not knowingly frequent any establishment wherein federal, state, or local laws are violated.
- 6 a. Personnel will not engage in any unprotected speech or actions that disparage the Department, its policies, or other personnel in any manner.
- 7 8. Personnel will not present themselves as the official representative of the Department without prior authority.
- 1-5 9. Personnel will not knowingly interfere with any criminal or administrative investigations, assigned tasks, or the duty assignments of another employee. Personnel will not directly or indirectly, by threat, bribe or other means, attempt to secure the withdrawal or abandonment of an administrative or criminal complaint or charges. Personnel will not conduct any criminal or administrative follow-up investigation outside the scope of their assigned duties, without first having previous authorization from the primary investigator or immediate supervisor.
- 1-5 10. Retaliation by any member of this Department is expressly prohibited. Retaliation includes intentional adverse conduct towards any individual or group, not otherwise authorized by law or policy, in response to the individual or group taking these actions:



- a. — ~~Exercising their legal rights~~
- b. — ~~Making or supporting a complaint~~
- c. — ~~Making or supporting a claim~~
- d. — ~~Making a charge, testifying, assisting or participating in any manner with an investigation, proceeding or hearing~~
- e. — ~~Exercising their lawful duties~~

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11. — ~~Retaliation includes, but is not limited to, threats, intimidation, coercion, or other adverse action against any person in the workplace or community.~~

a. — ~~Retaliation against personnel who report misconduct or who cooperate with an investigation of misconduct is grounds for discipline, up to and including termination of employment.~~

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12. — ~~Political Activity~~

~~Personnel will be guided by New Mexico law regarding their participation and involvement in political activities. Where New Mexico law is silent on this issue, personnel shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or while otherwise serving as a representative of the Department. Prohibited political activities include the following:~~

- a. — ~~Engaging in any political activity.~~
- b. — ~~Placing or affixing any campaign literature on city or county owned property.~~
- c. — ~~Soliciting political funds from any member of the Department or another governmental agency in this jurisdiction.~~
- d. — ~~Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction.~~
- e. — ~~Using official authority to interfere with any election or interfere with the political actions of other employees or the public.~~
- f. — ~~Favoring or discriminating against any person seeking employment because of political opinions or affiliations.~~
- g. — ~~Participating in any type of political activity while in uniform.~~

13. — ~~Personnel will use the proper chain of command when officially communicating with a superior. If circumstances require communication outside the normal chain of command, the employee will notify their immediate supervisor as soon as possible.~~

14. — ~~Fraternization~~

~~Not all contact between employees and officers or subordinates and superiors is prohibited; however, the following actions are directly prohibited.~~



- a. ~~— The direct supervision, assignment, appointment, removal, or discipline by one Department employee of another Department employee who is a family or household member, spouse, or domestic partner.~~
- b. ~~— The direct evaluation or audit of the work of one Department employee by another who is a family or household member, spouse, or domestic partner.~~
- c. ~~— Any relationship in which existing or potential circumstances would place a Department employee who is the family or household member, spouse, or domestic partner of another Department employee in a situation that a reasonable and prudent person would believe might supersede or interfere with the interests of the Department.~~
- d. ~~— Any relationship that in reality or appearance suggests improper influence between two or more Department employees.~~

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F. ~~— Department Property~~

1. ~~— Personnel will be responsible for safeguarding, using, and properly maintaining all departmental issued property. All authorized equipment will be used only for its intended purpose, following established departmental procedures.~~

2. ~~— Personnel will operate official vehicles in a careful and prudent manner and will obey all laws and all department orders about such operation. Official vehicles will be used by personnel while on duty and for official business. Department take-home vehicles may only be used for minimal personal use as described in the Use of Police Vehicles SOP, which allows for the transportation of the employee's children for school and daycare purposes while the employee is en route to and from work, during an approved ride-along, or when in an on-call status.~~

3. ~~— Personnel will immediately report to their supervisor the loss or suspension of a driver's license.~~

4. ~~— When not in uniform at the Law Enforcement Center or a substation, personnel will wear their APD Identification Card so that it is visible on the outer garment. When in the Law Enforcement Center or a substation, personnel will give their name, rank, and duty assignment to any person requesting it. Personnel should challenge anyone who is not wearing an I.D. badge or a visitor's pass. Personnel who identify any employee in violation of this section will report the violation immediately to their chain of command.~~

a. ~~— Personnel must ensure that all police facilities are secure, including verifying that doors are closed and locked.~~

b. ~~— Personnel will not permit anyone into a secure area without proper identification.~~

c. ~~— All personnel will notify Emergency Communications or Security if an unauthorized person is within in a police facility. Personnel must draft an incident report documenting the encounter.~~



