

# CIVILIAN POLICE OVERSIGHT ADVISORY BOARD

**Zander Bolyanatz**, Board Chair  
**Aaron Calderon**, Board Vice-Chair  
**Eduardo Budanauro**, Board Member  
**Rowan Wymark**, Board Member  
**Diane McDermott**, Executive Director, CPOA  
**Ali Abbasi**, Deputy Director, CPOA

**Thursday, January 8, 2026, at 5:00 PM**  
**Vincent E. Griego Chambers**

## MINUTES

### Members Present:

Zander Bolyanatz, Chair  
Aaron Calderon, Vice Chair  
Eduardo Budanauro, Board Member  
Rowan Wymark, Board Member

### Members Absent:

### Others Present In-Person:

Diane McDermott, CPOA Executive Director  
Ali Abbasi, CPOA Deputy Director  
Gabe Remer, CPOA Policy Analyst  
Katrina Sigala, CPOA Executive Assistant  
Valerie Barela, CPOA Senior Administrative Assistant  
Robert Kidd, Independent Counsel  
Lindsey Rosebrough, City Managing Attorney  
Chris Sylvan, Neighborhood Liaison, City Council Services  
Dodi Camacho, APD Major IAPS/IAFD  
Scott Norris, APD IAFD Commander  
Sean Higdon, APD Academy Lieutenant  
Jeffery Bustamante, ACS Community Outreach Manager

### Others Present via Zoom:

Dr. Omotayo (Ty) Olubiyi, Contract Compliance Officer

- I. Call to Order and Roll Call.** Chair Bolyanatz called the regular meeting of the Civilian Police Oversight Advisory Board to order at approximately 5:00 p.m., and a roll call of members present was taken. Zander Bolyanatz, Eduardo Budanauro, Aaron Calderon, and Rowan Wymark were present.
- II. Pledge of Allegiance**
  - a.** Chair Bolyanatz led the Pledge of Allegiance.
- III. Approval of the Agenda**
  - 1.** A motion was made by Chair Bolyanatz to approve the agenda as written. Vice Chair Calderon seconded the motion. The motion was carried by a unanimous vote.

**For: Bolyanatz, Budanauro, Calderon, Wymark**

**IV. Review and Approval of Minutes.** For more information about minutes from prior Civilian Police Oversight Advisory Board meetings, please visit our website here: <https://www.cabq.gov/cpoa/police-oversight-board/police-oversight-board-agenda-meeting-minutes>

a. December 11, 2025

1. Each board member was provided a website link to review the draft minutes from the Civilian Police Oversight Advisory Board's regular meeting on December 11, 2025.
2. Motion by Chair Bolyanatz to approve the minutes as written. Member Budanauro seconded the motion. The motion was carried by a unanimous vote.

**For: Bolyanatz, Budanauro, Calderon, Wymark**

**V. Reports from City Departments:**

a. APD

1. Internal Affairs Professional Standards (IAPS)– *Commander Ryan Nelson*
  - i. A document titled "*Albuquerque Police Department Internal Affairs Professional Standards (IAPS) Division Monthly Report, December 2025*" was distributed electronically to CPOA Board members. (See attached IAPS Report)
  - ii. Major Camacho announced that Commander Ryan Nelson is no longer with APD's Internal Affairs Professional Standard Division and stated she will be attending and presenting to the CPOAB moving forward.
  - iii. Major Camacho verbally reported on the number of cases open and completed, pending, average days to complete, and the top SOPs with sustained findings.
2. Internal Affairs Force Division (IAFD)– *Commander Scott Norris*
  - i. A document titled *Albuquerque Police Department Monthly Use of Force Report, December 2025*, was distributed to CPOA Board members electronically. (See attached IAFD Report)

- ii. Commander Norris verbally reported the number of the highest area commands for use-of-force, and the demographics of individuals involved in force incidents. He noted that 67% of the Use of Force incidents lacked a behavioral health component, which was unusual. He also noted that 2 out of 50 Use of Force cases were found to be out of policy.
- iii. Member Wymark inquired into the use-of-force incidents related to the unhoused population.
- iv. Member Budanauro inquired into the gender population of use-of-force incidents.
- v. Vice Chair Calderon asked about the 2 out-of-policy use-of-force incidents. Commander Norris said he could provide case numbers or more details if the Board preferred, but he did not have any specific information to share.
- vi. Diane McDermott requested that the Board email her any requests related to the IAFD report for proper follow-up.

**b. ACS- *Jefferey Bustamante, Deputy Director***

- 1. Jeffrey Bustamante verbally reported on ACS field preparation for winter transportation, calls for service volume, the longevity of ACS programs, and sustainable funding. Violence intervention programs have increased, ACS staffing has grown, and a training academy is upcoming. He also noted a partnership with the MLK Jr. Commission to host an event and said ACS will participate in the MLK march.

**c. City Attorney- *Lindsey Rosebrough, Managing Attorney***

- 1. Lindsey Rosebrough was unable to attend the meeting. There was no report.

**d. City Council- *Chris Sylvan, Council Services***

1. Chris Sylvan verbally reported that they held their first collective meeting with Chair Bolyanatz and noted that Councilor Telles was the newest member of the City Council.

**e. Community Policing Council (CPC)- *Kelly Mensah, Community Engagement Manager***

1. Kelly Mensah verbally reported on the CPC's first meetings of the year, noting that the CPCs have identified Chairs and Vice Chairs. He also mentioned the potential creation of a CPC focused on speaking to the State Legislature about Law Enforcement, and that the CPC End of the Year Dinner attendees included former Chief Medina and former Deputy Chief Barker.

**f. Mayor's Office- *Doug Small, Director of Public Affairs***

1. No one from the Mayor's office was present.

**g. CPOA- *Diane McDermott, Executive Director***

1. Diane McDermott reported on complaint intakes, case assignments, and commendations received by the Civilian Police Oversight Agency (CPOA) in December 2025. She advised on and requested preferred dates for APD Drone Training, submitted any related questions, noted the 2026 Semi-Annual Report, provided staffing updates, and introduced the new CPOA Data Analyst. McDermott updated the Board that use-of-force drafts were provided and offered her assistance if Board members need a ride-along.
2. on CPOA presentations to APD Cadets and to Citizens Police Academy participants. She mentioned the Policy and Procedure Review Subcommittee's plans to review the Use of Force Policy Suite, noting that other Board members may attend but not participate in any Subcommittee decisions. She concluded by announcing Commander Ingram's retirement.

3. CPC 122-25 Non-Concurrence Memo. For more information about non-concurrence memos received by APD's Office of Police Reform, please visit our website here: <https://www.cabq.gov/cpoa/case-outcomes/chief-of-police-non-concurrence-letters>.
  - i. Ms. McDermott provided her assessment for CPC 122-25 non-concurrence from APD, noting the CPOA does not concur with the non-concurrence memo. (*See attached Non-Concurrence Memo for CPC 122-25*)
4. CPC 126-25 Non-Concurrence Memo. For more information about non-concurrence memos received by APD's Office of Police Reform, please visit our website here: <https://www.cabq.gov/cpoa/case-outcomes/chief-of-police-non-concurrence-letters>.
  - i. Ms. McDermott provided her assessment for CPC 126-25 non-concurrence from APD, noting that the CPOA does not concur with the non-concurrence memo. (*See attached Non-Concurrence Memo for CPC 126-25*)
5. CPC 167-25 Non-Concurrence Memo. For more information about non-concurrence memos received by APD's Office of Police Reform, please visit our website here: <https://www.cabq.gov/cpoa/case-outcomes/chief-of-police-non-concurrence-letters>.
  - i. Ms. McDermott provided her assessment for CPC 167-25 non-concurrence from APD, noting the CPOA does not concur with the non-concurrence memo. (*See attached Non-Concurrence Memo for CPC 167-25*)

**VI. Public Comment** [Public comment is limited to three minutes unless extended by the Chairperson]

- a. None.

**VII. Serious Use of Force Case(s):** The CPOA's findings in each Serious Use of Force case listed are located at: <https://www.cabq.gov/cpoa/case-outcomes/serious-use-of-force>

- a. APD Case #24-0105184 – *Eduardo Budanauro*
  1. Member Budanauro gave a verbal overview of Serious Use of Force (SUOF) Case #24-0105184.

2. Ali Abbasi verbally reported his review and findings of OIS Case #24-0105184.
3. Commander Norris had no additional information to report.
4. Chair Bolyanatz facilitated feedback from Board members, and the Board had no policy recommendations for OIS Case 24-0105184.
5. **Motion.** Chair Bolyanatz made a motion that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Affairs Force Division Investigation for APD Case #24-0105184. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

**For: 4 – Bolyanatz, Budanauro, Calderon, Wymark**

- b. APD Case #25-0001164 – *Rowan Wymark*
  1. Member Wymark gave a verbal overview and summary of Serious Use of Force (SUOF) APD Case #25-0001164.
  2. Ali Abbasi verbally reported on his review and findings of SUOF APD Case #25-0001164.
  3. Commander Norris had no additional information to report.
  4. Chair Bolyanatz facilitated Board member feedback on the SUOF Case #25-001164.
  5. **Motion.** A motion was made by Chair Bolyanatz that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Affairs Force Division Investigation for APD Case #25-0001164. The motion was seconded by Member Wymark. The motion was carried by a unanimous vote.

**For: 4 – Bolyanatz, Budanauro, Calderon, Wymark**

- c. APD Case #25-0008703 – *Zander Bolyanatz*
  1. Chair Bolyanatz gave a verbal overview and summary of Serious Use of Force (SUOF) APD Case #25-0008703.
  2. Ali Abbasi verbally reported on his review and findings of SUOF APD Case #25-0008703.
  3. Scott Norris had no additional information to report.

4. Chair Bolyanatz facilitated Board member feedback on the SUOF Case #25-0008703. Chair Bolyanatz inquired into the lack of documentation on head injury.
5. **Motion.** A motion was made by Chair Bolyanatz that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Affairs Force Division Investigation for APD Case #25-0008703. The motion was seconded by Member Wymark. The motion was carried by a unanimous vote.

**For: 4 – Bolyanatz, Budanauro, Calderon, Wymark**

- d. APD Case #25-0020291 – *Aaron Calderon*
  1. Vice Chair Calderon gave a verbal overview and summary of Serious Use of Force (SUOF) APD Case #25-00020291.
  2. Ali Abbasi verbally reported on his review and findings of SUOF APD Case #25-00020291.
  3. Scott Norris had no additional information to report.
  4. Chair Bolyanatz facilitated Board member feedback on the SUOF Case #25-00020291.
  5. **Motion.** A motion was made by Chair Bolyanatz that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD Internal Affairs Force Division Investigation for APD Case #25-00020291. The motion was seconded by Vice Chair Calderon. The motion was carried by a unanimous vote.

**For: 4 – Bolyanatz, Budanauro, Calderon, Wymark**

**VIII. Officer-Involved Shooting Case(s):** [Standing Item]

- a. None.

**IX. Report from CPOAB Subcommittee(s):**

- a. **Policy and Procedure Review Subcommittee** – *Aaron Calderon*
  1. Meeting was held on Friday, January 2, 2026, at 3 p.m.
  2. Report from Subcommittee
  3. Next meeting, February 5, 2026, at 3 p.m.

- i. Chair of the Policy and Procedure Review Subcommittee, Aaron Calderon, gave a verbal report and noted the next subcommittee meeting will be held on February 5, 2025, at 3 p.m.

**b. Ad Hoc Rules Committee – Eduardo Budanauro**

- 1. Meeting scheduled for Wednesday, January 7, 2026, at 10 a.m.
- 2. Report from Committee
- 3. Next meeting TBD
  - i. Member Budanauro noted that the Policy and Procedure Review Subcommittee scheduled on Wednesday, January 7, 2026, was tabled, and the next meeting in February 2026 is to be determined.

**\*\*\*A dinner break began at 6:22 p.m., and the meeting resumed at approximately 7:03 p.m.\*\*\***

**X. Discussion and Possible Action:**

**a. CPOAB Policies and Procedures**

- 1. **Motion.** A motion by Chair Bolyanatz to table CPOAB Policies and Procedures. Vice Chair Calderon seconded the motion. The motion was carried by a unanimous vote.

**For: 4 – Bolyanatz, Budanauro, Calderon, Wymark**

**b. APD Policy**

**1. Recommendations**

- A. SOP 1-83 (Formerly 5-9 and 5-10) Real Time Crime Center
  - i. Gabe Remer provided recommendations for SOP 1-83-4-D-3-c, focusing on officer and community safety. *(See attached Policy and Procedure Review Subcommittee Report Board meeting)*
  - ii. **Motion.** A motion was made by Vice Chair Calderon that the CPOA submit the recommendation on their behalf for SOP 1-83 (Formerly 5-9 and 5-10) Real Time Crime Center. Chair Bolyanatz seconded the motion. The motion was carried by a unanimous vote.

**For: 4 – Bolyanatz, Budanauro, Calderon, Wymark**

- B. SOP 1-89 (New NEST SOP) Neighborhood Engagement and Support Team (NEST)
  - iii. Gabe Remer provided recommendations for SOP 1-89-4-A-2, focusing on the dissemination of information to those who do not attend daily briefings. (*See attached Policy and Procedure Review Subcommittee Report Board meeting*)
  - iv. **Motion.** A motion was made by Vice Chair Calderon that the CPOA submit both recommendations on their behalf for SOP 1-89 (New NEST SOP) Neighborhood Engagement and Support Team (NEST). Chair Bolyanatz seconded the motion. The motion was carried by a unanimous vote.

**For: 4 – Bolyanatz, Budanauro, Calderon, Wymark**

**2. No Recommendation(s):**

- A. SOP 1-28 (Formerly 4-3) Downtown Unit
  - i. There were no policy recommendations for SOP 1-28.
- B. SOP 1-37 (Formerly 2-13 and 2-19) Crisis Intervention Division and Program
  - i. There were no policy recommendations for SOP 1-37.
- C. SOP 1-72 Organized Crime Unit
  - i. There were no policy recommendations for SOP 1-72.
- D. SOP 1-97 Data Analysis Division
  - i. There were no policy recommendations for SOP 1-97.
- E. SOP 2-32 Exposure to Blood or Bodily Fluids
  - i. There were no policy recommendations for SOP 1-97.
- F. SOP 2-39 Field Services Bureau Response to Demonstrations, Incidents, and Events
  - i. There were no policy recommendations for SOP 1-97.

- G. SOP 2-42 DWI Investigations and Revoked or Suspended License
  - i. There were no policy recommendations for SOP 1-97.
- H. SOP 2-49 Vehicle Identification Number (VIN) Inspections
  - i. There were no policy recommendations for SOP 1-97.
- I. SOP 2-70 (Formerly 2-16) Execution of Search Warrants
  - i. There were no policy recommendations for SOP 1-97.
- J. SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures
  - i. There were no policy recommendations for SOP 1-97.
- K. SOP 2-88 Bait Car and Property Program
  - i. There were no policy recommendations for SOP 1-97.
- L. SOP 2-90 (Formerly 6-2) Background Investigations
- M. SOP 2-96 Clandestine Drug Laboratory and Indoor Marijuana Grow Site Investigations
- N. SOP 3-17 (Formerly 3-55) Duty Assignments and Transfers
- O. SOP 3-50 Forms Control

**3. APD Response to Policy Recommendation(s):** [Standing Item]

- A. Gabe Remer reported to the Board on the responses he received from APD.
  - 1. SOP 1-64 K-9 Unit, APD concurred. *(See attached Policy and Procedure Review Subcommittee Report Board meeting)*
  - 2. SOP 2-16 Reports, APD responded with partial concurrence; however, there were no policy recommendations incorporated into the policies. *(See attached Policy and Procedure Review Subcommittee Report Board meeting)*
  - 3. SOP 2-33 Rights and Safety of Onlookers, APD concurred with two of three recommendations. The Board and CPOA discussed the

recommendation, focusing their discussions on articulating the reasons to substantiate the actions taken. APD did not concur with the recommendation. *(See attached Policy and Procedure Review Subcommittee Report Board meeting)*

4. SOP 3-31, Physical Fitness Assessment, policy questions and clarifications were received from APD. *(See attached Policy and Procedure Review Subcommittee Report Board meeting)*

**XI. Other Business**

- a. None.

**XII. Adjournment-** *The next regularly scheduled Board meeting will be held on Thursday, February 12, 2026.*

- a. **Motion.** A motion was made by Chair Bolyanatz to adjourn the meeting. The motion was seconded by Vice Chair Calderon. The motion was carried by a unanimous vote.

**For: 4 – Bolyanatz, Budanauro, Calderon, Wymark**

- b. The meeting was adjourned at approximately 7:38 p.m.