~~5. Personnel will not photograph or video record any crime scene or police-related investigation for their personal use, pursuant to the On-Body Recording Devices (OBRD) policy.~~

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~~6. Personnel will not release any police documents or OBRD video for use in any hearing or use by any court unless a judicial subpoena or court order was issued or the release was approved by the City Attorney or the Chief of Police. Nothing in this section prohibits the release of reports or OBRD video as provided for in the Records SOP.~~

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~~G. Special Consideration, Privilege, and Professional Courtesy~~

~~1. Personnel will not offer special consideration, privilege, or professional courtesy to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any law or Department or City policy.~~

~~2. Personnel who are being investigated in connection with an alleged violation of law or Department or City policy are not permitted to solicit special consideration, privilege, or professional courtesy from other Department personnel or from personnel of other law enforcement agencies.~~

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~~H. Use of Department Issued Telephones~~

~~1. Telephone Calls~~

~~a. No international telephone calls will be made without prior approval of a supervisor.~~

~~b. All calls that incur a charge to the City of Albuquerque will be for City of Albuquerque business only.~~

~~c. Personnel must reimburse the City of Albuquerque for all charges incurred related to personal phone activity outside of City business and above regular monthly charges.~~

~~d. Personal usage of Department issued cellular telephones should be minimal. Personal usage should not be for any illegal or improper activity that would be in violation of City Personnel Rules and Regulations or Department SOPs.~~

~~e. Abusive, threatening, or obscene phone calls or text messages are strictly prohibited. Using work phones to make personal calls during work hours is discouraged and must not interfere with the work duties and responsibilities of the employee, Departmental operations, performance, or services rendered to the public.~~

~~2. Use of Hand-Held Cellular Telephones While Operating a City Vehicle~~

~~a. Except for emergency communication, the use of hand-held cellular telephones or electronic devices is prohibited while operating a city vehicle.~~

~~b. Personnel may use a hands-free device, such as an earpiece or Bluetooth, while operating a city vehicle.~~

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~~i. Outside Employment~~



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~~1. Personnel may engage in outside employment only after written permission is granted by the Chief of Police with the concurrence of the Human Resources Director, in accordance with the City of Albuquerque Merit System Ordinance and City Personnel Rules and Regulations, Section 310. Such permission may be terminated at any time and at the discretion of the Chief of Police.~~

~~2. Personnel engaged in outside employment must update their employment status annually, at the first of the year, or following any change of employment status by completing an Outside Employment form, which is kept on file in the Chief's Office.~~

~~3. Personnel who own real estate and act as the property landlord may not perform any law enforcement related duties at that property. Personnel who merely own property for their own personal use are not required to submit an Outside Employment form.~~

~~4. Personnel who are enlisted or who are commissioned in the Armed Forces of the United States, including the National Guard and Reserves, will notify the Department of their membership status and Armed Forces obligations.~~

~~a. Personnel are required to submit a completed form, Armed Forces Membership Notice (PD Form #2047), to Personnel/Payroll upon joining the service.~~

~~b. Personnel whose military status changes must submit an updated Armed Forces Membership Notice form to Personnel/Payroll when the status change becomes effective.~~

~~c. Provide supervisor and Personnel/Payroll with an annual monthly training schedule and any notice of unscheduled military service.~~

~~J. Alcoholic Beverages and Controlled Substances~~

~~1. Personnel will comply with all terms and conditions of the City's Substance Abuse Policy contained in Section 1100 of the Personnel Rules and Regulations and with City Personnel Rule and Regulation 309.~~

1-5

~~2. Personnel will not bring or possess alcoholic beverages into any police facility, City facility, or city vehicle for any purpose during assigned work hours, including lunch periods or breaks, except in the performance of their official duties.~~

1-5

~~3. Personnel will not consume any intoxicating beverages on duty, including on lunch periods or breaks, or while using department property, except in the performance of their assigned duties requiring its use.~~

5

~~4. Personnel will not use intoxicating beverages while off duty if such use renders them unable to report for their next scheduled tour of duty or if the use would bring discredit to the department.~~

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~~5. Personnel will not use intoxicating beverages while off duty if carrying a firearm.~~

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6. — Personnel will not consume alcoholic beverages on or off duty after being involved in an incident that may result in a criminal or administrative investigation of their conduct, until the investigator deems the preliminary investigation is complete.

7. — Personnel will notify their immediate supervisor if a prescription requires the on- or off-duty use of a controlled substance. Personnel shall comply with City Personnel Rule and Regulation 311.1 regarding prescription and nonprescription drug use.

8. — Controlled Substances

1-5 a. — Personnel will not possess, store, or bring into any police facility or city vehicle any controlled substances, narcotics, or hallucinogens, except as required in the performance of their official duties or when such substance is prescribed for their use by a licensed medical professional.

1 b. — Personnel will not illegally possess any controlled substances as defined under New Mexico and federal law. Any illegal possession will result in dismissal.

1 c. — Personnel will not consume any controlled substance unless prescribed by a licensed medical professional. Any use of a controlled substance without a prescription will result in dismissal.

6 d. — Personnel will notify their immediate supervisor when using prescription medicine that may impair their mental and/or physical performance. The employee will advise the supervisor of the known side effects of such medication, and the prescribed period of use.

i. — The employee may be temporarily reassigned to other duties during the time the employee is required to take the prescribed medication.

5 e. — Personnel will not consume any prescribed or over-the-counter medication in amounts beyond the recommended dosage.

6 f. — On-duty personnel who unintentionally ingest or are forced to ingest a controlled substance will immediately report the incident to their immediate supervisor so that appropriate medical steps may be taken to ensure their health and safety.

5 g. — Personnel having knowledge that another employee is illegally using or possessing any controlled substance will promptly report the facts and circumstances to their immediate supervisor.

7 K. — Gratuities and Conduct

1. — Personnel will not solicit or accept gifts, gratuities, or compensation either for themselves or for other personnel for services performed in the line of duty, other than that which is paid by the City of Albuquerque or is allowed by the City Merit System Ordinance, unless authorized by the Chief of Police.

2. — Personnel must never accept gifts, gratuities, or advantages from any suspect, prisoner, defendant, or other person involved in any case, or from any person of ill repute, a professional bondsman, or person whose vocation may profit from information obtained from the Department.



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~~3. — If any establishment has a policy to provide food, beverages, and/or services at a lesser rate for APD personnel, the establishment will not receive any official considerations but will be treated the same as any other establishment.~~

~~4. — The Department does not endorse its personnel accepting any item free of charge or at a discounted rate that is not available to the general public.~~

~~5. — Shopping on duty or off duty while in uniform is discouraged as it may invite a merchant's special consideration.~~

~~6. — Personnel will not use their official positions to gain entry into any event without paying admission, except while on official duty.~~

~~7. — Personnel will not use their official position, official identification, card or badge, or official APD logo or letterhead to solicit any benefits or gratuities for any personal, official, or financial gain; to obtain privileges not otherwise available to them; or to avoid any consequences of illegal conduct.~~

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~~8. — Any officer who plans to receive reduced or free rent must submit a written request for prior approval to the Chief of Police.~~

~~a. — Each request will be reviewed on a case-by-case basis.~~

~~b. — Officers may receive reduced rent as long as the grant of reduced rent does not violate Department policy regarding gratuities, and the reduced rent is not conditional, meaning that it is not based on the performance of any official duty that may constitute a conflict of interest.~~

~~c. — The grant of reduced rent will be reviewed by the Chief of Police to determine if it could be interpreted as influencing the officer's judgment in the discharge of his or her duties or if it would appear to be a conflict of interest.~~

~~— Documenting Officer and Employee Conduct~~

~~— Employee Card~~

~~A permanent Employee Card will be maintained for all Department personnel. Information on the card may include the following:~~

~~— Whether the individual has been named as Officer/employee of the month, including Department and area officer of the month, and including all nominations when not selected;~~

~~— Receipt of letters of appreciation, commendations, and acknowledgments of service;~~

~~— Any other recordable action indicating positive performance;~~

~~— All incidents that involve disciplinary action, corrective training, counseling, and complaints which are subsequently sustained, to include violations not based on the original complaint. The card will indicate clearly what exact rule, regulation, or standard operating procedure, was violated.~~



~~—Maintenance of Card Files~~

~~The appropriate section or watch commander is responsible for maintaining and updating the Employee Card. This card contains the officer's history of discipline and commendation for the chain of command's reference and should reflect all actions contained in the employee's internal affairs card file.~~

- ~~—After the division or area commander reviews an incident, the employee and section or watch commander will initial all entries made on the card when the entry is made.~~
- ~~—Employees who receive letters of appreciation and/or other evidence of positive performance directly from a citizen or a community group will be responsible for providing copies of the letters or evidence of performance to their immediate supervisor for review.~~
- ~~—When personnel transfer from one command to another, the Employee Card will be transferred with them.~~
- ~~—Upon an employee's termination or resignation from the Department, the Employee Card will be forwarded to the Internal Affairs unit for permanent retention.~~
- ~~—At the beginning of each calendar year, Internal Affairs will audit and monitor the Employee Card. Any discrepancies or patterns of inappropriate behavior will be reported to the appropriate division or area commander.~~
- ~~—Employee card entries that involve disciplinary action, corrective training, counseling, and sustained complaints will be removed from the card by the section or watch commander no sooner than five years after the date of the complaint and only after written verification with the Internal Affairs unit and the Chief that the information is appropriate to remove. All other entries will be considered as permanent entries.~~