APPROVED:

\_\_\_\_\_  
Zander Bolyanatz, Chair  
Civilian Police Oversight Advisory Board

\_\_\_\_\_  
Date

CC: Isaac Padilla, City Council Staff  
Ethan Watson, City Clerk  
Klarissa Pena, City Council President

Minutes drafted and submitted by:  
Valerie Barela, CPOA Administrative Assistant

DRAFT

ATTACHMENTS

DRAFT

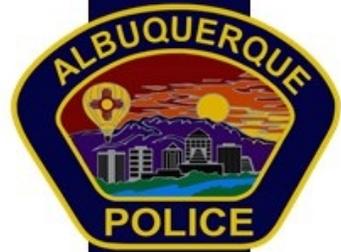


CIVILIAN POLICE OVERSIGHT ADVISORY BOARD  
PUBLIC COMMENT  
SIGN-IN SHEET

Thursday, January 8, 2026

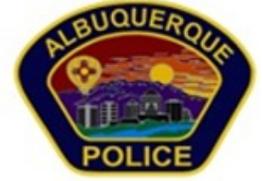
NAME (PLEASE PRINT)

1. _____	11. <i>None.</i> _____
2. _____	12. _____
3. _____	13. _____
4. _____	14. _____
5. _____	15. _____
6. _____	16. _____
7. _____	17. _____
8. _____	18. _____
9. _____	19. _____
10. _____	20. _____



**ALBUQUERQUE POLICE DEPARTMENT**  
**INTERNAL AFFAIRS PROFESSIONAL STANDARDS (IAPS) DIVISION**  
**MONTHLY REPORT**  
**December 2025**

INTERNAL AFFAIRS PROFESSIONAL STANDARDS DIVISION  
STATISTICAL DATA FOR THE MONTH OF  
December 2025



Internal Affairs Professional Standards (IAPS) is responsible for receiving and investigating allegations of misconduct made against the Albuquerque Police Department's employees. The IAPS Division ensures a thorough, impartial, and prompt investigation of allegations to implement transparent fact finding processes and take corrective actions against the employees if investigative findings are sustained. IAPS investigate cases according to SOP 1-62: Internal Affairs Professional Standards (IAPS) Division. For more information on APD's Standard Operating Procedures, see: <http://public.powerdms.com/COA>.

The purpose of this monthly report is to provide the City Administration, APD Executive Staff, the City Council, the Civilian Police Oversight Agency Board and the residents of Albuquerque with the outcomes pertaining to IAPS Investigations. This report provides details on the Total Investigations Opened and Completed, Open and Completed by Area Commands, Total Pending cases and the Average Time Taken (in Days) for case completion during the month. It provides data on cases with Sustained findings along with discipline imposed. Lastly, it includes information pertaining to the SOPs that were reviewed in completed investigations during the month. *Please note: this report excludes the misconduct cases that originate from force investigations, given that these are investigated by Internal Affairs Force Division (IAFD).*

**Total Cases Opened**

**32**

Investigations opened by  
Internal Affairs Professional Standards  
(includes cases investigated by Area Commands)

**Total Cases Completed**

**29**

Investigations completed by  
Internal Affairs Professional Standards  
(includes cases investigated by Area Commands)

**Cases Opened**

[By Area Commands]

**4**

Investigations opened by  
Internal Affairs Professional Standards and  
referred to the Area Commands

**Cases Completed**

[By Area Commands]

**13**

Investigations completed by  
the Area Commands

**Pending Cases**

**58**

Investigations pending completion

**Average Days to Completion**

**84**

Average days to completion for  
investigations completed during  
the month

## Completed Cases with Sustained Findings

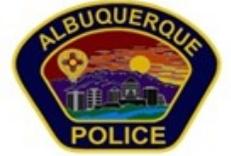
Total Sustained Cases: 14  
48% of all completed investigations had sustained findings



### Discipline Imposed for Allegations with Sustained Finding

Each row represents one sustained allegation and one officer may have multiple allegations with discipline

Files	Directives and SOPs	Discipline Imposed
I2025...	1.1. Personnel Code of Conduct	Terminated
	1.1. Personnel Code of Conduct	Suspension
I2025...	2.47. Crash Involving Police Vehicles	Suspension
	1.1. Personnel Code of Conduct	Suspension
	3.41. Complaints Involving Department Personnel	Suspension
	3.41. Complaints Involving Department Personnel	Terminated
I2025...	City. Uncommon SOP	Terminated
I2025...	1.1. Personnel Code of Conduct	Letter of Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2025...	1.1. Personnel Code of Conduct	Suspension
I2025...	2.76. Court	Letter of Reprimand
I2025...	2.76. Court	Letter of Reprimand
I2025...	2.76. Court	Verbal Reprimand
I2025...	2.82. Restraints and Transportation of Individuals	Suspension
	2.82. Restraints and Transportation of Individuals	Suspension
I2025...	2.76. Court	Letter of Reprimand
I2025...	2.76. Court	NDCA
I2025...	2.76. Court	Verbal Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Verbal Reprimand



**Standard Operating Procedures Reviewed in Completed Investigations**

<b>Directives and SOPs</b>	<b>Count</b>
1.1. Personnel Code of Conduct	12
2.76. Court	6
2.8. Use of on-Body Recording Devices	6
2.54. Use of Force: Intermediate Weapon Systems	2
2.56. Use of Force: Reporting by Department Personnel	1
1.5. Harassment/Sexual Harassment in the Workplace	1
2.47. Crash Involving Police Vehicles	3
2.60. Preliminary and Follow-Up Criminal Investigations	2
3.14. Supervision	2
3.41. Complaints Involving Department Personnel	2
2.10. Destruction/Capture of Animals	1
2.42. DWI Investigations and Revoked/Suspended License	1
2.52. Use of Force: General	1
2.71. Search and Seizure Without a Warrant	1
2.77. Uncommon SOP	1
2.82. Restraints and Transportation of Individuals	2
City. Uncommon SOP	1

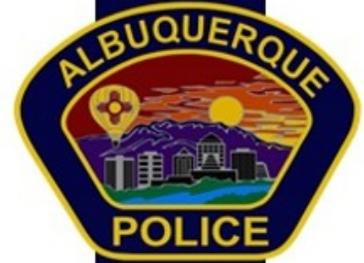
**TOP 5 Standard Operating Procedures with Sustained Findings**

<b>Directives and SOPs</b>	<b>Count</b>
2.76. Court	6
1.1. Personnel Code of Conduct	5
2.8. Use of on-Body Recording Devices	3
3.41. Complaints Involving Department P..	2
2.47. Crash Involving Police Vehicles	1

**Directive Details for Sustained SOP  
1-1 Personnel Code of Conduct Allegations**

<b>Directive</b>	<b>Count</b>
1.1.4.A.2.b	2
1.1.6.A.1	1
1.1.6.A.1.a	1
1.1.6.A.1.b	1
<b>Total</b>	<b>5</b>

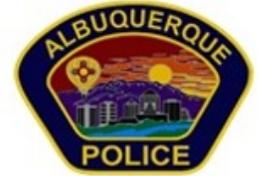
# **Albuquerque Police Department Monthly Use of Force Report December 2025**



**Prepared by:**

**Data Analytics Unit  
January 6, 2026**

Note: This report presents preliminary information from departmental data. All figures in this report are subject to change as additional information becomes available.



# Total Use of Force Events - December 2025

This report provides a monthly overview of use of force events involving Albuquerque Police Department (APD) personnel. APD is committed to using force to achieve lawful objectives in instances where use of force is objectively reasonable, necessary, and minimal, given the totality of circumstances (see SOP 2-52: Use of Force – General). When force is not consistent with these standards of conduct (SOP 2-52: Use of Force- General), APD takes corrective actions which may include discipline.

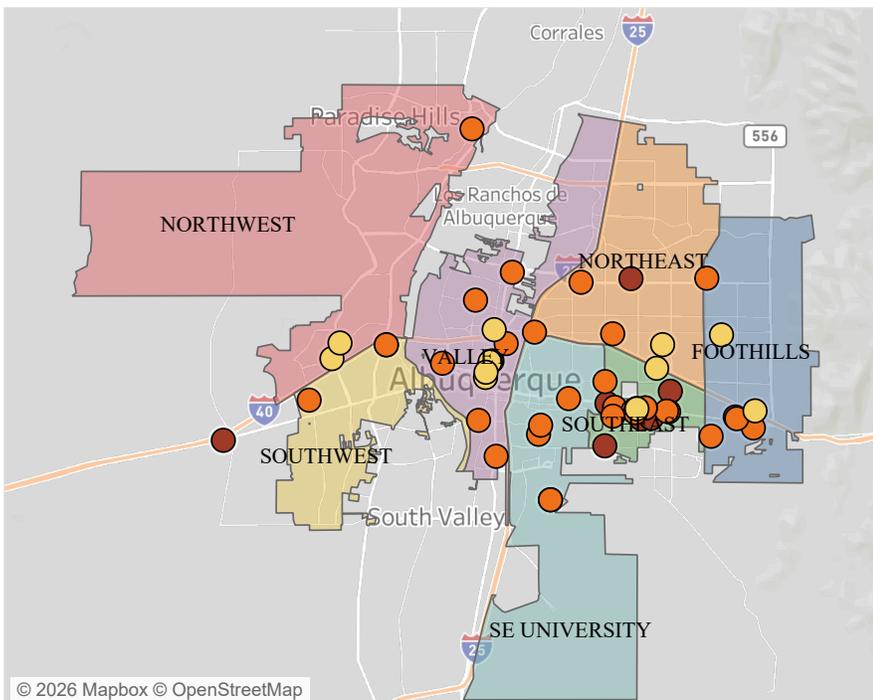
APD's jurisdiction includes the City of Albuquerque which is divided into six Area Commands. In the map below, Southeast Area Command is split into "SE University" and "Southeast". University Area Command is combined with Southeast Area Command in this report until updates to department databases are complete.

Force is categorized into three levels based on APD policy. For more information on APD's Standard Operating Procedures, see: <https://public.powerdms.com/COA>. As of September 20, 2025, APD amended its use of force SOPs to specify that a show of force is not considered a use of force. Shows of force will be tracked as part of uniform incident reports and supervisors will review the incidents to ensure it was reasonable, necessary, and minimal in the circumstances. Shows of force after this date will be reported separate from uses of force.

## Total Use of Force Cases by Area Command and Level of Force

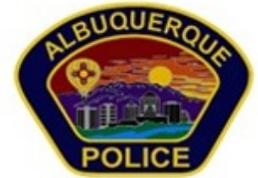
	Force Level			Grand Total
	Level 1	Level 2	Level 3	
Foothills	2	4	1	7
Northeast	2	3	1	6
Northwest	2	1	0	3
Southeast	1	9	5	15
Southwest	0	2	1	3
University	0	4	0	4
Valley	4	6	1	11
Out of Area	0	0	1	1
<b>Grand Total</b>	<b>11</b>	<b>29</b>	<b>10</b>	<b>50</b>

## Locations of Use of Force Cases



- Force Level
- Level 1
- Level 2
- Level 3

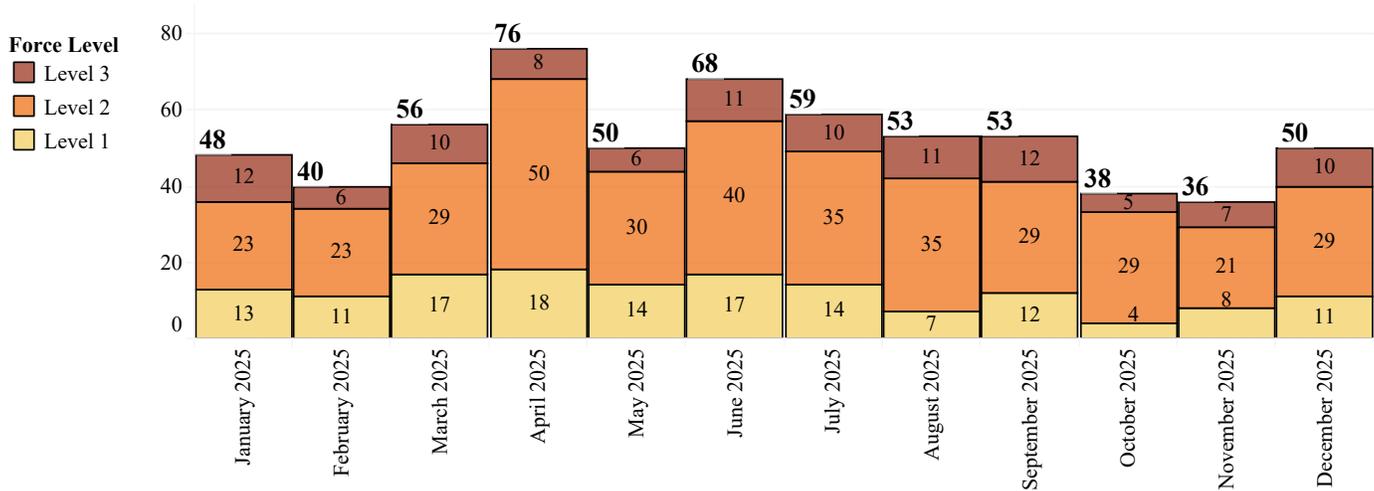
Note: Most force investigations in this report are open investigations since it reflects the previous month of data. As such, figures in this report are preliminary and subject to change as use of force investigations progress.



## Use of Force Totals by Month - Past 12 Months

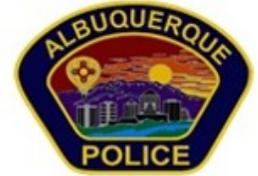
APD tracks use of force data over time to examine trends in use of force. For annual trends, see APD's Annual Use of Force Reports. This page reports monthly totals of all use of force for APD.

**Total Uses of Force by Month and Level of Force**



**Total Uses of Force by Month and Area Command**

		January 2025	February 2025	March 2025	April 2025	May 2025	June 2025	July 2025	August 2025	September 2025	October 2025	November 2025	December 2025	Grand Total
Foothills	Level 1	3	1	4	2	3	0	4	1	3	0	0	2	23
	Level 2	0	5	4	3	2	6	5	3	1	1	5	4	39
	Level 3	1	2	1	1	0	1	0	2	1	0	0	1	10
Northeast	Level 1	4	3	2	2	3	1	1	2	1	0	4	2	25
	Level 2	4	6	8	10	6	4	10	6	6	3	1	3	67
	Level 3	1	3	1	2	0	2	2	2	0	1	0	1	15
Northwest	Level 1	0	0	1	1	0	2	0	0	2	0	1	2	9
	Level 2	0	4	3	1	2	0	1	2	1	2	1	1	18
	Level 3	0	0	1	1	0	1	1	0	0	0	1	0	5
Southeast	Level 1	0	2	5	4	4	6	5	0	1	3	0	1	31
	Level 2	8	3	7	17	6	13	8	12	10	12	2	9	107
	Level 3	2	0	2	2	2	1	0	2	4	1	0	5	21
Southwest	Level 1	1	2	0	1	2	2	2	1	0	0	1	0	12
	Level 2	3	2	3	5	4	4	6	3	2	3	5	2	42
	Level 3	1	1	2	0	0	1	4	1	3	1	3	1	18
University	Level 1	1	0	2	2	0	2	1	1	1	0	1	0	11
	Level 2	4	0	0	3	2	7	4	3	6	3	1	4	37
	Level 3	1	0	1	0	1	1	2	1	2	0	0	0	9
Valley	Level 1	4	2	2	7	2	4	1	2	4	1	1	4	34
	Level 2	4	3	4	9	7	6	3	5	4	4	6	6	61
	Level 3	5	0	3	2	3	4	1	3	4	1	2	1	29
Out of Area	Level 1	0	1	1	0	0	0	0	0	0	0	0	0	2
	Level 2	0	0	0	2	1	0	0	1	0	1	0	0	5
	Level 3	1	0	0	0	0	0	0	0	0	1	1	1	4
<b>Grand Total</b>		<b>48</b>	<b>40</b>	<b>56</b>	<b>76</b>	<b>50</b>	<b>68</b>	<b>59</b>	<b>53</b>	<b>53</b>	<b>38</b>	<b>36</b>	<b>50</b>	<b>627</b>



# Use of Force Benchmarked Against Calls For Service and Arrests - December 2025

Officers are required to only use force when necessary to achieve a lawful objective. When officers have more contacts with individuals, it is likely that there will be more uses of force. To control for factors that may contribute to higher or lower uses of force in a given month, this page shows the number of uses of force relative to the number of calls for service and the number of arrests made. For a detailed discussion of the method used on this page, see APD's 2024 Annual Use of Force Report. **Total force counts on this page may be higher than the previous page if a case involves more than one use of force in different Area Commands.**

## Calls for Service

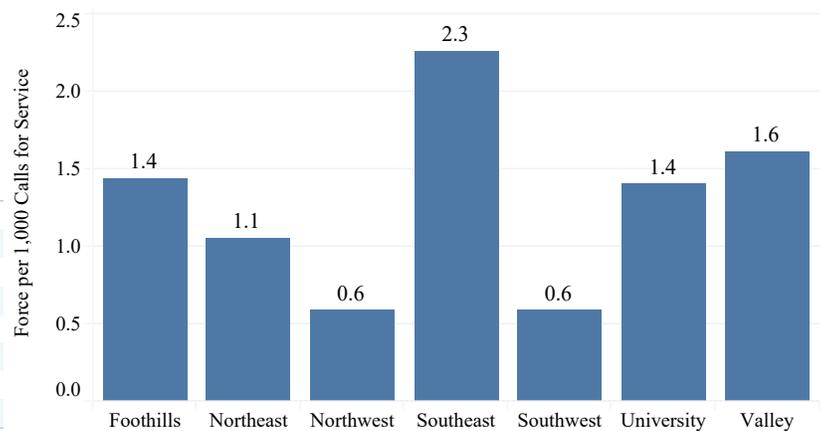
### Total Calls for Service for Area Commands

Excludes calls for service where contact with an individual was unlikely, see Annual Use of Force report for full methodology.