~~3. Employee Card Usage~~

~~Information obtained from the Employee Card will be utilized by commanding officers and Internal Affairs to:~~

- ~~—Systematically identify specific personnel needs.~~
- ~~—Identify personnel who display a tendency towards unacceptable behavior.~~
- ~~—Coordinate with the Training Section on training needs that minimize undesirable practices.~~
- ~~—Identify positive performance, such as Officer or Employee of the Month, letters of appreciation, and other positive performance a supervisor wants to recognize.~~

1-1-5 General Conduct and Responsibilities

A. Public Welfare

- 1. Department personnel shall treat the public with respect, courtesy, and professionalism at all times.**



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2. Sworn personnel shall not discriminate against any person within the community based on their race, color, religion, sex, national origin, age, and/or disability, consistent with the City's Human Rights Ordinance (Albuquerque, N.M., § 11-3-1), nor based on their veteran status, sexual orientation, and/or gender identity, consistent with SOP Biased-Based Policing/Profiling.

3. All Department sworn personnel shall intervene to stop or prevent another sworn from committing a civil rights violation. This intervention applies when sworn personnel observe the violation and have an objectively reasonable belief, based on the facts known to them at that time that the other officer's actions constitute a civil rights violation.

a. Any civil rights violation shall be reported, consistent with SOP Complaints Involving Department Policy or Personnel.

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4. Department personnel shall obtain information from the public in an official, prompt, and courteous manner, and they shall then act upon it in a proper and judicious manner within the scope of their duties. Personnel who use this information shall take prompt, timely, and appropriate action.

B. Violation of Laws and Regulations

3

1. Department personnel shall inform their immediate supervisor within twenty-four (24) hours regarding the following incidents:

~~A.~~

a. Following when personnel are arrested or issued a citation;

b. When probable cause is established after a criminal investigation because an employee has committed a federal, state, or local felony and/or misdemeanor; and/or

c. Personnel shall immediately report to their supervisor the loss or suspension of a driver's license.

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2. Except in the performance of official Department business, personnel shall not knowingly frequent any establishment wherein federal, state, or local laws are violated.

C. Misconduct

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1. All Department personnel shall follow the procedures for policy violations, consistent with SOP Complaints Involving Department Policy or Personnel.

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2. All Department personnel shall conduct themselves in a professional manner at all times. Personnel shall not use any language that could be considered profane, derogatory, or disrespectful toward any person.

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3. Personnel shall not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions.

~~4.~~

D. Reporting for Duty

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1. All Department personnel, including supervisors and command staff, shall report for duty at the time and place required by assignment or order.

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2. Personnel shall report for duty in possession of all required Department-issued equipment.

3. All police officers, Prisoner Transport Officers, Metro Court Officers, and Reserve Officers shall carry and use weapons in a careful, prudent manner, consistent with the laws of the State of New Mexico and Department SOP(s).

a. Sworn personnel shall carry their firearm, badge, on-body recording device (OBRD), and Department-issued identification card on their person, consistent with Department SOP(s).

b. Sworn personnel shall, if armed, carry on their person their Department-issued identification card and badge.

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~~3.~~4. Personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department or the City as to the condition of their health.

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5. Personnel shall obtain approval from their supervisor or, if not available, another on-duty supervisor in the area command prior to leaving any assignment for any reason.

B. Department-Issued Property

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1. Department personnel shall not lend or offer their Department-issued identification card or badge to anyone.

2. Personnel shall be responsible for safeguarding, using, and properly maintaining all Department-issued property. All authorized equipment shall be used only for its intended purpose, consistent with Department SOP(s).

3. Personnel shall not photograph or video record any crime scene or police-related investigation outside of their job duties.

4. Personnel shall operate City-issued vehicles in a careful and prudent manner and shall obey all laws and all Department SOP(s) about such operation.

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5. Personnel shall ensure that all law enforcement facilities are secure, including



verifying that security doors are closed and locked.

6. Personnel shall not permit anyone into a secured area without proper identification.
7. When not in uniform at any law enforcement facility other than training facilities, personnel shall wear their Department-issued identification card and badge so that it is visible on the outer garment. Personnel shall inquire of anyone who is not wearing a Department-issued identification card or badge, or a visitor's pass whether they are authorized to be in the Department facility. If the individual is unauthorized to be in the Department facility, or personnel cannot determine whether the individual should be in the Department facility, personnel should alert the Emergency Communications Center (ECC) or the City's Security Services. Sworn personnel may, when consistent with the Fourth Amendment, escort unauthorized individuals from the Department facility.

7

8. Use of Department-Issued Cell Phones

- a. Using Department-issued cell phones to make personal calls during work hours should be minimal and shall not interfere with the job duties and responsibilities of the employee, Departmental operations, performance, or services rendered to the public.
- b. All calls that incur a charge to the City shall be for City business only.
- ~~4. Personnel must reimburse the City for all charges incurred related to personal phone activity outside of City business and above regular monthly charges.~~
- c. The City's Department of Technology and Innovation personnel who are assigned to work with the Department shall have all Department personnel who are issued a mobile device sign a printed copy of the City's Mobile Device Policy and Procedures, attesting to reading and understanding their responsibilities set forth by the policy.

~~5. Use of Hand Held Cellular Telephones While Operating a City Vehicle~~

- ~~6. —~~
- ~~7. Except for emergency communication, the use of hand-held cellular telephones or electronic devices is prohibited while operating a city vehicle.~~
- ~~8. Personnel may use a hands-free device, such as an earpiece, while operating a City vehicle.~~

C. Personnel Contact Information

1. Department personnel shall have an operating telephone in their residence(s), either a landline and/or a cell phone.
2. Personnel shall report any changes to telephone numbers or addresses to their supervisor and to the Personnel Management Division within two (2) working days of the change.



3. On an annual basis, personnel shall update their emergency contact information through the Personal Information Summary Link found in the City's Employee Self Service Portal. Supervisors and personnel can access the link through APDWeb/Protopage. Supervisors with rights to this information may access their employee's contact information at any time.

6

D. Physical Fitness and Mental Well-Being

1. Personnel shall maintain sufficient physical and mental competency properly to perform their duties and to assume the responsibilities of their positions.
2. Department sworn personnel shall uphold minimum fitness standards, consistent with SOP Physical Fitness Testing and Training.
3. Department sworn and non-sworn personnel shall have access to the mental health services offered by the Behavioral Sciences Section, consistent with SOP Behavioral Sciences Section.
4. The Department shall provide both sworn and non-sworn personnel the opportunity to give and receive support to overcome stressful personal and professional experiences, consistent with SOP Peer Support Program.

1-1-6 Professional Conduct While On- and Off-Duty

A. Honesty, Integrity, and Accountability

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1. Sworn personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that may cast doubt on their integrity, honesty, moral judgment, or character; that tends to bring discredit to the Department; or that impairs the Department's efficient and effective operation.
2. Sworn personnel shall provide their name, rank, duty assignment, and employee number to any person requesting such information while on-duty or while they are acting in an official capacity, with the following exceptions:
 - a. When the immediate disclosure could interfere with the performance and completion of the duties of sworn personnel, the employee may withhold such information until it is reasonable and safe to provide the information. Once it is safe to do so, sworn personnel shall provide the requested information.

2

3. Department personnel shall truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the Department.
 - a. Sworn personnel who are a subject or a witness to a matter under investigation truthfully shall answer all questions directed to them, consistent with the current



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Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association.

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4. Department personnel shall avoid regular or continuous association or activity with people whom they know or should know are under active criminal investigation or indictment. Personnel shall also avoid associating or engaging in activities with people who have a reputation in the community or the Department for current involvement in felonious or criminal behavior, except as necessary in the performance of official duties or where unavoidable because of other personal relationships.
5. Personnel shall not knowingly visit, enter, or frequent a house of prostitution, fraternize with prostitutes, or knowingly visit, enter, or frequent an illegal gambling house, except in the performance official Department business.

3

6. Personnel shall not alter, misrepresent, or make any false statement in any verbal or written report or in any other written/electronic document that has been completed in the course of their employment. Written documents include, but are not limited to:

- a. Reports;
- b. Citations;
- c. Public records or documents;
- d. Public vouchers;
- e. Payroll, to include overtime slips;
- f. Leave requests;
- g. Personnel records; or
- h. Affidavits.

In addition to disciplinary action up to and including termination, a violation of this section may result in prosecution for violating federal and/or state laws including but not limited to Misconduct by Officials (N.M. Stat. Ann. § 30-23-1 et seq.), Perjury and False Affirmations (N.M. Stat. Ann. § 30-25-1 et seq.), or Interference with Public Records (N.M. Stat. Ann. § 30-26-1 et seq.).

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- ~~4.7.~~ Personnel who are served with a Court Order of Protection shall immediately provide a copy of that Order of Protection through the chain of command, to the Chief of Staff within twenty-four (24) hours.