### CAD Calls by Area Command, December 2025

Area Command	Total Force Cases	Total CAD Calls	Force per 1,000 Calls
Foothills	7	4,874	1.4
Northeast	6	5,696	1.1
Northwest	3	5,151	0.6
Southeast	14	6,209	2.3
Southwest	3	5,162	0.6
University	4	2,846	1.4
Valley	11	6,862	1.6
Out of Area	1		

### Force Rate per 1,000 Calls For Service



## Custodial Arrests

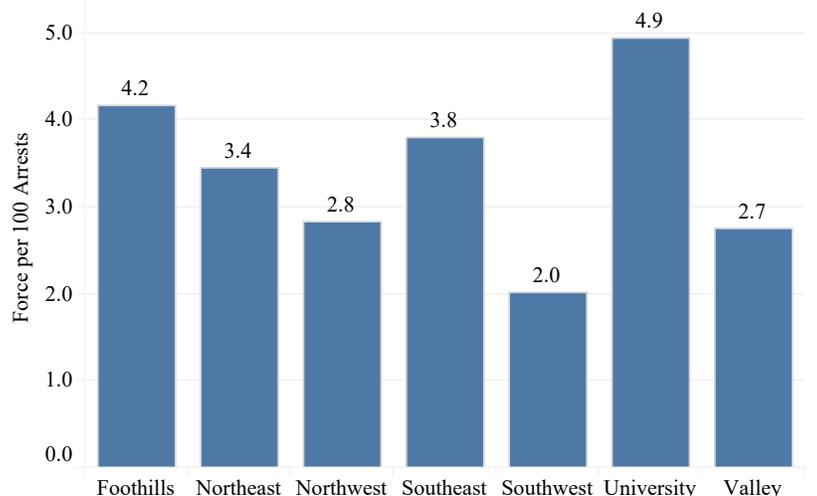
### Total Custodial Arrests for Area Commands

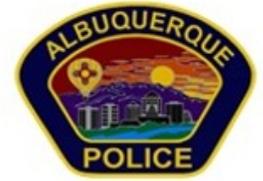
Arrests include custodial arrests only and exclude summonses and citations.

### Force per Arrest by Area Command, December 2025

Area Command	Total Force Cases	Total Arrests	Force Per 100 Arrests
Foothills	7	168	4.2
Northeast	6	174	3.4
Northwest	3	106	2.8
Southeast	14	370	3.8
Southwest	3	149	2.0
University	4	81	4.9
Valley	11	401	2.7
Out of Area	1	25	4.0
Unknown	0	17	0.0

### Force Rate per 100 Custodial Arrests

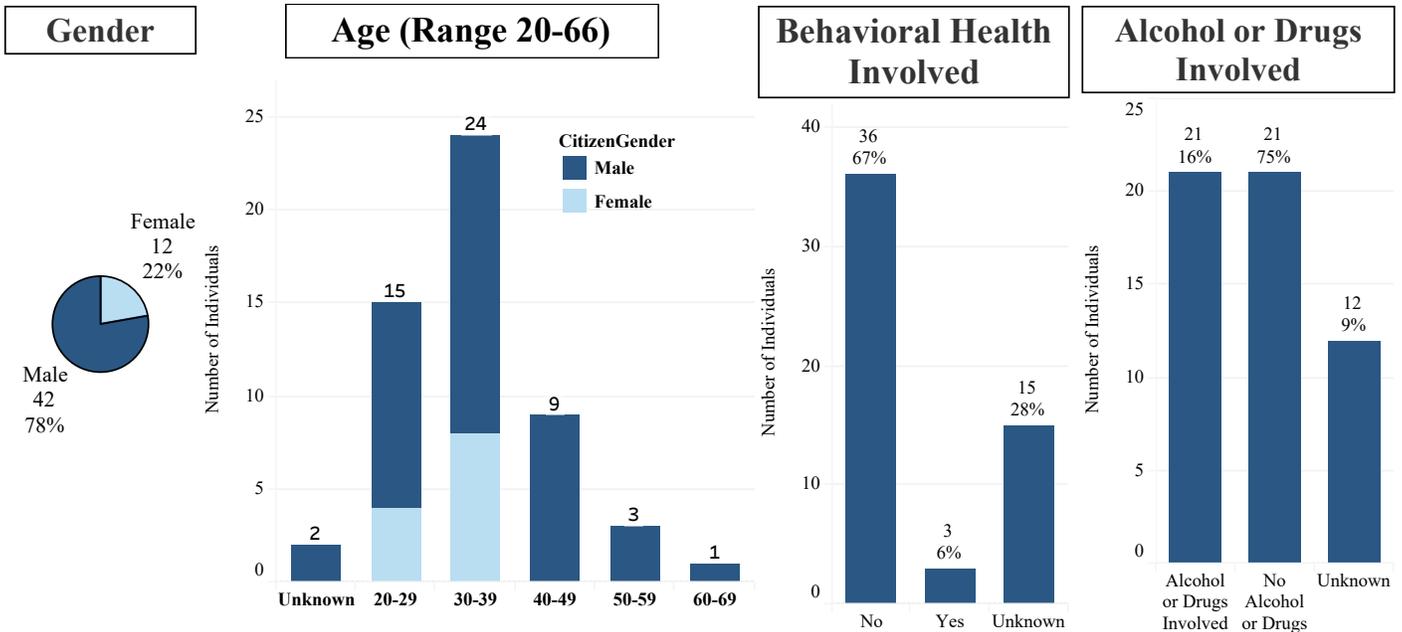




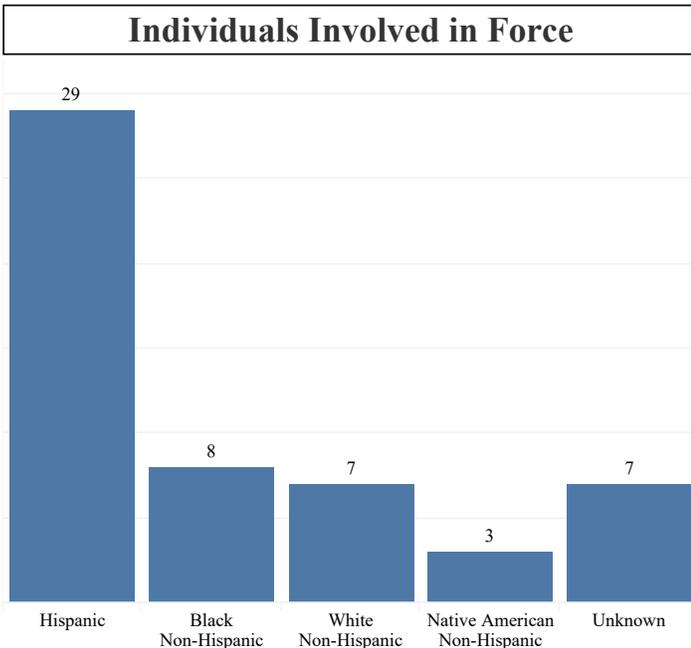
# Demographics of Individuals Involved in Force - December 2025

APD records information about individuals involved in use of force incidents. Citizen information is based on what the individual reported or, if not reported by the individual, on the investigators observations on scene and through review of body-worn camera video. Information may change as investigations progress.

Note: Totals on different characteristics may differ due to missing values being excluded.

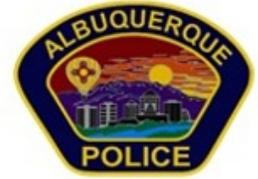


## Race and Ethnicity



Race/Ethnicity	Total Force	Total Arrests	Force Rate per 100 Arrests
Hispanic	29	652	4.4
Black Non-Hispanic	8	122	6.6
White Non-Hispanic	7	484	1.4
Native American Non-Hispanic	3	147	2.0
Asian Pacific Islander Non-Hispanic	0	8	0.0
Unknown	6	78	7.7

Note: Table shows the number of people involved in force interactions. One person may be counted more than once if they are involved in multiple uses of force.



# Final Call Types and Types of Force Used - December 2025

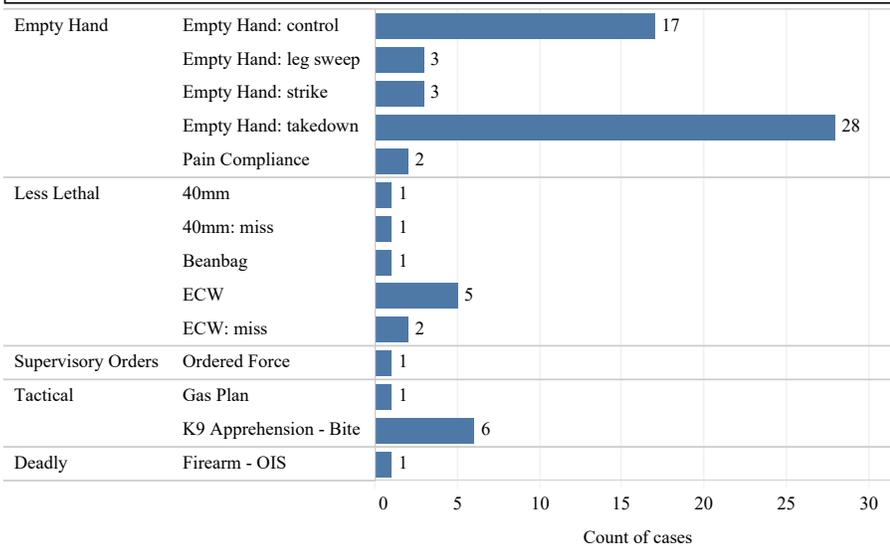
Officers are dispatched to calls for service and the original and final type of call for service are tracked. The table on the right shows the final call types for all calls involving force during the month.

Below, the total number of cases is shown that included the type of force. In any single force case, multiple officers are usually involved and multiple types of force can be used. The bars on the graph will sum to a number greater than the total force cases due to multiple types of force being used in one case and the case being represented in multiple bars.

### Final Call Types Associated with Force Events

Aggravated Assault/Battery	5
Armed Robbery Commercial	1
Audible Alarm	1
Burglary Residence	2
Disturbance	6
Drunk Driver	1
Family Dispute	6
Prisoner Pick Up/In Custody	1
Sex Offense	2
Stabbing	1
Stolen Vehicle Found	1
Suicide	1
Suspicious Person(s)/Vehicle(s)	14
SWAT	1
Theft/Fraud/Embezzlement	1
Traffic Accident No Injuries	1
Traffic Stop	2
Wanted Person	3
<b>Grand Total</b>	<b>50</b>

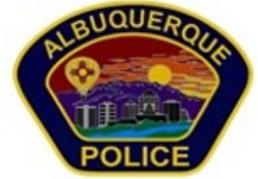
### Total Force Cases Where Each Type of Force Was Used



### Cases Where Shows of Force Are The Only Method Applied by Month

As of September 20, 2025, shows of force (i.e. pointing a firearm, ECW, or 40mm launcher) at a person are no longer uses of force according to APD policy. Due to this subset of cases no longer being counted in force totals, cases where there is a show of force only are included below to for improved comparison of force cases over time.

Type of Show of Force	February 2025	March 2025	April 2025	May 2025	June 2025	July 2025	August 2025	September 2025	October 2025	November 2025	December 2025
40mm	1		1	1	1			1	1	3	2
ECW	3	2		3	2	2	2	3	5	7	7
ECW,Firearm										2	2
Handgun or Rifle	3	3	1	5	4	4	2	2	10	13	15
Oc Spray											1
<b>Grand Total</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>7</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>16</b>	<b>25</b>	<b>25</b>



## Completed Force Investigations - December 2025

APD has two processes for force investigations based on the level of force. Level 1 force is investigated by the Level 1 force investigation unit. The Level 1 unit is required to complete investigations within 24 days (if all extensions are requested and approved).

Level 2 and Level 3 force are investigated by the Internal Affairs Force Division (IAFD). IAFD also investigates any Level 1 force where a Lieutenant or above was involved or Level 1 force if another person at the same event had a higher level of force used. These investigations must be completed within 90-days. All force investigations are investigated to determine whether the actions of the officer(s) involved were consistent with department policy. **IAFD had two Level 2 and three Level 3 investigations with an approved 120-day extension.**

Level 1 Unit		IAFD (Level 2 and Level 3)	
Total Completed Investigations		Total Completed Investigations	
11		46	
Average Days to Completion		Average Days to Completion	
12.3		83.0	
Minimum Days to Completion	Maximum Days to Completion	Minimum Days to Completion	Maximum Days to Completion
10	17	54	119

### All Force Cases

APD strives to only use force that is objectively reasonable, necessary to achieve lawful objectives, and proportional to the resistance from the individual involved, and minimal based on the totality of the circumstances. APD uses a preponderance of evidence standard to determine whether the force met policy requirements. After investigation, force is deemed in policy when every force technique is used correctly and was found to be reasonable, necessary, proportional, and minimal as defined in SOP 2-52: Use of Force - General. If any officer's force techniques used were determined to be out of policy, the entire force case or interaction is considered to be out of policy.

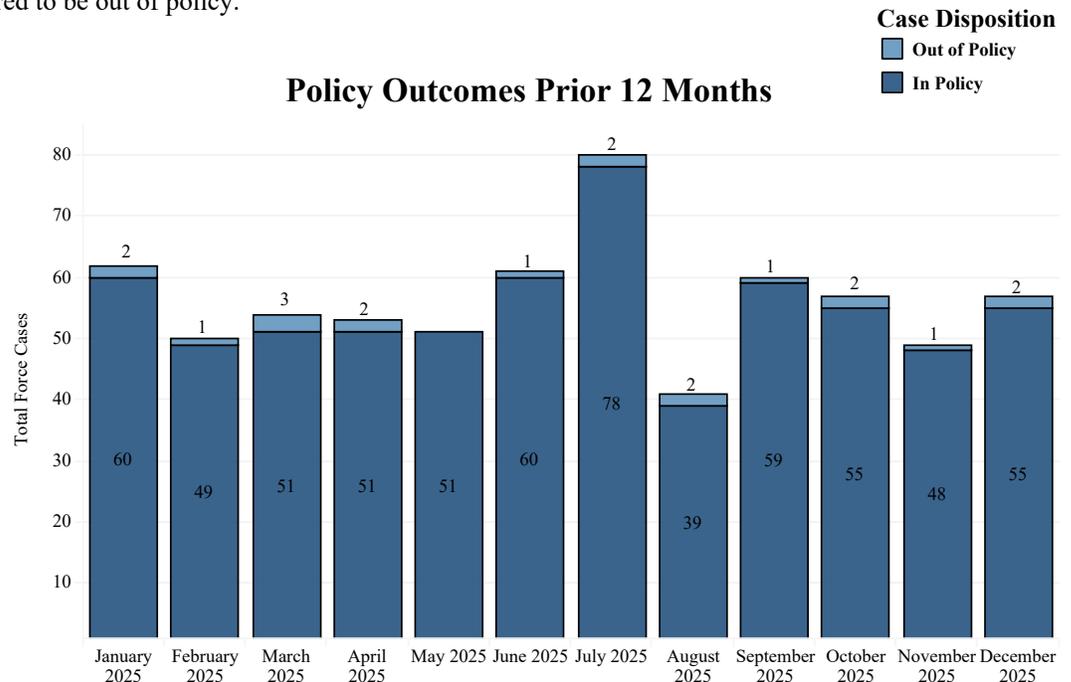
Dispositions of Force Investigations Completed in December 2025

	Total Force Cases
In Policy	55
Out of Policy	2
<b>Grand Total</b>	<b>57</b>

Out of Policy Force Cases by Area Command

University	1
Valley	1
<b>Grand Total</b>	<b>2</b>

### Policy Outcomes Prior 12 Months

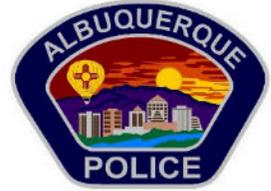




**Timothy M. Keller**  
Mayor

# City of Albuquerque

## Albuquerque Police Department



**Eric J. Garcia**  
Superintendent of Police Reform

December 4, 2025

### Interoffice Memorandum

---

**To:** Diane McDermott, Executive Director, CPOA

**From:** Jimmy Collins, Major, Office of the Superintendent

**Subject:** Non-Concurrence of Finding re: CPC-122-2025

This memorandum articulates APD's points of non-concurrence in the above-captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
1-1-5-E-4	Sustained	Not Sustained
1-1-6-A-6-a	Sustained	Not Sustained
1-1-6-A-1-b	Sustained	Not Sustained

This memorandum has been written to explain the non-concurrence of findings for Officer F and Officer R.

Commander Waite and Commander Landavazo conducted an extensive review of these allegations, and based on their analysis, the following was determined:

**Rationale for non-concurrence of action for 1-1-5-E-4 (Officer F and Officer R):**

***1-1-5-E-4 states: Department 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.***

There was no objective evidence indicating that the officers were speeding. Both officers stated that they only accelerated to conduct the traffic stop of the complainant. Additionally, the use of emergency lights to clear an intersection before proceeding is common practice, especially when the lights remain red in all four directions and other motorists do not treat it as an orderly four-way stop. There was no objective evidence suggesting that activating emergency equipment was done out of "mere convenience," but both officers stated that the lights were activated as a safety measure. The finding that Officer F and Officer R. violated 66-7-6 is incorrect because a sworn law enforcement officer did not issue a traffic citation to Officer F or Officer R., and this violation was not presented before a judicial authority. Based on the lack of objective evidence supporting the complainant's claims, the more appropriate finding is that it is not sustained.

**Rationale for non-concurrence of action for 1.1.6.A.6.a (Officer F):**

*1.1.6.A.6.a: "Department personnel shall not knowingly misrepresent or make any false statement in any verbal or written report or make any allegation to any other written/electronic document that has been completed in the course of their employment. Written documents include, but are not limited to: Reports."*

Based on the investigation's information, it is more likely than not that Officer F's report was inaccurate, as it was written nearly a month after the event. There was no additional information or evidence to support the claim that Officer F intentionally misrepresented the truth.

**Rationale for non-concurrence of action for 1-1-5-E-4 (Officer F and Officer R):**

*1.1.6.A.1.b: "All Department personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that: Brings discredit to the department"*

The investigation revealed that APD officers lack the authority to conduct traffic stops in Sandoval County. Routine traffic enforcement outside Bernalillo County is generally discouraged; however, based on the officers' testimony, this traffic stop was for reckless driving, which is not a minor, routine violation. Police officers have a duty to act in dangerous situations, but they must contact the appropriate jurisdictional agency for assistance. Officer F and Officer R did precisely that. They took no enforcement action, such as making an arrest or issuing a citation, and relied on the Rio Rancho PD to use the police team concept to summon the complainant to court. There is insufficient evidence to support the charge that the officers' actions brought discredit to the Department.

**Conclusion:**

I reviewed the investigation and agree with Commander Waite's and Landavazo's conclusions and recommendations to change the finding from sustained to not sustained for all listed violations.

Respectfully,



Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

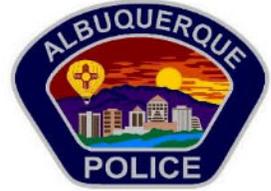
Cc: Eric Garcia, Superintendent of Police Reform



**Timothy M. Keller**  
Mayor

# City of Albuquerque

## Albuquerque Police Department



**Eric J. Garcia**  
Superintendent of Police Reform

December 17, 2025

### Interoffice Memorandum

---

**To:** Diane McDermott, Executive Director, CPOA

**From:** Jimmy Collins, Major, Office of the Superintendent

**Subject:** Non-Concurrence of Finding re: CPC-167-2025

This memorandum articulates APD’s points of non-concurrence in the above-captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
2-60-4-C-1-e	Sustained	Unfounded

#### Rationale for non-concurrence of action for 2-60-4-C-1-e:

This memorandum has been written to explain the non-concurrence of findings for PSA D.

Professional Integrity Commander Waite reviewed the investigation and concluded that he disagreed with the sustained finding for PSA D. Commander Waite explained in his review that PSA D. requested RTCC to determine if cameras at the intersection showed the accident. RTCC determined that the intersection cameras were inoperable. No evidence was provided to prove that PSA D. was trained to query surrounding businesses for footage. Although PSA D. did not directly interview Chief Durgin and LT Allison as witnesses to the crash, both wrote incident reports, which are attached to the file. Commander Waite finds that it fulfills the witness statement requirement. Finally, PSA D. spoke with the solid waste vehicle driver and recorded his statement in the UCR. I find no evidence that statements of the vehicle passengers would be required and would not add to the statement of the driver.

Ultimately, everyone agreed that the solid waste driver hit the bicyclist. Additional interviews or camera footage would not change that opinion. PSA D. conducted sufficient documentation of the accident scene, including witness and involved statements, which demonstrated that the driver of the solid waste truck hit the cyclist in the crosswalk.

#### Conclusion:

I reviewed the investigation and agree with Commander Waite’s conclusion and recommendation to change the finding from sustained to unfounded.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jimmy Collins', with a large, sweeping flourish underneath.

Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

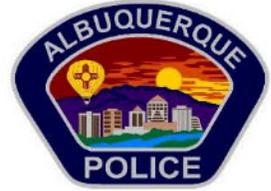
Cc: Eric Garcia, Superintendent of Police Reform



**Timothy M. Keller**  
Mayor

# City of Albuquerque

## Albuquerque Police Department



**Eric J. Garcia**  
Superintendent of Police Reform

December 4, 2025

### Interoffice Memorandum

---

**To:** Diane McDermott, Executive Director, CPOA

**From:** Jimmy Collins, Major, Office of the Superintendent

**Subject:** Non-Concurrence of Finding re: CPC-126-2025

This memorandum articulates APD's points of non-concurrence in the above-captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
2-46-4-A-1-g	Sustained	Exonerated

#### Rationale for non-concurrence of action for 2-46-4-A-1-g:

This memorandum has been written to explain the non-concurrence of findings for Officer J.

Professional Integrity Commander Waite reviewed the investigation and concluded that he disagreed with the sustained finding for Officer J. Commander Waite explained in his review that although Officer J was the first responder to the scene, he immediately recognized his need for assistance and voiced that over the radio (82 or PSA available). Officer J gathered basic information from parties on the scene, which did not include an interview with the complainant, who was being attended to by AFR. When interviewed, both Officer J and PSA L agreed that PSA L then became the primary investigator for the incident. As a result, PSA L was responsible for attempting an interview with the complainant, who was transported from the scene by AFR. SOP 2-46-4-A-1-j indicates responding personnel shall: request additional assistance from other Department personnel, as needed. This assistance is not limited by policy, and Officer J chose to delegate the crash to PSA L, to which PSA L agreed. Additionally, SOP 1-78 permits PSA's to conduct traffic crash investigations and further allows primary units to request PSA's "any other assistance as directed by a supervisor or primary unit." (1-78-6-A-1.a-c).

#### Conclusion:

I reviewed the investigation and agree with Commander Waite's conclusion and recommendation to change the finding from sustained to exonerated.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Collins', written in a cursive style.

Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform



# City of Albuquerque

## Civilian Police Oversight Agency



### Policy and Procedure Review Subcommittee Board Meeting

1/02/2026  
1/08/2026

### Policy Recommendations

#### SOP 1-83 (Formerly 5-9 and 5-10) Real Time Crime Center

It is the policy of the Department to improve officer and public safety through the collection, analysis, and dissemination of information and intelligence and to provide timely and relevant information to assist Department personnel in making informed decisions.

- 1-83-4-D-3-c: Should this directive account for community member safety as well?
  - o Recommendation: Slightly revise the directive to clearly account for officer and community safety. Remove “officer” before safety and include “or concern” with information.
 

“Voice any safety information or concern identified during history checks or video review as soon as it is discovered regardless of whether responding officers are on scene or still enroute to the call for service.”

#### SOP 1-89 (New NEST SOP) Neighborhood Engagement and Support Team (NEST)

It is the policy of the Department to proactively address neighborhood quality-of-life concerns through engagement and outreach, utilizing enforcement measures when necessary.

- The City and APD are also working to revise and update the City of Albuquerque’s Policy for Responding to Encampments on Public Property, which became effective on December 16, 2024.
- 1-89-4-A-2 – “NEST personnel shall... Participate in daily briefings with SWC to review response locations.”
  - o These encampment enforcement actions have led to UOF incidents, stemming from officers taking law enforcement action (requesting identification/looking for people with warrants), outside the scope and intention of NEST actions. We believe this is due to officers not understanding their role when participating in NEST actions. While this issue can be reasonably prevented if all sworn personnel involved in any NEST action participate in the briefings, that may not always be feasible.
  - o Recommendation: Revise the SOP to require that any personnel assisting with a NEST response who did not attend the daily briefing receive direction from their supervisor before deployment to comply with the directives of this SOP while participating in the operation. This is intended to help ensure that no Department personnel assisting in a NEST action are not under the misunderstanding that they can or should perform proactive law enforcement actions that this SOP limits.
  - o Add a new section to 1-89-4-F – “NEST Sergeant(s) shall: ...

“4. Inform all Department personnel assisting with a NEST response who did not attend the daily briefing to comply with the directives of this SOP prior to their arrival.”

Or

“4. Ensure all Department personnel assisting with a NEST response who did not attend the daily briefing are briefed on, and know to comply with, this SOP before arriving on scene.”

- 1-89-4-A-2 may also need revision to account for when not all NEST personnel can attend –  
“Participate in daily briefings... if feasible.”  
and/or  
Specify the personnel who shall always participate (supervisors, NEST Sergeants, etc.)

## **No Policy Recommendations**

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### **SOP 1-28 (Formerly 4-3) Downtown Unit**

It is the policy of the Albuquerque Police Department (Department) to establish a specialized unit that will address quality-of-life issues through enforcement and outreach in the Downtown Public Safety District. The Downtown Unit (DTU) works with the community and business partners by providing high-visibility patrol by foot, car, bike, or other means throughout the Downtown Public Safety District.

### **SOP 1-37 (Formerly 2-13 and 2-19) Crisis Intervention Division and Program**

It is the policy of the Albuquerque Police Department (Department) to establish and support CID personnel with the goal of developing programs that assist individuals with a history of behavioral health issues. This assistance is designed to communicate clearly the options available to patrol sworn personnel who are among Department personnel who most frequently interact with individuals living with behavioral health issues or who are experiencing behavioral health crises.

### **SOP 1-72 Organized Crime Unit**

It is the policy of the Albuquerque Police Department (Department) to investigate, identify, apprehend, and seek prosecution in criminal cases involving white-collar crimes over \$10,000, felony organized retail crimes, repeat organized crime offenders, pawnshops, secondhand retailers, metal theft, and other assigned criminal investigations which are a result of recovered property discovered by the OCU personnel.

### **SOP 1-97 Data Analysis Division**

It is the policy of the Department to use data to inform Department policies, procedures, tactics, and training. It is also the policy of the Department to be transparent with the community and make data analysis available for public consumption when possible.

### **SOP 2-32 Exposure to Blood or Bodily Fluids**

It is the policy of the Department to provide Department personnel with preventative information about blood or bodily fluids and how to process exposures to blood or bodily fluids.

### **SOP 2-39 Field Services Bureau Response to Demonstrations, Incidents, and Events**

It is the policy of the Department to establish procedures for Field Services Bureau (FSB) sworn personnel and FSB supervisors to follow when present at or responding to demonstrations, incidents, and events. This policy also applies to situations in which a large number of community members gather and where there is articulable reason to believe that there is the potential for impact on community members and sworn personnel, and/or public or private property. For the Department’s policy pertaining to situations that escalate beyond FSB’s control, Department personnel shall refer to SOP Emergency Response Team (ERT).

### **SOP 2-42 DWI Investigations and Revoked or Suspended License**

It is the policy of the Department to apprehend, arrest, and assist in the efficient prosecution of individuals who are found to be operating a motor vehicle while under the influence of intoxicating liquor or drugs, or driving a vehicle while their driver’s license is revoked or suspended for a previous DWI violation.

### **SOP 2-49 Vehicle Identification Number (VIN) Inspections**

It is the policy of the Albuquerque Police Department (Department) to establish procedures for Department personnel who assist community members with registration of their vehicles with the New Mexico Motor Vehicle Division (MVD). It is also the policy of the Department to provide trained and certified sworn personnel to complete VIN inspections in the identification of vehicles that have been stolen and have been altered from their original state.

- In PPRB, there was a discussion about certain instances where APD officers/detectives would not record the VIN inspection of a seized vehicle, which opened the door to complaints of improper search and theft. The APD policy author stated that while these inspections are investigative, he believes APD officers/detectives don't record in certain instances because some vehicle VINs are concealed and generally unknown.

### **SOP 2-70 (Formerly 2-16) Execution of Search Warrants**

It is the policy of the Albuquerque Police Department (Department) to follow standardized procedures during the preparation and execution of search warrants to ensure the effectiveness of the operation, the safety of personnel and the public, and that all federal, state, and local laws are met.

### **SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures**

It is the policy of the Department to empower sworn personnel to arrest individuals who have committed a felony and/or misdemeanor. It is also the policy of the Department to follow the correct legal procedures that are required when arresting, booking, and filing charges against such individuals.

### **SOP 2-88 Bait Car and Property Program**

It is the policy of the Albuquerque Police Department (Department) to proactively identify and apprehend in-progress auto theft offenders. In doing so, the Department seeks to increase the number of arrests and prosecutions for this offense, thereby deterring future offenders and reducing the number of stolen vehicles. It is also the policy to perform this proactive and tactical mission in a safe and professional manner.

- Name update ("and Property") in preparation for APD's future plans for bait property.

### **SOP 2-90 (Formerly 6-2) Department Applicant Background Investigations**

It is the policy of the Department to provide requirements for the hiring of Department personnel and the background investigations process.

### **SOP 2-96 Clandestine Drug Laboratory and Indoor Marijuana Grow Site Investigations**

It is the policy of the Department to investigate, dismantle, and render safe clandestine drug laboratories and indoor marijuana grow sites, with consideration given to the safety of Department personnel and the community. The risk posed by illegal laboratories and grow sites requires the Department to have a safe and effective way to address them.

### **SOP 3-17 (Formerly 3-55) Duty Assignments and Transfers**

It is the policy of the Albuquerque Police Department (Department) to adhere to the processes provided to assign or transfer Department personnel to the various areas within the Department.

### **SOP 3-50 Forms Control**

It is the policy of the Department to use standardized, Department-Approved Forms for use by Department personnel to establish consistency. To achieve centralized control over Department-Approved Forms, the Standard Operating Procedure (SOP) Liaisons will have the authority to maintain, control, and publish Department-Approved Forms and the responsibility to obtain approval from the Policy and Procedures Review Board (PPRB) for forms used by Department personnel.

## APD Responses to Policy Recommendations

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### SOP 1-64 K-9 Unit

- 1-64-5-B-2-f-v: Add limiting language or examples to this directive. “f. Deploy the PSDs in the following circumstances: ... v. To locate individuals suspected of committing a misdemeanor crime involving violence, threatened violence, or a credible ongoing risk, when the K-9 Unit Sergeant approves a search based on the totality of circumstances.”
  - APD Response: Concur, language incorporated.

### SOP 2-16 Reports – Three recommendations, none adopted.

- Written recommendations submitted post-PPRB by CPOA. The recommendations focused on the timeliness of reports and explanations for extensions or delays, as these are frequent issues in CPOA investigations into untimely reports.
  - (1) 2-16-5-C-1-a (p. 6): Add a sentence at the end of this directive - "The reason the employee was unable to complete the report by the end of their shift shall be documented in the report."
  - (2) 2-16-5-C-1 (pg. 6): Add a new section "c" under 1. - "c. All delays or exceptions to these timelines must be documented in Mark43 by adding a "Comment" under the "Report Status & Comments" section, which includes the name of the authorizing supervisor, the date of the request and authorization, and a brief explanation."
  - (3) 2-16-5-A-1 (p. 3): Add "timeliness" to supervisory review criteria - "Review reports for grammar, timeliness, and elements of the crime, and ensure the narrative supports each event card and listed charges when applicable; and..."
  - APD Response: Replied as "Partially Concur" in memo; however, no changes were made. Policy author stated, "Deputy Chief Griego is fine with it the way it is. He does not see any reason to add or delete what is already there." Ultimately, does not concur.

### SOP 2-33 Rights and Safety of Onlookers – Three recommendations, two adopted.

- (1) Revise and add language to the end of the sentence in 2-33-4-A-1: "Sworn personnel may only direct or require individuals to move under the following circumstances, and *shall be able to articulate the reason for doing so.*"

The goal of this recommendation is to ensure that bystanders are not moved from the immediate vicinity for arbitrary reasons and prevent officers from appealing to the safety or interference exceptions of this section without the ability to explain why they thought applying the exception was justified.

- APD Response: Does not concur. "The immediate vicinity was discussed at PPRB. Scenes are dynamic and require officer discretion. The articulable reasons for having people move are already listed in the SOP."
- (2) This section's second sentence should have an "or" instead of a comma between "in a manner that endangers the public" and "in a manner similar to any other weapon."

2-33-4-E-3 Recommendation: "Department personnel do not have the jurisdiction to confiscate an sUAS unless the flight poses a danger to the general public, personnel on scene, bystanders, etc. If the drone is operated in a manner that endangers the public *or* in a manner similar to any other weapon, the drone shall be confiscated or grounded as an exigent safety measure to protect the general public."

This recommendation is intended to improve the sentence's readability and broaden the scope of enforcement action against sUAS that reasonably endanger the public. As the policy was written, an sUAS would have had to be operated in “a manner similar to any other weapon” to be grounded/confiscated. In the recommendation, CPOA PA argued that, despite the absence of specific laws on the matter, it is hard to believe that APD officers wouldn't take some action against the obviously reckless operation of a sUAS even if it didn't rise to the level of “being used as a weapon.”

- APD Response: Memo says “Does not concur.” And the policy author stated, “Currently, there is no statute or established case law that specifically defines what constitutes operating a sUAS in a harassing or reckless manner. Because this technology is still relatively new, legislators and the courts have not yet provided clear guidance or legal standards for such conduct. As a result, if an officer were to confiscate a sUAS based on a subjective interpretation of “harassment” or “recklessness,” the Department could be exposed to legal liability. Without a defined legal threshold, taking enforcement action in these situations may be viewed as overreach or an unlawful seizure.”
- However, the published policy reflects the recommendation, so it was ultimately incorporated into SOP.
- (3) 2-33-4-E-1 Recommendation: “Department personnel shall not take enforcement action regarding drone usage, *except in circumstances where the operation endangers the public or personnel on scene.* Currently, there are no Albuquerque City Ordinances or New Mexico State Statutes governing drone usage.”

The purpose of this recommendation was to resolve the policy's contradictory language. One directive stated that APD could not take law enforcement action against drones “whether nefarious or not,” while a subsequent directive stated that APD shall take law enforcement action when the operation endangers the public.

- APD response: Concur. Did not incorporate specific recommended language, but revised the policy to state:
  2. If the flight is illegal or interferes with law enforcement operations, or otherwise violates federal airspace rules, Department personnel shall take *non-criminal administrative action* by:
    - a. Utilizing either an OBRD or a Department-issued cell phone to record the illegal flight;
    - b. Documenting the incident in a Uniform Incident Report; and
    - c. Forwarding the report, recordings, and any other evidence to the local/regional Federal Aviation Administration (FAA) partners for review and possible prosecution in accordance with SOP Small Unmanned Aircraft Systems (sUAS).

### **SOP 3-31 Physical Fitness Assessment – Policy Question/Clarification**

- The CPOA/CPOAB submitted a clarification question on behalf of a Community Policing Council member regarding the language describing the schedule for fitness assessments – “yearly biennium training.”
  - APD Response: Biennium training is a term used by the Advanced Training Unit to denote certain phases of yearly officer training, and the physical assessment is traditionally scheduled in conjunction with it.