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B. Confidentiality

1. Personnel shall always treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, consistent with Department SOP(s).
2. Confidential information is not intended nor suitable for release to the general public. Proprietary or nonpublic information of the Department is considered



confidential when labeled or declared as such. Department personnel shall maintain the confidential and private nature of this information.

3. Consistent with the City's Personnel Rules and Regulations, Section 311.7, confidential, privileged information, whether verbal, written, video/audio, or machine-readable, which is accessible to Department personnel, through their course of employment with the Department, is for use only in the course of their official duties and shall not be disclosed for personal gain or profit.

5 4. Personnel shall not release any police documents or OBRD video for use in any hearing or use by any court unless a subpoena or court order was issued, or the release of information was approved by the City Attorney or the Chief of Police. Nothing in this section prohibits the release of reports or OBRD video.

C. Obey All Department and Supervisory Orders

1. While on-duty, personnel shall meet the roles and responsibilities as required by their position, in order to maintain the Department's functions, objectives, and standards of efficiency.

2. In addition to adherence to all federal, state, and local laws, personnel shall perform any act required by the Department's directives and orders, including SOPs and Special Orders.

4 3. Personnel shall promptly obey all lawful written or oral orders given by a supervisor. This includes orders relayed from a supervisor to the individual by other personnel of the same or lesser rank.

a. Personnel who are given an otherwise proper order that conflicts with a previously given order shall respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the supervisor's most recent order stands.

i. The supervisor, upon receiving notice of a prior conflicting order, bears the responsibility for resolving any such conflict.

b. Personnel, however, shall not obey any order that they know or should know would require them to violate any federal, state, or local law, or Department or City policy.

c. If in doubt as to the legality of an order, personnel shall request that the issuing supervisor clarify the order or personnel may confer with higher-ranking authority.

4 4. Insubordination by any member of the Department is prohibited. Insubordination consists of the following acts:

a. Willful neglect or deliberate refusal to perform any lawful order given by a supervisor and/or acting supervisor; and

b. Contemptuous or disrespectful language or conduct directed at a supervisor



and/or acting supervisor.

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5. Personnel shall use the proper chain of command when officially communicating with a superior. If circumstances require communication outside the normal chain of command, Department personnel shall notify their immediate supervisor as soon as possible.

D. Retaliation

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1. Consistent with SOP Complaints Involving Department Policy or Personnel, retaliation by Department personnel is prohibited, which includes, but is not limited to, threats, intimidation, coercion, or other adverse action against any person in the workplace or community.
2. Retaliation may also include intentional adverse conduct towards any individual or group, including both Department personnel and members of the public, and is not otherwise authorized by law or policy. Retaliation may be in response to the individual or group who:
 - a. Exercises their legal rights;
 - b. Makes or supports a complaint;
 - c. Makes or supports a claim;
 - d. Makes a charge, testifies, assists, or participates in any manner with an investigation, proceeding or hearing; and
 - e. Exercises their lawful duties.
3. Retaliation against an employee who reports misconduct or who cooperates with an investigation of misconduct is grounds for discipline, up to and including termination of employment.

7

E. Political Activity

1. Personnel shall be guided by New Mexico laws regarding their participation and involvement in political activities. Personnel shall be guided by the following examples of prohibited political activities while on-duty, while in uniform, or while otherwise serving as a representative of the Department. Prohibited political activities include the following:
 - a. Engaging in any political activity;
 - b. Placing, affixing, or distributing any campaign literature on City- or County-owned property;
 - c. Soliciting political funds from any Department employee or another governmental agency in this jurisdiction;
 - d. Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
 - e. Using official authority to interfere with any election or interfere with the



- political actions of other Department personnel or members of the public;
f. Favoring or discriminating against any person seeking employment because of political opinions or affiliations; and
g. Using Department-issued equipment to engage in political activity.

F. Substance Use and Abuse

- 4 1. Department personnel shall comply with all terms and conditions of the City's Substance Abuse Policy contained in Section 1100 of the Personnel Rules and Regulations, and Subsections 309 and 311.1 of the City's Personnel Rules and Regulations.
2. Personnel shall not bring or possess alcoholic beverages into any Department facility, City facility, or City-issued vehicle for any purpose during assigned work hours, including lunch periods or breaks, except in the performance of their official duties.
- 1 3. Personnel shall not consume any intoxicating beverages on-duty, including on lunch periods or breaks, or while using Department-issued property, except in the performance of their assigned duties requiring its use.
- 5 4. Personnel shall not use intoxicating beverages while off-duty if such use renders them unable to report for their next scheduled tour of duty or if the use would bring discredit to the Department.
- 4 5. Personnel shall not use intoxicating beverages while on- or off-duty, if carrying a firearm.
- 4 6. Personnel shall not consume alcoholic beverages on- or off-duty after being involved in an incident that may result in a criminal or administrative investigation of their conduct, until the investigator deems the preliminary investigation is complete.