## **CPC Policy Recommendations**

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**1-83 REAL TIME CRIME CENTER (RTCC)**

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

A. Related SOP(s)

- 1-22 Automated License Plate Reader Program (Formerly 2-89)
- 1-87 Scientific Evidence Division (Formerly 5-5)
- 2-9 Use of Computer Systems (Formerly 1-37)

B. Form(s)

None

C. Other Resource(s)

New Mexico Inspections of Public Records Act

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**1-83-1 Purpose**

The purpose of the Real Time Crime Center (RTCC) is to provide timely and relevant information to assist Albuquerque Police Department (Department) personnel in making informed decisions, improve officer and public safety through the collection, analysis, and dissemination of information and intelligence, while valuing the privacy of community members.

**1-83-2 Policy**

It is the policy of the Department to improve officer and public safety through the collection, analysis, and dissemination of information and intelligence and to provide timely and relevant information to assist Department personnel in making informed decisions.

**N/A 1-83-3 Definitions**

A. Analysis

The systematic process of examination carried out to distinguish problems, situations, or projects appropriate for instructional solutions or other suitable interventions that optimize performance.



B. For Official Use Only (FOUO)

Protective marking for information of a sensitive nature that requires protection from disclosure except for official government use. FOUO includes information that is unclassified and may be widely disseminated to federal, state, local, and private sector partners, provided that the recipient has a "need to know" status. FOUO can only be used for official business and may not be released without written permission from the Department or to any media outlet. The disclaimer below shall be attached to all FOUO information disseminated from the Crime Analysis Unit (CAU):

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C. Information

Data in a usable form, usually processed, organized, structured, or presented in a meaningful way.

D. Intelligence

Analyzed and synthesized information that is of tactical, operational, or strategic value.

E. Law Enforcement Sensitive (LES)

Protective marking for unclassified information of a sensitive nature, which includes any information that may be damaging to a law enforcement investigation or cause undue risk to a law enforcement official, if released to non-law enforcement entities. LES can only be used for official law enforcement activities and may not be released without written permission from the Department or to any media outlet. The disclaimer below shall be attached to all LES information disseminated from the CAU.

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F. RTCC Bridge

The dedicated area where RTCC personnel provide real-time information to sworn personnel.

G. RTCC Bridge Operator



RTCC staff who have specialized training specific to the support of law enforcement personnel by providing real-time information to department personnel.

H. Situational Awareness

For the purposes of this policy, a comprehensive fusion of data from the Department and its partners to establish a common operating picture.

I. Unclassified Information

Information that is sensitive in nature and the unauthorized disclosure of which could adversely affect a person's privacy or welfare, conduct of investigations, or operations essential to the security of the City of Albuquerque.

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J. Video Network

A collection of both public and City of Albuquerque video camera systems.

**7** 1-83-4 **Roles and Responsibilities**

**N/A** A. The RTCC Commander or designee is responsible for the overall management and direction of the RTCC and its component units.

B. The RTCC consists of the following units:

1. RTCC Bridge;
2. Crime Analysis Unit (CAU);
3. Data Driven Policing Unit (DDP);
4. Video Unit; and
5. Mobile Video Tech Unit.

C. RTCC and Department personnel shall only access video monitoring and recordings generated by closed-circuit television (CCTV) for official law enforcement purposes.

**6** D. RTCC Bridge

1. The RTCC Bridge Manager shall be responsible for the leadership and management of the RTCC Bridge Live Operations.



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**SOP 1-83 (Formerly 5-9 and 5-10)**

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2. The RTCC shift supervisor shall be responsible for the direct supervision of RTCC Bridge Operators.
  - a. If the shift supervisor is not available, the RTCC Bridge Manager shall assume direct supervision responsibilities.
  - b. If both the shift supervisor and bridge manager are unavailable, the RTCC Commander shall assume direct supervision responsibilities.
  
3. The RTCC Bridge Operator shall:
  - a. Research existing information sources to provide relevant information to sworn personnel responding to calls for service;
    - i. The relevant information provided to sworn personnel will be provided from:
      1. Law enforcement databases;
      2. Other commercially available data; and
      3. Situational awareness information developed through the RTCC video network.
  - b. Prioritize high-risk calls;
  - c. Voice any officer safety information identified during history checks or video review as soon as it is discovered regardless of whether responding officers are on scene or still enroute to the call for service.
    - i. If the talk group is secure for an unrelated call, the RTCC Bridge Operator will add the appropriate hazard information to the call comments in CAD; and
    - ii. The RTCC Bridge Operator will also send a CAD message to the appropriate ECC dispatcher for the area command advising of the hazard.
  - d. Access the video network to provide information to sworn personnel responding to calls for service and conducting investigations.
  - e. Access and view live and recorded video, for the purpose of assisting with current or ongoing law enforcement investigation.
  - f. **Not access or view live and recorded video for personal gain or purpose;**
  - g. Perform related duties and responsibilities as assigned; and
  - h. Perform additional related and essential duties as assigned.
  
4. The RTCC Director or their designee shall screen and grant or deny requests for mobile video trailer deployments based on crime trends and Department needs.
  - a. The RTCC Mobile Tech Unit has the responsibility of deploying and maintaining the mobile video trailers.

E. Crime Analysis Unit

1. Crime Analysis Unit personnel shall:
  - a. Support enhanced decision-making through analysis and information sharing;



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GENERAL ORDERS

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- b. Provide the Department and other partners with analysis to identify patterns and characteristics of crime trends to affect the deployment of personnel and resources;
- c. Analyze crime information employing analytical processes and statistical methods to identify crime patterns, crime suspect correlation, crime trends, and crime forecasting;
- d. Develop and maintain current information sources used to analyze crime trend data;
- e. Prepare and distribute crime analysis reports to the Chief of Police, the Department's administration, operational units, and partner agencies as needed; and
- f. Respond to inquiries from other law enforcement agencies and the general public regarding crime statistics and other related information.

F. Data Driven Policing Unit (DDP)

1. The Manager of DDP shall administer accounts for law enforcement investigative systems utilized by the Department and specific to the RTCC.
2. DDP personnel shall provide the Department with available maps and other visual tools used to identify crime trends, crime forecasting, and tactical operations.

G. Video Unit

1. Video Unit personnel shall:
  - a. Provide information to the Department via APD-TV as follows:
    - i. Officer Safety Bulletins, Officer Awareness Bulletins, and bulletins issued by our Criminal Intelligence Unit take top priority;
    - ii. Information regarding individuals or persons of interest sought by law enforcement personnel is published in the Department's daily video briefing, The Daily 49; and
    - iii. Information regarding policy changes shall be added at the request of the Department's executive staff.
  - b. Provide video support for the Department as follows:
    - i. Produce, shoot, and edit Public Service Announcements;
    - ii. Provide video content for the media with information provided by the executive staff; and
    - iii. Assist investigators by processing video evidence (surveillance cellphone, traffic camera, etc.), in accordance with SOP Scientific Evidence Division.
  - c. Provide employee training videos as directed by the executive staff.

N/A

H. Mobile Video Tech Unit

1. Personnel responsible for the maintenance and deployment of mobile video trailers and mobile license plate trailers throughout the City of Albuquerque.



**1-83 REAL TIME CRIME CENTER (RTCC)**

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

A. Related SOP(s)

- 1-22 Automated License Plate Reader Program (Formerly 2-89)
- 1-87 Scientific Evidence Division (Formerly 5-5)
- 2-9 Use of Computer Systems (Formerly 1-37)

B. Form(s)

None

C. Other Resource(s)

New Mexico Inspections of Public Records Act

D. Active Special Order(s)

None

D.E. Rescinded Special Order(s)

None

**1-83-1 Purpose**

The purpose of the Real Time Crime Center (RTCC) is to provide the Albuquerque Police Department (Department) personnel with timely and relevant useful information to assist Albuquerque Police Department (Department) personnel in help them making informed better decisions, in making informed decisions, and improve officer and public safety through the collection, analysis-, and dissemination of information and intelligence, while valuing the privacy of community members. while enhancing officer and public safety. This is achieved through the gathering, analyzing, and sharing of information or intelligence while respecting the privacy of the community.

**1-83-2 Policy**

It is the policy of the Department to improve officer and public safety through the collection, analysis, and dissemination of information and intelligence and to provide timely and relevant information to assist Department personnel in making informed decisions.

N/A	<b>1-83-3 Definitions</b>
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A. Analysis



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-83 (Formerly 5-9 and 5-10)**

**CPOAB Draft 12/05/2025**

The systematic process of examination carried out to distinguish problems, situations, or projects appropriate for instructional solutions or other suitable interventions that optimize performance.

B. For Official Use Only (FOUO)

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C. Information

Data in a usable form, usually processed, organized, structured, or presented in a meaningful way.

D. Intelligence

Analyzed and synthesized information that is of tactical, operational, or strategic value.

E. Law Enforcement Sensitive (LES)

Protective marking for unclassified information of a sensitive nature, which includes any information that may be damaging to a law enforcement investigation or cause undue risk to a law enforcement official, if released to non-law enforcement entities. LES can only be used for official law enforcement activities and may not be released without written permission from the Department or to any media outlet. The disclaimer below shall be attached to all LES information disseminated from the CAU.

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F. RTCC Bridge

The dedicated area where RTCC personnel provide real-time information to sworn personnel.



G. RTCC Bridge Operator

RTCC staff who have specialized training specific to the support of law enforcement personnel by providing real-time information to department personnel.

H. Situational Awareness

For the purposes of this ~~policy~~ policy, it is a comprehensive fusion of data from the Department and its partners to establish a common operating picture.

I. Unclassified Information

Information that is sensitive in nature and the unauthorized disclosure of which could adversely affect a person's privacy or welfare, conduct of investigations, or operations essential to the security of the City of Albuquerque.

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J. Video Network

A collection of both public and City of Albuquerque video camera systems.

**7** 1-83-4 **Rules and Responsibilities**

**N/A** A. The RTCC Commander or designee is responsible for the overall management and direction of the RTCC and its component units.

~~A.~~ B. The RTCC consists of the following units:

- 1. RTCC Bridge;
- 2. Crime Analysis Unit (CAU);
- ~~2.~~3. Data Driven Policing Unit (DDP);
- ~~3.~~4. Video Unit; and
- ~~4.~~5. Mobile Video Tech Unit.

~~B.~~ C. RTCC and Department personnel shall only access video monitoring and recordings generated by closed-circuit television (CCTV) for official law enforcement purposes.

**6** ~~C.~~ D. RTCC Bridge



1. The RTCC Bridge Manager shall be responsible for the leadership and management of the RTCC Bridge Live Operations.
2. The RTCC shift supervisor shall be responsible for the direct supervision of RTCC Bridge Operators.
  - a. If the shift supervisor is not available, the RTCC Bridge Manager shall assume direct supervision responsibilities.
  - b. If both the shift supervisor and bridge manager are unavailable, the RTCC Commander shall assume direct supervision responsibilities.

4.3. The RTCC Bridge Operator shall:

- a. Research existing information sources to provide relevant information to sworn personnel responding to calls for service;
  - i. The relevant information provided to sworn personnel will be provided from:
    1. Law enforcement databases;
    2. Other commercially available data; and
    3. Situational awareness information developed through the RTCC video network.
- b. Prioritize high-risk calls;
- c. Voice any officer safety information identified during history checks or video review as soon as it is discovered regardless of whether responding officers are on scene or still en-route to the call for service.
  - i. If the talk group is secure for an unrelated call, the RTCC Bridge Operator will add the appropriate hazard information to the call comments in CAD; and
- b. The RTCC Bridge Operator will also send a CAD message to the appropriate ECC dispatcher for the area command advising of the hazard.; and
  - ii.
- e.d. Access the video network to provide information to sworn personnel responding to calls for service and conducting investigations.; and
- e. Access and view live and recorded video, for the purpose of assisting with current or ongoing law enforcement investigation.
- f. NA bridge operator shall not access or view live and recorded video for personal gain or purpose; that is limited to a valid law enforcement purpose;.
- g. Perform related duties and responsibilities as assigned; and
- d.h. Perform additional related and essential duties as assigned.

2.4. The RTCC Director or their designee shall screen and grant or deny requests for mobile video trailer deployments based on crime trends and Department needs.

- a. The RTCC Mobile Tech Unit has the responsibility of deploying and maintaining the mobile video trailers.

D.E. Crime Analysis Unit



1. Crime Analysis Unit personnel shall:
  - a. Support enhanced decision-making through analysis and information sharing;
  - b. Provide the Department and other partners with analysis to identify patterns and characteristics of crime trends to affect the deployment of personnel and resources;
  - c. Analyze crime information employing analytical processes and statistical methods to identify crime patterns, crime suspect correlation, crime trends, and crime forecasting;
  - d. Develop and maintain current information sources used to analyze crime trend data;
  - e. Prepare and distribute crime analysis reports to the Chief of Police, the Department's administration, ~~and~~ operational units, ~~and~~ partner agencies as needed; and
  - f. Respond to inquiries from other law enforcement agencies and the general public regarding crime statistics and other related information.

F. Data Driven Policing Unit (DDP)

1. The Manager of DDP shall administer accounts for law enforcement investigative systems utilized by the Department and specific to the RTCC.
2. DDP personnel shall provide the Department with available maps and other visual tools used to identify crimes trends, crime forecasting, and tactical operations.

~~E.G.~~ Video Unit

1. Video Unit personnel shall:
  - a. Provide information to the Department via APD-TV as follows:
    - i. Officer Safety Bulletins, Officer Awareness Bulletins, and bulletins issued by our Criminal Intelligence Unit take top priority;
    - ii. Information regarding individuals or persons of interest sought by law enforcement personnel is published in the Department's daily video briefing, The Daily 49; and
    - iii. Information regarding policy changes shall be added at the request of the Department's executive staff.
  - b. Provide video support for the Department as follows:
    - i. Produce, shoot, and edit Public Service Announcements;
    - ii. Provide video content for the media with information provided by the executive staff; and
    - iii. Assist investigators by processing video evidence (surveillance cellphone, traffic camera, etc.), in accordance ~~consistent~~ with SOP Scientific Evidence Division.
  - c. Provide employee training videos as directed by the executive staff.

N/A



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GENERAL ORDERS

**SOP 1-83 (Formerly 5-9 and 5-10)**

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F.H. \_\_\_\_\_ Mobile Video Tech Unit

1. Personnel responsible for the maintenance and deployment of mobile video trailers and mobile license plate trailers throughout the City of Albuquerque.

REDLINED



**1-89 NEIGHBORHOOD ENGAGEMENT AND SUPPORT TEAM (NEST)**

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

A. Related SOP(s)

- 2-16 Reports
- 2-73 Collection, Submission, and Disposition of Evidence and Property

B. Form(s)

None

C. Other Resource(s)

City of Albuquerque's Policy for Responding to Encampments on Public Property  
*McClendon v. City of Albuquerque*, 95-cv-00024 (Doc. 1320, September 11, 2017)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**1-89-1 Purpose**

The purpose of this policy is to outline the job duties and responsibilities of the Albuquerque Police Department (Department) Neighborhood Engagement and Support Team (NEST), which collaborates with Solid Waste Clean-up (SWC), Health Housing and Homelessness (HHH) Interaction Team, and the community to address quality-of-life concerns.

**1-89-2 Policy**

It is the policy of the Department to proactively address neighborhood quality-of-life concerns through engagement and outreach, utilizing enforcement measures when necessary.

**N/A 1-89-3 Definitions**

A. Community-Oriented Policing

A proactive relationship between the Department and the community of Albuquerque, with the goal of lowering crime, building trust, and improving the quality of life.

B. Outreach



The Department process of actively seeking out and engaging with community members experiencing homelessness to connect them with resources and services.

C. Quality-of-life

For the purpose of this policy, the overall well-being, safety, and cleanliness of a public area as experienced by community members. This includes, but is not limited to, the management of abandoned City properties and encampments.

D. Safe Work Zone (SWZ)

An area enclosed between two (2) authorized emergency vehicles positioned to block a street, including the sidewalk. In some situations, this zone may also be established using Solid Waste vehicles, road cones, and/or caution tape.

**6** 1-89-4 **Roles and Responsibilities**

A. NEST personnel shall:

1. Operate as a City-wide team tasked with the engagement and enforcement of those neighborhoods that are experiencing quality-of-life issues;
2. Participate in daily briefings with SWC to review response locations;
  - a. Determining and deciding daily response locations based on:
    - i. The priority of the location;
    - ii. 311 complaints;
    - iii. Notification(s) that have been given and the removal time requirement has expired; and
    - iv. Requests from Area Commands.
3. Respond first to designated locations to secure the area, and inform SWC when it is safe to enter;
4. Not act independently unless it is necessary to prevent loss of life or serious injury;
5. Not work with other units without chain-of-command approval;
6. Ensure all stops, detentions, and/or arrests of individuals have a lawful basis based on observations;
  - a. Be able to articulate each detention and enforcement action based on independent investigation.
  - b. When considering enforcement action, NEST personnel shall not detain groups or request identification from individuals simply for their presence in an encampment, and shall allow individuals not observed violating the law to leave.

**5**



- 7. Provide a visible law enforcement presence outside of their vehicles while partner departments conduct their business and enforce quality-of-life violations;
- 8. Direct professional staff members to remain out of unsafe work zones until the situation is under control; and
- 9. Utilize community-oriented policing to engage in proactive, non-law enforcement contacts with community members and businesses to gather data on their perceptions and priorities.

B. NEST personnel are authorized to wear tan wide-brimmed hats, either cloth or straw (cowboy or straw styles). Hats must be uniform in color and style across personnel.

N/A

C. NEST personnel may be used to assist area commands with neighborhood quality-of-life projects that address NEST-specific missions. Nest personnel may not be used to replace the community policing or quality-of-life efforts of the area command.

D. A location may be disseminated by the chain of command after briefing. In such cases, the location is passed to the Interaction Team to ensure notification is provided prior to law enforcement's arrival.

N/A

E. Sworn personnel shall not participate in the gathering, tearing down, or removal of any property unless the property is tagged as evidence in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.