G. Controlled Substances

- 1 1. Department personnel shall comply with the City's Personnel Rules and Regulations, Subsection 311.1, regarding prescription and nonprescription drug use. Department personnel shall advise their supervisor of the known side effects of such medication, and the prescribed period of use.
- 6 2. Personnel shall notify their immediate supervisor if a prescription requires the on- or off-duty use of a controlled substance.
- 3 3. Personnel shall not possess, store, or bring into any law enforcement facility or City-issued vehicle any controlled substances, narcotics, or hallucinogens, except as required in the performance of their official duties or when such substance is prescribed for their use by a licensed medical professional.



- 1
4. Personnel shall not possess any illegal controlled substances, consistent with federal and state laws. Any illegal possession shall result in termination of employment.
 5. Personnel shall not consume any controlled substance unless prescribed by a licensed medical professional, consistent with the City's Personnel Rules and Regulations, Chapter Substance Abuse Policy, Part 1, Section 10.A. Any use of a controlled substance without a prescription shall result in termination of employment.
 6. Personnel shall notify their immediate supervisor when using prescription medicine that may impair their mental and/or physical performance. The employee shall advise the supervisor of the known side effects of such medication, and the prescribed period of use.
 - a. Personnel may be temporarily reassigned to other duties during the time they are required to take the prescribed medication.
 7. Personnel shall not consume any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
 8. On-duty personnel who unintentionally ingest or are forced to ingest a controlled substance shall immediately report the incident to their immediate supervisor so that appropriate medical steps may be taken to ensure their health and safety.

6 H. Tobacco and Vaping Products

1. All City facilities and property, common work areas, conference and meeting rooms, offices, lobbies, reception areas, auditoriums, classrooms, elevators, hallways, medical facilities, and restrooms shall be smoke free, consistent with the Dee Johnson Clean Indoor Air Act, the City's Administrative Instruction No. 4-9 and Executive Instruction No. 23 on prohibited smoking, and vapor-free.
2. When personnel are in direct contact with members of the public, they shall not use tobacco products. This restriction does not apply to personnel in operations.

1-1-7 Conflict of Interest

- 5
- A. Department personnel shall not engage in activities, behaviors, and/or practices that may be considered a conflict of interest. This includes, but is not limited to, using one's position as an employee of the Department or City to advance personal or financial gain or advantage, based on possessing sensitive information gained during employment. In addition, a conflict of interest can arise when one's personal conduct impacts the Department's official business, reputation, and compliance with official and



regulatory obligations. All employees shall comply with all federal, state, and local laws, and Department SOP(s) that govern and prohibit conflicts of interest at all times.

B. Business Relationships and Business Contracts

1. Department personnel shall not engage in any activity or conduct any personal business that may cause them to neglect or be inattentive to their official duties. In addition, they may not create an actual or potential conflict of interest that affects their employment with the Department.
2. Personnel shall not recommend or suggest to the Department, Department personnel, or any private member of the public, a contracting, employment, procurement, or retention of a particular product, service, or commercial activity. This includes, but is not limited to, recommending or suggesting an attorney, ambulance service, towing service, or bondsman; however, this restriction does not apply to personal transactions involving nonofficial Department business.
3. While on-duty, personnel shall not possess or distribute personal business cards or any forms of marketing or advertisement promoting a personal business.
4. Personnel shall not authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, without written approval of the Chief of Police.

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C. Outside Employment

1. Personnel may engage in outside employment only after written permission is granted by the Chief of Police, with the concurrence of the City's Human Resources Director. Outside employment shall be consistent with the City's Merit System Ordinance, Section 3-3-10, and Section 310 of the City's Personnel Rules and Regulations. Such permission may be terminated at any time and at the discretion of the Chief of Police.
2. Personnel engaged in outside employment shall update their employment status annually, at the first of the year, or following any change in employment status by completing the Web-based Outside Employment Form made available through the Employee Self Service Portal, under City Forms, which is kept on file in the Office of the Chief.
3. Personnel who own real estate and act as the property owner may not perform any law enforcement-related duties at that property. Personnel who merely own property for their own personal use are not required to submit the Web-based Outside Employment Form.
4. Personnel who are enlisted or who are commissioned in the Armed Forces of the United States, including the National Guard and Reserves, shall notify the Department of their membership status and Armed Forces obligations.