F. NEST Sergeant(s) shall:

- 1. Deploy with the NEST team during operations;
- 2. Monitor and supervise during the contact, enforcement actions, and clean-up process; and
- 3. Ensure coordination with SWC, Interaction Team, and other involved units.

N/A

**1-89-5 Response Locations**

- A. Once a location has been designated for response, NEST personnel respond first to secure the location. When it is determined the location is safe, NEST personnel will inform SWC that they may enter the area.
- B. Locations that are not considered safe remain under the control of sworn personnel. This includes locations where someone is causing a disturbance and/or are experiencing a mental health crisis.

6

**1-89-6 Enforcement of Violations**

A. Citation Issuance



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 1-89

CPOAB Draft: 12/18/2025

1. NEST personnel shall:

- a. Ensure that all citations, including warnings, are issued on paper citations in order to enforce City ordinances and state statutes for individuals contacted who violate the law.
  - i. Citations are considered the charging document and must contain a complete narrative that includes the elements of the crime.

B. Reports Related to Citations

- 1. When a misdemeanor citation is written using a City ordinance, a report is not required.
- 2. When a misdemeanor citation is written using a state statute, a report shall be completed in accordance with SOP Reports.
- 3. The narrative of the citation shall contain the reason for the stop, articulating how the individual was in violation, as well as any prior contacts or citations by law enforcement personnel.

N/A

**6 1-89-7 Safe Work Zone**

- A. The Safe Work Zone (SWZ) is designed to provide a secure environment for City personnel, including sworn personnel and Solid Waste personnel, while ensuring public safety.
- B. Only authorized personnel, such as uniformed sworn personnel and/or City personnel wearing clearly identifiable safety vests, are permitted within the SWZ.
  - 1. Any unauthorized persons will be escorted into and out of the location as necessary.
- C. The SWZ is especially critical during the operation of Refuse Collection Vehicles (RCVs) by Solid Waste Services personnel.
  - 1. The loading zones of these vehicles pose significant hazards, particularly once the compactor is activated, as it is difficult to stop once in motion.
- D. Once sworn personnel have issued citations, the officer will escort the individual(s) safely out of the SWZ.
- E. If Solid Waste personnel require assistance from a person experiencing homelessness to identify items for bin placement or storage, sworn personnel will escort that person back into the zone.
- F. While Solid Waste operations are underway, sworn personnel are responsible for preventing unauthorized entry into the SWZ.



**6** 1-89-8 **Inclement Weather Operations**

- A. During periods of inclement weather, operations may be limited at the discretion of the Solid Waste Management department. These limitations are intended to prioritize the safety of all City professional staff and sworn personnel.
- B. When NEST is unable to perform its primary mission due to weather conditions, the team will transition to a City-wide response role to respond to calls for service. This adjusted role will remain in effect for the duration of the inclement weather conditions.
  1. Sworn personnel shall respond to standard calls for service in the field, functioning as regular field units.
  2. The NEST supervisor shall:
    - a. Operate as a standard field sergeant during this reassignment;
    - b. Review area command call volume and identify the longest holding calls for service;
    - c. Determine whether the response will be City-wide or focused on a specific area command based on operational needs; and
    - d. Notify the Emergency Communications Center (ECC) of the change in deployment status, indicating that all NEST units are reassigned to assist with calls for service in the area of highest demand.



**1-89 NEIGHBORHOOD ENGAGEMENT AND SUPPORT TEAM (NEST)**

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

A. Related SOP(s)

2-16 Reports

2-73 Collection, Submission, and Disposition of Evidence and Property

B. Form(s)

None

C. Other Resource(s)

City of Albuquerque's Policy for Responding to Encampments on Public Property

McClendon v. City of Albuquerque, 95-cv-00024 (Doc. 1320, September 11, 2017)

ROA 1994, § 8-2-7-13 Articles Not to Obstruct Sidewalks

ROA 1994, § 12-2-7 Obstructing Movement

McClenden Settlement Agreement

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**1-89-1 Purpose**

The purpose of this policy is to outline the job duties and responsibilities of the Albuquerque Police Department (Department) ~~establish a~~ Neighborhood Engagement and ~~&~~ Support Team (NEST), which ~~that~~ works in collaboration ~~es~~ with Solid Waste Clean-up (SWC), Health and Housing, and Homeless ~~ness~~ (HHH) Interaction Team, and the community to address quality of ~~of~~ life concerns.

**1-89-2 Policy**

It is the policy of the ~~Albuquerque Police Department~~ to proactively address neighborhood quality of ~~of~~ life concerns through ~~E~~ engagement and outreach, utilizing ~~remain~~ priorities, and when ~~necessary~~, enforcement measures when necessary ~~may be~~ employed.

N/A

**1-89-3 Definitions**

A. Community-Oriented Policing



~~A proactive relationship between the Department and the community of Albuquerque, with the goal of lowering crime, building trust, and improving the quality of life. Policing philosophy that promotes and relies on collaborative partnerships between law enforcement agencies and the individuals and organizations that they serve to develop solutions to problems, increase trust in police, and improve the effectiveness of policing efforts.~~

B. Outreach

~~The Department process of actively seeking out and engaging with community members experiencing homelessness to connect them with resources and services.~~

~~b. City of Albuquerque's Policy for Responding to Encampments on Public Property.~~

~~The policy establishes procedures for addressing encampments within the City of Albuquerque. It is designed to ensure that the City takes all appropriate steps to protect the rights of individuals experiencing homelessness. At the same time, it is designed to prevent the proliferation of encampments and ensure that public property is available for its intended use.~~

C. Quality-of-life

~~For the purpose of this policy, means the overall well-being, safety, and cleanliness of a public area as experienced by community members. This includes, but is not limited to, the management of abandoned City properties and encampments.~~

C. Outreach

~~The Department process of actively seeking out and engaging with individuals experiencing homelessness to connect them with resources and services.~~

D. Safe Work Zone (SWZ)

~~An area enclosed between two (2) authorized emergency vehicles positioned to block a street, including the sidewalk. In some situations, this zone may also be established using Solid Waste vehicles, road cones, and/or caution tape. Albuquerque Pol.~~

6

Third Contact Arrest

~~When two (2) citations, warnings, and/or court have been issued for the same violation, to the same individual, and within a four (4) block radius as outlined in the City's Response to Encampment Policy a third contact may result in an arrest. To qualify, the two prior citations will be issued during separate contacts.~~

**1-89-4 Rules and Responsibilities**

A. NEST personnel shall:



1. Operate as a city-wide team tasked with the engagement and enforcement of those neighborhoods that are experiencing quality-of-life issues;

1.2. Participate in daily briefings with SWC to review response locations;

a. Determining ~~daily~~ and deciding daily ~~response~~ locations based on;

~~These locations are decided based on:~~

~~i. The priority of the location;~~

~~i.~~

~~ii. 311 complaints; and~~

~~ii.~~

~~iii. Notification(s) that have been given and the removal time requirement has expired; and;~~

~~iv. Requests from Area Commands; and~~

~~1. Encampment size.~~

2.3. Respond first to designated locations to secure the area, and inform SWC when it is safe to enter;

4. Not act independently unless it is necessary to prevent loss of life or serious injury;

5. Not work with other units without chain-of-command approval;

5

6. Ensure all stops, detentions, and/or arrests of individuals have a lawful basis based on observations;

Be able to ~~Be able to articulate each detention and enforcement action based on independent investigation.~~

a.

b. When considering enforcement action, NEST personnel shall not ~~Do not~~ detain groups or request identification from individuals simply for their presence in an encampment, and shall allow individuals not observed violating the law to leave.

~~c.~~

~~i. Be able to articulate each detention and enforcement action based on independent investigation.~~

~~Allow individuals not observed violating the law to leave.~~

7. Provide a visible law enforcement presence outside of their vehicles while partner departments conduct their business and enforce quality-of-life violations;



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~~Respond first to designated locations to secure the area, and inform SWC when it is safe to enter;~~

~~8. Direct professional staff members/civilian personnel to remain out of unsafe work zones/areas until the situation is under control; and~~

~~3.9. Utilize community-oriented policing to eEngage in proactive, non-law enforcement contacts with community members and businesses to gather data on their perceptions and priorities.; and~~

B. NEST personnel are authorized to wear tan wide-brimmed hats, either cloth or straw (cowboy or straw styles). Hats must be uniform in color and style across personnel.

~~Assist area command quality-of-life projects related to the NEST mission as directed;~~

~~Not replace the community policing or quality-of-life efforts of the area command; and~~

~~Not participate in the removal of any property unless the property is tagged as evidence in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.~~

**N/A** B.C. NEST personnel may be used to assist area commands with neighborhood quality-of-life projects that address NEST-specific missions. Nest personnel may not be used to replace the community policing or quality-of-life efforts of the area command.

~~C.~~ A location may be disseminated forwarded down by the chain of command after briefing. In such cases, the location is passed to the Interaction Team to ensure notification is provided prior to law enforcement's arrival.

D.

**N/A** E. Sworn personnel shall not participate in the gathering, tearing down, or removal of any property unless the property is tagged as evidence in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.

~~D.~~ The responsibilities of Daily SWC personnel consists of the following; and NEST shall brief on response locations.

~~1.~~ SWC will bDe responsible for determining daily responsethe response locations and present them during briefings with NEST;

~~a.~~ These locations are decided based on:

~~i.~~ The priority of the location;

~~ii.~~ 311 complaints;

~~iii.~~ HHH Outreach notification(s) that havehas been given and the removal time requirement has expire; and

~~iv.~~ EThe size of the encampment size.



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~~Responding to locations only after NEST has secured the area and confirmed it is safe;  
and~~

~~Remaining out of an area deemed unsafe by law enforcement until cleared.~~

~~1. On occasion, a location will be pushed down from the chain of command after briefing. The location will be passed to HHH Outreach so notification will be given before law enforcement's arrival.~~

~~C. NEST personnel will not act independently unless it is to prevent loss of life or serious injury, nor will they work with another unit without permission from the chain of command.~~

~~D. The stop, detention, and/or arrest of individuals will have a lawful basis based on the officer's observations.~~

~~1. Officers will detain individuals violating the law, Officers will not detain groups in an encampment simply for presence alone.~~

~~2. Officers must be able to articulate each individual detention and enforcement action based on their own investigation. Being a part of NEST does not justify the enforcement of the law.~~

~~3. Individuals who are not observed violating the law shall be permitted to leave.~~

~~E. The officers will be outside their vehicles, providing a law enforcement presence, as the partner departments are conducting their business and enforcing quality-of-life violations.~~

~~F. NEST Sergeant(s) shall:~~

~~1. Deploy with the NEST team during operations;~~

~~2. Mand monitor and supervise during the the contact, enforcement actions, and clean-up process; and~~

~~3. Ensure coordination with SWC, Interaction Team, and other involved units.~~

N/A

1-89-5

Response Locations

~~A. Once a location area has been designated for response, NEST law enforcement will respond first to secure the location area. When it is determined the location area is safe, NEST personnel will inform SWC that they may enter the area.~~



~~A.B. Locations that are not considered safe remain under the control of sworn personnel. This includes locations where someone is causing a disturbance and/or are experiencing a mental health crisis.~~

6

~~F. Response Locations~~

~~1. Once an area has been designated for response law enforcement will respond first to secure the area. Once it is determined the area is safe, Solid Waste Clean-up will be informed they can enter the area.~~

~~A~~

~~B. Areas that are not considered safe will remain under areas that are not considered safe will remain in the control of law enforcement. These are areas where subject individual(s) are causing a disturbance and/or are individuals are in a mental health crisis.~~

~~2. On occasion, Aa location may be pushed down by from the chain of command after briefing. In such cases, the location is passed to HHH Outreach to ensure notification is provided prior to law enforcement's arrival.~~

~~a. Law enforcement will direct civilian personnel to remain out of the area or leave the area until the area is safe.~~

~~G. NEST shall engage in proactive non-law enforcement contacts with community members and businesses. Contacts shall be designed to capture data concerning the perceptions and priorities of community members and businesses.~~

~~H. NEST personnel may be used to assist the area commands quality of life projects that address NEST specific missions.~~

~~I. NEST will not replace the community policing or quality of life efforts of the area commands.~~

~~J. APD personnel will not participate in the removal of property unless it is tagged as evidence in accordance with QQQQ~~

~~**1-89-X City of Albuquerque's Policy for Responding to Encampments on Public Property**~~

~~A. This is the governing policy for the city's response to encampments. The policy outlines the assessment and prioritization of engagement and the removal of encampment processes.~~

~~B. The provisions of the policy do not apply in emergency situations presenting an immediate threat to public safety where the City needs to remove all persons, housed or unhoused, from an area.~~

~~C. The policy applies only to encampments on public property.~~



1-89-6 ~~6~~ Enforcement of Violations

A. Citation Issuance

1. NEST personnel shall:

a. Ensure that a~~All citations, including warnings, are- issued~~will be required to be issued\_ on paper citations in order to~~to~~enforce Ceity ordinances and state statutes for everyone- individuals you contacted ~~who violates the law, including warning citations.~~

A.i. Citations are considered the charging document and must contain a complete narrative that include~~includess~~ the elements of the crime.

A.B. Reports Related to Documenting Reports Related to Citations

1. When a~~For a~~ misdemeanor citation is ~~is~~ written using a Ceity ordinance, a report is ~~does not have to be written.~~ not required.

N/A

2. When~~For~~ a misdemeanor citation is ~~is~~ written using a state statute, a report ~~will be written.~~ shall be completed in accordance with SOP Reports

~~1.~~  
~~3.~~

~~4. The citation is the charging document. The narrative of the citation will contain the elements of the crime.~~

~~5.~~

~~6.~~3. The narrative of the citation shall contain the reason for the stop, (articulating how the individual~~person~~ was in violation, as well as ) and any prior contacts or citations by law enforcement personnel.

6

~~A. Ultimately, the articulation needs to be in the complaint if/when an arrest is made. Something along the lines that the individual has been contacted two previous times for the same violation.~~

~~1. On this date, I contacted the subject. The subject was given a legible criminal trespass sign. I contacted the same subject in the same area (list), and the subject was violating the same ordinance (list ordinance number). The subject was given a "warning/citation" on the last two contacts (list dates).~~

~~B. When evaluating an individual's misdemeanor criminal history, only incidents from the past six months will be considered when applying the three contact guideline.~~

1-89-76 Safe Work Zone



- A. The Safe Work Zone (SWZ) is designed to provide a secure environment for Ceity personnel, including sworn personnel officers and Solid Waste personnel employees, while ensuring public safety.
- B. Only authorized personnel, such as uniformed sworn personnel officers and/or Ceity personnel individuals wearing clearly identifiable safety vests, are permitted within the SWZ.
  - 1. Any unauthorized person individuals will be escorted into and out of the location area as necessary.
- C. The SWZ is especially critical during the operation of Refuse Collection Vehicles (RCVs) by Solid Waste Services personnel.
  - A.
    - 1. The loading zones of these vehicles pose significant hazards, particularly once the compactor is activated, as it is difficult to stop once in motion.
- ~~C.~~D. Once sworn personnel officers have issued citations, the officer will escort the individual(s) citizens safely out of the SWZ.
- ~~D.~~E. If Solid Waste personnel require assistance from a person experiencing homelessness to identify items for bin placement or storage, ~~an~~ sworn personnel officer will escort that person individual back into the zone.
- ~~E.~~F. While Solid Waste operations are underway, sworn personnel officers are responsible for preventing unauthorized entry into the SWZ.

6

~~1-89-7~~ 8 **Inclement Weather Operations**

- A. During periods of inclement weather, operations may be limited at the discretion of the Solid Waste Management ~~d~~Department. These limitations are intended to prioritize the safety of all Ceity professional staff ~~civilian~~ and sworn personnel.
- B. When N.E.S.T. is unable to perform its primary mission due to weather conditions, the team will transition to a Ceity-wide response role to respond to calls for service. This adjusted role will remain in effect for the duration of the inclement weather conditions.
  - A.
    - 1. Sworn personnel ~~The officers shall~~ will respond to standard calls for service in the field, functioning as regular field units.
      - ~~B.~~
  - ~~C.~~2. The N.E.S.T. supervisor shall will:
    - 1.a. ~~O~~ The N.E.S.T. sergeant will operate as a standard field sergeant during this reassignment; ~~;~~



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- b. Review aArea cCommand call volume and identify the longest holding calls for service;
- c. Determine whether the response will be City-wide or focused on a specific aArea cCommand based on operational needs; and.
- d. Notify the Emergency Communications Center (ECC) of the change in deployment status, indicating that all N.E.S.T. units are reassigned to assist with calls for service in the area of highest demand.

D. ~~This adjusted role will remain in effect for the duration of the inclement weather conditions.~~

REDLINED



**1-28 DOWNTOWN UNIT (DTU)**

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

A. Related SOP(s)

- 1-21 Bicycle Patrol (Formerly 4-14)
- 2-19 Response to Behavioral Health Issues

B. Form(s)

PD 1501 APD Resource Card

C. Other Resource(s)

None

D. Active Special Orders(s)

None

E. Rescinded Special Order(s)

None

**1-28-1 Purpose**

The purpose of this policy is to provide a specialized unit that addresses issues in the Downtown Public Safety District through community-oriented policing.

**1-28-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to establish a specialized unit that will address quality-of-life issues through enforcement and outreach in the Downtown Public Safety District. The Downtown Unit (DTU) works with the community and business partners by providing high-visibility patrol by foot, car, bike, or other means throughout the Downtown Public Safety District.

N/A

**1-28-3 Definitions**

A. Community-Oriented Policing

A proactive relationship between the Department and the community of Albuquerque, with the goal of lowering crime, building trust, and improving the quality of life.

B. Downtown Public Safety District



The area defined as the West of Broadway, South of Lomas, East of 12<sup>th</sup>, and North of Lead. (see map below). The Downtown Public Safety District includes Washington Middle School.

C. Outreach

Department efforts to connect community members with services.

**7** 1-28-4 **Rules and Responsibilities**

A. Downtown Unit (DTU) Sergeant

1. The DTU Sergeant shall:

- a. Be selected after successfully testing for the position;
- b. Directly report to the DTU Deputy Commander, or immediate supervisor; and
- c. Assign DTU sworn personnel to the Downtown Public Safety District to conduct outreach.

B. Downtown Unit (DTU) Sworn Personnel

1. DTU sworn personnel assigned to the Downtown Public Safety District shall:

- a. Respond to calls for service and conduct proactive enforcement within the designated boundaries;
- b. Conduct and engage in community and business outreach;
- c. Actively engage in community-oriented policing through frequent contact with business owners, patrons, and other stakeholders in their area of responsibilities in the Downtown Public Safety District;
  - i. DTU sworn personnel shall address issues that come to their attention during daily patrol in a manner consistent with community-policing philosophy and shall consider a broad range of responses to the various issues presented.

N/A

- 1. When criminal activity is involved, DTU sworn personnel shall consider enforcement and jail diversion in accordance with SOP Response to Behavioral Health Issues.
- 2. For non-criminal, civil, or legal disputes, DTU sworn personnel may refer the parties to community mediation.
- 3. Whenever appropriate, DTU sworn personnel should make service provider referrals for individuals who are experiencing homelessness, or for individuals who may need assistance with substance abuse or mental health issues.

N/A

N/A

N/A

- d. Effectively respond to issues frequently encountered in the downtown area, including individuals experiencing homelessness, substance abuse issues, or mental health concerns, DTU sworn personnel should:



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- i. Familiarize themselves with resources and outreach programs available in the community;
- ii. Provide the APD Resource Card when appropriate;
- iii. Contact service providers directly on behalf of the individual; or
- iv. Transport the individual to a service provider when requested or agreed to by the individual, when Albuquerque Community Safety (ACS) cannot.
- e. Be bike-certified before conducting any bicycle patrols, in accordance with SOP Bicycle Patrol;
  - i. It is optional for DTU sworn personnel to wear the bike uniform in lieu of the duty uniform. The designated DTU patch is optional for both uniforms. Uniform modifications may be approved by the chain of command.
- f. Report to the DTU Sergeant; and
- g. Consult with the DTU Sergeant about any issues they cannot resolve and/or issues that may require additional resources.

2. Unless authorized by their supervisor, DTU sworn personnel shall not be dispatched to routine calls for service outside of their assigned area.

N/A

- a. DTU sworn personnel may be required to respond outside of their assigned area at the discretion of the chain of command.

N/A

3. At the direction of the chain of command, DTU sworn personnel may be required to attend meetings that community stakeholders and business partners host within the Downtown Public Safety District.

N/A

4. At the direction of the chain of command, DTU sworn personnel may be required to adjust their work schedule to attend special events. Special events may include, but are not limited to:

- a. Civil disturbances, consistent with Response to First Amendment Assemblies and Demonstrations and to Unplanned Incidents;
- b. Demonstrations, consistent with Response to First Amendment Assemblies and Demonstrations and to Unplanned Incidents;

N/A

- i. For planned events, DTU sworn personnel may be required to adjust duty schedules in accordance with Department policy and contract bargaining agreement (CBA).
- c. Special events on Civic Plaza;
- d. Community-oriented events in the Downtown Public Safety District; and
- e. Providing traffic control/perimeter assistance or bike patrol for events, such as large gatherings and demonstrations in the Downtown Public Safety District.

N/A

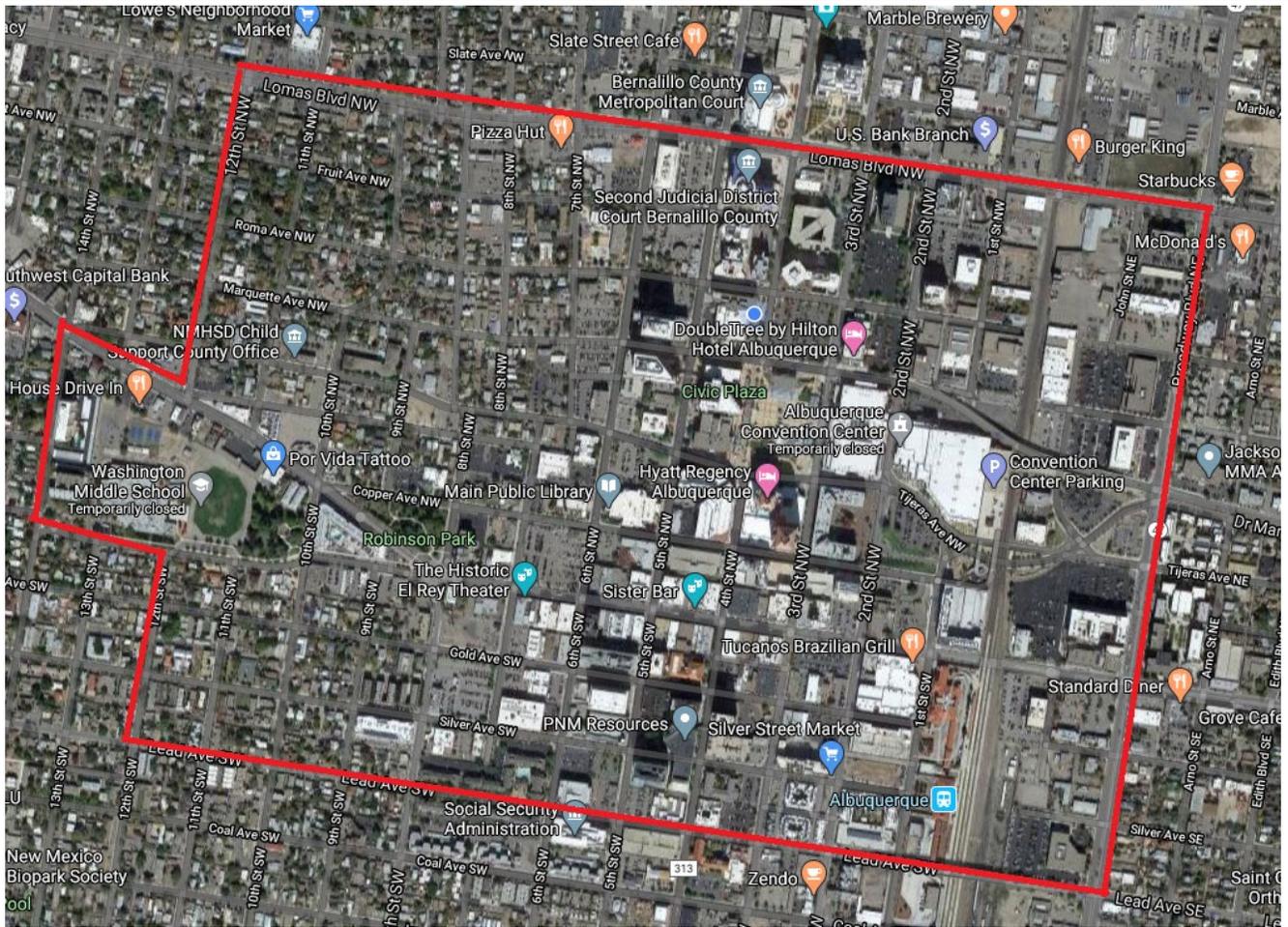
5. At the discretion of the DTU Sergeant, DTU sworn personnel may participate with other organizations in the outreach to individuals who are experiencing homelessness. When participating, DTU sworn personnel will be in the prescribed uniform and travel in their Department-issued vehicles to the outreach location.



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REDACTED



**1-28 DOWNTOWN UNIT (DTU)**

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

A. Related SOP(s)

- 1-21 Bicycle Patrol (Formerly 4-14)
- 2-19 Response to Behavioral Health Issues
- ~~2-79 Law Enforcement Assisted Diversion (LEAD) Program~~

B. Form(s)

PD 1501 APD Resource Card

C. Other Resource(s)

None

D. Active Special Orders(s)

None

~~D.E.~~ Rescinded Special Order(s)

None

**1-28-1 Purpose**

The purpose of this policy is to provide a specialized unit that addresses issues in the Downtown Public Safety District through community-oriented policing.

**1-28-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to establish a specialized unit that will address quality-of-life issues through enforcement and outreach in the Downtown Public Safety District. The Downtown Unit (DTU) works with the community and business partners by providing high-visibility patrol by foot, car, bike, or other means throughout the Downtown Public Safety District.

**N/A 1-28-3 Definitions**

A. Community-Oriented Policing

A proactive relationship between the Department and the community of Albuquerque, with the goal of lowering crime, building trust, and improving the quality of life.



B. Downtown Public Safety District

The area is defined as the West of Broadway, South of Lomas, East of 12<sup>th</sup>, and North of Lead. (see map below). The Downtown Public Safety District includes Washington Middle School.

C. Outreach

Department efforts to connect community members with services.

**7** 1-28-4 Rules and Responsibilities

A. Downtown Unit (DTU) Sergeant

1. The DTU Sergeant shall:

- a. Be selected after successfully testing for the position;
- b. Directly report to the DTU Deputy Commander, or immediate supervisor; and
- c. Assign DTU sworn personnel to the Downtown Public Safety District to conduct outreach.

B. Downtown Unit (DTU) Sworn Personnel

1. DTU sworn personnel assigned to the Downtown Public Safety District shall:

- a. Respond to calls for service and conduct proactive enforcement within the designated boundaries;
- b. Conduct and engage in community and business outreach;
- c. Actively engage in community-oriented policing through frequent contact with business owners, patrons, and other stakeholders in their area of responsibilities in the Downtown Public Safety District;
  - i. DTU sworn personnel shall address issues that come to their attention during daily patrol in a manner consistent with community-policing philosophy and shall consider a broad range of responses to the various issues presented.

N/A

- 1. When criminal activity is involved, DTU sworn personnel shall consider enforcement and jail diversion in accordance with (refer to SOP Response to Behavioral Health Issues, and SOP Law Enforcement Assisted Diversion (LEAD) Program for sanction classifications and additional duties).

N/A

- 2. For non-criminal, civil, or legal disputes, DTU sworn personnel may refer the parties to community mediation.

N/A

- 3. Whenever appropriate, DTU sworn personnel should make service provider referrals for individuals who are experiencing homelessness, or for individuals who may need assistance with substance abuse or mental health issues.

N/A



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- d. Effectively respond to issues frequently encountered in the downtown area, including individuals experiencing homelessness, people with substance abuse issues, or mental health concerns, DTU sworn personnel should:
  - i. Familiarize themselves with resources and outreach programs available in the community;
  - ii. Provide the APD Resource Card when appropriate;
  - iii. Contact service providers directly on behalf of the individual; or
  - iv. Transport the individual to a service provider when requested or agreed to by the individual, when Albuquerque Community Safety (ACS) cannot.
- e. Be bike-certified before conducting any bicycle patrols, ~~consistent~~ in accordance with SOP Bicycle Patrol;
  - i. It is optional for DTU sworn personnel to wear the bike uniform in lieu of the duty uniform. The designated DTU patch is optional for both uniforms. Uniform modifications may be approved by the chain of command.
- f. Report to the DTU Sergeant; and
- g. Consult with the DTU Sergeant about any issues they cannot resolve and/or issues that may require additional resources.

2. Unless authorized by their supervisor, DTU sworn personnel shall not be dispatched to routine calls for service outside of their assigned area.

N/A

- a. DTU sworn personnel may be required to respond outside of their assigned area at the discretion of the chain of command.

N/A

3. At the direction of the chain of command, DTU sworn personnel may be required to attend meetings that community stakeholders and business partners host within the Downtown Public Safety District.

N/A

4. At the direction of the chain of command, DTU sworn personnel may be required to adjust their work schedule to attend special events, ~~to include adjusting their work schedule within their area command. Such s~~Special events may include, but are not limited to:

- a. Civil disturbances, consistent with Response to First Amendment Assemblies and Demonstrations and to Unplanned Incidents;
- b. Demonstrations, consistent with Response to First Amendment Assemblies and Demonstrations and to Unplanned Incidents;
  - i. For planned events, DTU sworn personnel may be required to adjust duty schedules in accordance with Department policy and contract bargaining agreement (CBA).
- c. Special events on Civic Plaza;
- d. Community-oriented events in the Downtown Public Safety District; and
- e. Providing traffic control/perimeter assistance or bike patrol for events, such as large gatherings and demonstrations in the Downtown Public Safety District.

N/A

N/A

5. At the discretion of the DTU Sergeant, DTU sworn personnel may participate with other organizations in the outreach to individuals who are experiencing

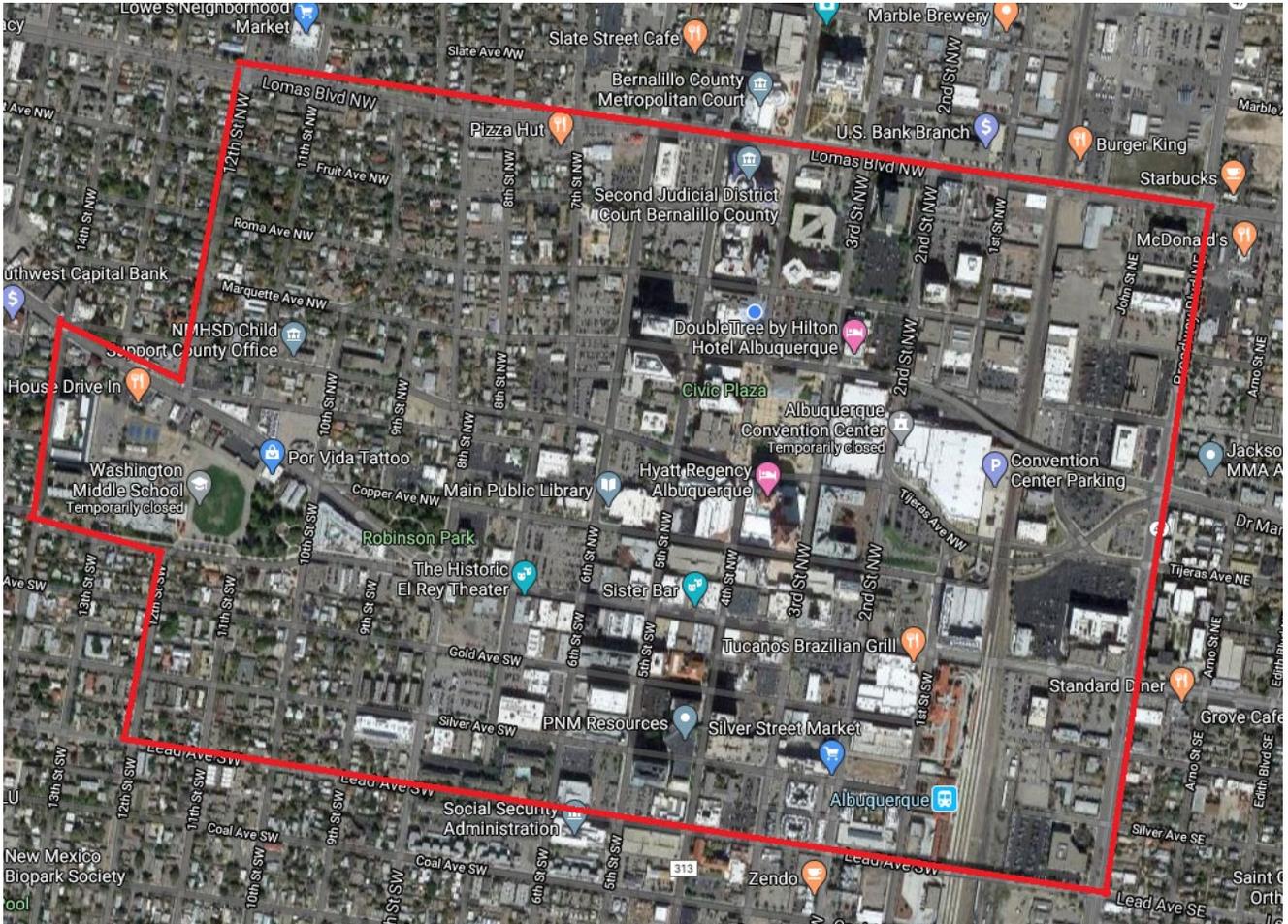


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homelessness. When participating, DTU sworn personnel will be in the prescribed uniform and travel in their Department-issued vehicles to the outreach location.



RELEASE



## **1-37 CRISIS INTERVENTION DIVISION (CID) AND PROGRAM**

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

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-19 Response to Behavioral Health Issues
- 2-20 Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments (Formerly 2-42)
- 2-59 Extreme Risk Firearm Protection Order (ERFPO)
- 2-85 Certificates for Evaluation

B. Form(s)

- PD 1502 CIT Contact Sheet (In Mark43)
- PD 1503 Crisis Intervention Call Review

C. Other Resource(s)

- Behavioral Health Division/Crisis Intervention Division Handbook

D. Active Special Order(s)

None

E. Active Special Order(s)

None

F. Rescinded Special Order(s)

None

### **1-37-1 Purpose**

The purpose of this policy is to safely assist individuals living with behavioral health issues or who are experiencing behavioral health crises, including mental illness, a mental disability, or substance use disorders, by connecting them with available services through comprehensive collaboration among law enforcement and the community, and through specialized responses and training. Crisis Intervention Division (CID) personnel continually use data to improve outcomes of these interactions.

### **1-37-2 Policy**



It is the policy of the Albuquerque Police Department (Department) to establish and support CID personnel with the goal of developing programs that assist individuals with a history of behavioral health issues. This assistance is designed to communicate clearly the options available to patrol sworn personnel who are among Department personnel who most frequently interact with individuals living with behavioral health issues or who are experiencing behavioral health crises.