5. Personnel are required to submit a Armed Forces Membership Notice Form to the Department's Payroll upon joining the service.
6. Personnel whose military status changes shall submit an updated Armed Forces Membership Notice Form to the Payroll when the status change becomes effective.
7. Personnel shall provide their supervisor and Payroll with an annual monthly training schedule and any notice of unscheduled military service.

D. Personal Relationships and Relatives

N/A

1. Not all conduct between Department personnel or their subordinates and superiors is prohibited; however, the following actions are viewed as unbecoming and directly prohibited:
 - a. Any personal relationship that in reality or appearance suggests improper influence between two or more Department employees; and
 - b. The direct supervision, evaluation, audit, investigation to include discipline, of any Department personnel whereby the employee and supervisor are involved in a personal relationship or who are related.

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2. Personnel shall not socialize with, engage the services of, accept services from, or do favors for any person under active criminal investigation, charges, or indictment, except as necessary or unavoidable because of prior existing personal relationships.
3. Personnel shall only communicate with the spouse or significant other of a person under active criminal investigation, charges, or indictment, if the communication is necessary in the performance of their official duties. Personnel shall treat the spouse or significant other of a person under active criminal investigation, charges, or indictment, professionally.
4. Personnel are prohibited from associating or communicating socially with the spouse or significant other of any person under active criminal investigation, charges, or indictment, except as necessary or unavoidable because of prior existing personal relationships.

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5. Personnel shall not knowingly interfere with any criminal or administrative investigations, assigned tasks, or the duty assignments of another employee. Personnel shall not directly or indirectly, by threat, bribe or other means, attempt to secure the withdrawal or abandonment of an administrative or criminal complaint or charges.
6. Personnel shall not conduct any criminal or administrative follow-up investigation outside the scope of their assigned duties, without first having previous authorization from the primary investigator or immediate supervisor.



7. All Department personnel are prohibited from engaging in fraternization.
 - a. All sworn personnel and civilian personnel are expected to follow SOP Harassment/Sexual Harassment in the Workplace and the City's Administrative Instruction 7-18 (Albuquerque, N.M., Harassment/Sexual Harassment Policy, 2020) regarding sexual harassment and inappropriate personal relationships between sworn personnel of different ranks and positions within the same chain of command and civilian personnel within the same chain of command.
8. Officers shall not engage in sexual acts with individuals in police custody and who are detained.

6

E. Special Considerations, Privileges, and Professional Courtesies

1. Personnel shall not offer special consideration, privilege, or professional courtesy to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any federal, state, or local law, or Department or City policy.
2. Personnel who are being investigated in connection with an alleged violation of a law or Department or City policy are not permitted to solicit special consideration, privilege, or professional courtesy from other Department personnel or from personnel from other law enforcement agencies.
3. Personnel shall not solicit or accept gifts, gratuities, or compensation either for themselves or for other personnel for services performed in the line of duty, other than that which is paid by the City or is allowed by the City's Merit System Ordinance, unless authorized by the Chief of Police.
4. Personnel shall never accept gifts, gratuities, or advantages from any suspect, prisoner, defendant, or individual involved in any case, or from any individual of ill repute, a professional bondsman, or person whose occupation may profit from information obtained from the Department.
5. If any establishment has a policy to provide food, beverages, and/or services at a lesser rate for Department personnel, the establishment shall not receive any official considerations but shall be treated the same as any other establishment.
6. Personnel shall not use their official positions to gain entry into any event without paying admission, except when assigned to work the event, while on-duty.
7. Personnel shall not use their official position, Department-issued identification card, badge, or official Department logo or letterhead to solicit any benefits or gratuities for any personal or financial gain; to obtain privileges not otherwise available to them; or to avoid any consequences of illegal conduct.



8. Any sworn personnel who plan to receive reduced or free rent shall submit a written request for prior approval to the Chief of Police.
 - a. Each request shall be reviewed on a case-by-case basis.
 - b. Sworn personnel may receive reduced rent as long as the grant of reduced rent does not violate Department SOP(s) regarding gratuities, and the rent is not based on the performance of any official duty that may constitute a conflict of interest.
 - c. The grant of reduced rent shall be reviewed by the Chief of Police to determine if it could be interpreted as influencing the sworn personnel's judgement or if it would appear to be a conflict of interest.

1-1-8 Reporting Violations

- A. Personnel having knowledge that another Department employee has violated this SOP shall immediately (not to exceed twenty-four [24] hours) report the facts and circumstances to their immediate supervisor.
- B. In addition, Department personnel must report violation(s) of this SOP immediately (not to exceed twenty-four [24] hours) after the policy violation(s) or learning of the misconduct/policy violation(s) by forwarding an Internal Affairs Request (IAR) through the IA database web application, consistent with SOP Complaints Involving Department Policy or Personnel.