**N/A 1-37-3 Definitions**

**A. Crisis Intervention Division (CID)**

The CID is comprised of Crisis Intervention Unit (CIU) Detectives, Mobile Crisis Team (MCT) sworn personnel, clinicians, a licensed psychologist, and data analysts. The CID is responsible for the overall administration and goals of the Crisis Intervention Team (CIT) and the Enhanced Crisis Intervention Team (ECIT) programs. The CID is the Department's liaison to the Mental Health Response Advisory Committee (MHRAC).

**B. Crisis Intervention Team (CIT) Coordinators**

The Detectives within CIU who act as a liaison with mental health stakeholders and the Department to ensure the success of the CIT Program. These Detectives have the responsibility of developing and providing all behavioral health training in the Department.

**C. Crisis Intervention Team (CIT) Program**

A community-based program designed to improve the way the Department and the community respond collaboratively to individuals experiencing behavioral health crises. The CIT Program is built on strong partnerships among the Department, behavioral health provider agencies, community-based organizations, individuals, and families of individuals living with behavioral health issues or who are experiencing behavioral health crises.

**D. Crisis Intervention Trained Officer (CITO)**

An officer who has successfully completed the forty (40) hours of basic crisis intervention training.

**E. Crisis Intervention Unit Clinician (CIC)**

A clinician who is a qualified mental health professional who provides evaluations, completes general psychological assessments, assists in crisis intervention, conducts dangerousness assessments, assists with safety planning, and makes referrals for individuals in the community living with behavioral health issues who interact with Department personnel.



F. Enhanced Crisis Intervention Team (ECIT)

The Enhanced Crisis Intervention Team (ECIT) is comprised of specially-trained, sworn personnel who function as specialists to respond to calls involving individuals affected by behavioral health disorders or who are experiencing behavioral health crises.

G. Mental Health Response Advisory Committee (MHRAC)

The MHRAC is comprised of subject matter experts from within the community, including Department personnel. MHRAC assists the Department in identifying and developing mental health resources, solutions to behavioral health crises, and emergency intervention strategies designed to improve outcomes for individuals living with behavioral health issues or who are experiencing behavioral health crises. The MHRAC reviews, analyzes, and recommends appropriate changes to Department policies, procedures, and training methods regarding Department personnel's interactions with individuals in behavioral health crises, affected by a behavioral health issue, or who are experiencing chronic homelessness.

H. Mobile Crisis Team (MCT)

The MCT is a two (2) person unit comprised of one (1) licensed mental health professional and one (1) ECIT officer who jointly respond to calls with a behavioral health component. It provides immediate behavioral health services once the scene is secure. MCTs are trained to complement the ECIT and CIU.

**N/A** 1-37-4 **CIT Program**

A. The CIT Program consists of three (3) core components that are defined below:

1. Inclusive Collaboration;
2. Training; and
3. Tiered Response, in accordance with SOP Response to Behavioral Health Issues.

B. Inclusive Collaboration

1. The Department's CIT Program collaborates with community partners and the MHRAC to strengthen the Department's response to individuals with behavioral health issues or who are experiencing behavioral health crises. The Program also seeks to address and minimize the stigma associated with behavioral health issues. The Program includes:
  - a. Ongoing partnerships among Department personnel, other law enforcement agencies, advocacy groups, peers, and the behavioral health community; and
  - b. MHRAC and community feedback in policy and training development.



C. Training

1. CIT training promotes community collaboration and community policing. The CID, primarily through the CIU coordinators, collaborates with MHRAC and other community partners to develop ongoing training tailored to the Department personnel supporting the CIT Program. Training shall be conducted by a combination of CIU Detectives, behavioral health professionals, community members, and individuals affected by behavioral health issues, where appropriate. CIT is responsible for training Department sworn personnel and information sharing with those agencies and individuals within the behavioral health community who shall be involved in the process.
2. The training is developed and delivered using the Department's Seven (7) Step Training Process, which includes:
  - a. Needs Assessment;
  - b. Curriculum Development;
  - c. Oversight/Approval;
  - d. Delivery;
  - e. Operational Application;
  - f. Evaluation; and
  - g. Revision.
3. Current training requirements for Department personnel are:
  - a. In-service training for CITO's and Emergency Communications Center (ECC) personnel at least every two (2) years;
  - b. Advanced in-service training for ECITs at least every two (2) years; and
  - c. CIT certification for all Field Services Bureau (FSB) sworn personnel. The curriculum for the CIT certification is updated periodically and is informed by policy changes, legal updates, and community-specific needs.

**7 1-37-5 Roles and Responsibilities**

A. CID Commander

1. The CID Commander is responsible for:
  - a. Overseeing every aspect of the CIT Program, including maintaining community partnerships, supervising CIT training, and evaluating the CIT Program on an ongoing basis; and
  - b. Managing the Department's CIT Program.

B. CID Lieutenant

1. The CID Lieutenant is responsible for:



- a. The efficiency and effectiveness of all units within the CID and for coordinating their functions and activities;
- b. The units include the CIU, ECIT Program, MCT; and
- c. Designating FSB Area Command Sergeant/Lieutenant Coordinators for each area command, with the approval of that Sergeant's/Lieutenant's chain of command.

**C. CIT Program Coordinators**

1. The CIT Program Coordinators are responsible for:

- a. Examining, reviewing, and recommending actions to ensure that Department and community needs are met;
- b. Developing curricula and training on CIT, de-escalation, behavioral health, crisis intervention, and other mental-health related topics. This includes developing an effective scenario-based training program;
- c. Developing and maintaining the CIT Program through:
  - i. Networking;
  - ii. Outreach;
  - iii. Community ownership in the CIT Program;
  - iv. Promoting the CIT Program;
  - v. Regularly attending the MHRAC meetings;
  - vi. Meeting with Department leadership; and
  - vii. Working with ECC personnel.
- d. Maintaining continuous relationships with:
  - i. Community partners;
  - ii. Mental health providers; and
  - iii. Mental health advocates.
- e. Developing and revising CIT-related policies and procedures, and reviewing laws by:
  - i. Studying trends and data from the CIT Program;
  - ii. Conducting case law review;
  - iii. Conducting mental health codes review; and
  - iv. Assisting, where practicable, in developing CIT Programs in other jurisdictions to ensure that agencies follow a uniform approach to CIT in accordance with the national model of police-based crisis intervention.

**D. CIU Sergeants**

1. CIU Sergeants are responsible for:

- a. Overseeing the daily operations of the CIU Detectives, and MCT;
- b. Consulting with and functioning as a liaison among CIT and mental health care providers in addition to working with the CID Psychologist, CIU Clinicians, and other clinical personnel;



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- c. Ensuring that information from offense and incident reports and/or CIT Contact Sheets from CIT calls is entered into a case management system, and that necessary information about elevated-risk individuals is shared with FSB personnel; and
- d. Serving as liaison with the CIT Area Command Sergeant/Lieutenant Coordinator(s) and CID Lieutenant.

**E. FSB Area Command Sergeant/Lieutenant Coordinators**

1. FSB Area Command Sergeant/Lieutenant Coordinators are volunteers who are responsible for:
  - a. Assisting the CID with implementing and sustaining CIT as a community program;
  - b. Promoting constitutional, effective policing using the least restrictive means when interacting with individuals affected by behavioral health issues or who are experiencing behavioral health crises;
  - c. Assisting the CIT Commander to develop and maintain the CIT Program through:
    - i. Networking and outreach;
    - ii. Promoting CIT;
    - iii. Training;
    - iv. Recommending sworn personnel for ECIT who demonstrate skills and abilities in CIT policing;
    - v. Attending MHRAC on a rotating basis;
    - vi. Participating in monthly CIT ECHO (Extensions for Community Healthcare Outcomes) meetings;
    - vii. Reviewing and developing CIT-related policies and procedures; and
    - viii. Providing guidance and leadership to CITO and ECITs by:
      1. Addressing issues raised by sworn personnel; and
      2. Addressing community issues raised by FSB sworn personnel and the public.

**F. CIU Follow-Up Detectives**

1. CIU Follow-Up Detectives are responsible for:
  - a. Conducting follow-up visits with individuals affected by behavioral health crises or who are experiencing behavioral health crises in an attempt to connect those individuals with community resources and reduce their interaction with emergency services;
  - b. Assessing individuals who may be an imminent risk to others;
  - c. Assessing escalating behavior or erratic conduct;
  - d. Executing Extreme Risk Firearm Protection Order (ERFPO) when related to behavioral health crises in accordance with SOP Extreme Risk Firearm Protection Order (ERFPO); and



- e. Being on-call, on a rotating basis, twenty-four (24) hours a day to advise sworn personnel who need assistance with individuals affected by behavioral health crises or who are experiencing behavioral health crises.

**G. CID Psychologist**

1. The CID Psychologist is responsible for:

- a. Assisting with all aspects of the CIT Program;
- b. Assisting with training, providing clinical guidance, consulting on cases, and conducting as-needed home visits with detectives and clinicians;
- c. Partnering with community stakeholders, as well as representing and promoting the program;
- d. Overseeing CIU clinicians; and
- e. Serving as the Director of the Behavioral Sciences Section (BSS).

**H. CIU Clinicians**

1. CIU Clinicians are responsible for:

- a. Serving with CIU Home Visit Detectives;
- b. Providing evaluation, assessment, crisis intervention, safety risk assessments, safety planning, and referrals for people in the community affected by behavioral health crises or who are experiencing behavioral health crises who interact with the Department;
- c. Performing community education services and a variety of related tasks that promote and enhance the City's community policing efforts; and
- d. Serving as liaisons with local psychiatric emergency service providers.

2. CIU Clinicians do not:

- a. Provide counseling;
- b. Provide therapy;
- c. Provide case management;
- d. Prescribe medications; or
- e. Provide medical advice.

**I. Mobile Crisis Team Sworn Personnel**

- 1. While MCT sworn personnel report to a CIU Sergeant, their unique role requires them to work daily with FSB personnel. For detailed job responsibilities, refer to SOP Response to Behavioral Health Issues.

**6 1-37-6 Training**

- A. The CIT Program Coordinator ensures that the following training is developed and provided for:



1. Cadets

- a. All cadets receive state-mandated behavioral health training and additional training as developed by the CIT Program while at the Department Training Academy. Upon completing the Field Training and Evaluation Program, the field training staff ensures that all graduates receive an additional forty (40) hours of basic crisis intervention training designed for FSB sworn personnel. This training satisfies the New Mexico Department of Public Safety requirements for certified police officers.

2. FSB sworn personnel

- a. All FSB Sworn personnel receive forty (40) hours of basic crisis intervention training designed for field sworn personnel within a year of completion of the field training and evaluation program. Upon completion of this course, sworn personnel are CITO. FSB sworn personnel receive a two (2) hours in-service training every two (2) years covering behavioral health-related topics.

3. ECIT sworn personnel

- a. ECITs receive all FSB sworn personnel training. In addition, ECIT sworn personnel receive advanced training in behavioral health issues developed by the CIT Program. In addition, ECIT sworn personnel receive eight (8) hours of in-service crisis intervention training every two (2) years.

4. ECC personnel

- a. ECC personnel receive twenty (20) hours of behavioral health training to focus on telephone suicide intervention, crisis management, and de-escalation. ECC personnel shall receive training on appropriate interactions with individuals with behavioral health issues, roles of different CIT Program members, and procedures for calls regarding behavioral health issues, including appropriate team/officer dispatch requirements in response to calls. ECC personnel receive a two (2) hours in-service training every two (2) years covering behavioral health-related topics.

5. CIU/MCT personnel

- a. CIU/MCT participate in the same training as ECIT sworn personnel. The CIT Program Coordinator shall develop additional training for these team members.

**7** 1-37-7

**Partnering with MHRAC**

- A. The MHRAC was established to collaborate with the City to improve outcomes for interactions between police sworn personnel and individuals with behavioral health issues or who are experiencing behavioral health crises.



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- B. Department personnel, including command staff, ECIT sworn personnel, CIU, and Department-contracted mental health professionals, shall serve on the MHRAC. The CID Lieutenant is responsible for recruiting Department members to serve on MHRAC. MHRAC and the CID Lieutenant shall work together to recruit members from other community organizations, such as the City's Department of Family & Community Services, UNM Psychiatric Department, mental health professionals, advocacy groups for consumers of mental health services, mental health service providers, homeless service providers, and similar groups. MHRAC shall appoint members to serve on the committee.
- C. Department personnel shall cooperate with and support MHRAC's operations.
1. The CID Commander shall designate Department personnel to attend MHRAC meetings regularly, to facilitate communication among collaborators, and to provide support needed for MHRAC's functions.
  2. Other Department personnel shall attend MHRAC meetings as requested by MHRAC to provide more information regarding the Department's policies, procedures, training, and performance.
  3. The CID Commander, in conjunction with the data analysts, shall produce regular reports for MHRAC concerning the activities of CIU, and provide data regarding interactions between sworn personnel and individuals affected by behavioral health crises or who are experiencing behavioral health crises. The CID Commander and data analysts shall work with MHRAC chairs and subcommittee chairs to gather requested data for MHRAC's review and analysis.
  4. Other Department personnel shall provide data to MHRAC that is subject to public disclosure upon MHRAC's request. If there are any concerns about the propriety of releasing certain information, the personnel shall work with the Department's legal advisor and the MHRAC chair(s) to handle the data request appropriately.
  5. Department personnel shall communicate with MHRAC in between meetings via email. Policy and training revisions for comment shall also be distributed via the MHRAC Board member email group. MHRAC members will share their policy recommendations with the CID Commander via email, and with the Policy and Procedure Unit electronically. Policy recommendations should include the section number and content of the recommendations.
- D. Upon the request of MHRAC, the CID Commander shall forward MHRAC's recommendations to City personnel outside of the Department regarding City response strategies for interacting with chronically-homeless individuals or individuals affected by behavioral health crises or who are experiencing behavioral health crises.
- E. The Deputy Chief of the Field Services Bureau shall work with all divisions and units across the Department to ensure that MHRAC's recommendations are evaluated by



Department personnel and incorporated into policies and procedures. The recommendations apply to a broad range of activities such as:

1. Policies and procedures regarding contact with individuals affected by behavioral health crises or who are experiencing behavioral health crises;
2. Protocols regarding suicidal and barricaded subjects;
3. Training, particularly scenario-based training, regarding contact with individuals affected by behavioral health crises or who are experiencing behavioral health crises;
4. Recruiting ECIT sworn personnel, CIU detectives, MCT sworn personnel, and clinicians;
5. Protocols for community providers, hospitals, and sworn personnel concerning releasing and exchanging information about individuals with known behavioral health issues; and
6. Developing resources and networks to facilitate better communication and relationships among community members and Department personnel with the goal of treating behavioral health concerns through connections with community services rather than through the criminal justice system.

**7** 1-37-8 **Data Reporting**

A. General Requirements

1. CIU shall collect and distribute data used for management purposes only. Data shall not include personal identifying information of individuals. CIU creates presentations, analyzes data, and recommends changes to help guide the Department's response to behavioral health issues based on collected data.

2. Data Reporting

- 6**
- a. CIU shall prepare an annual report analyzing Department interactions with individuals affected by behavioral health crises or who are experiencing behavioral health crises, including the following variables:
    - i. Date;
    - ii. Duty shift;
    - iii. Area command;
    - iv. Individual's demographic information;
    - v. Whether and how the individual was armed;
    - vi. Whether an ECIT officer or MCT unit responded to the scene;
    - vii. Injuries to individuals, sworn personnel, or others;
    - viii. Use of force techniques and equipment used; and
    - ix. Disposition of the encounter.



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- b. CIU shall prepare an annual report analyzing the CID's crisis prevention services, including the following variables:
  - i. Number of individuals on the CIU caseload;
  - ii. Number of individuals connected with services;
  - iii. Date of incident/follow-ups;
  - iv. Duty shift of incident/follow-ups;
  - v. Area command of incident/follow-ups;
  - vi. Individuals' demographic information;
  - vii. Individuals' veteran status;
  - viii. Injuries;
  - ix. Use of force techniques used; and
  - x. Disposition of the encounter.
- c. CIU shall prepare additional reports, as needed, by chain of command or MHRAC.
- d. MHRAC, the CIT Coordinators, and the CID Commander shall use the reports to assess the effectiveness of the CIT Program, including but not limited to:
  - i. Assessing overall staffing levels;
  - ii. Developing response strategies for repeat calls for service;
  - iii. Identifying systemic issues that impede the Department's ability to provide an appropriate response to an incident involving an individual experiencing a behavioral health crisis;
  - iv. Geographic and shift deployment of resources;
  - v. Training needs; and
  - vi. Evaluation of specific personnel or techniques.

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1-37-9

### **Crisis Intervention Incident Review**

- A. Each supervisor, regardless of rank, who is assigned to the CIU shall be responsible for completing crisis intervention incident reviews each month.
  - 1. The CID Commander shall ensure that a list of randomized, possible crisis interactions across the Department is forwarded, by email, to each CIU supervisor to complete a Crisis Intervention Incident Review Form of pre-determined calls for service, based on the random list sent by the CID Commander, before the end of the calendar month.
    - a. The CID Commander shall establish the number of calls for service crisis intervention incident reviews required based on the workload and existing duties of each supervisor.
  - 2. Each review shall consist of:
    - a. An examination of the Computer-Aided Dispatch (CAD) entry to identify a behavioral health component;
    - b. A review of any documentation from the primary officer, including Uniform Incident Reports and CIT Contact Sheets, when available;



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- c. An audit of the primary or investigated officer's on-body recording device (OBRD) footage by focusing on any interactions between sworn personnel on-scene and the individual in crisis; and
- d. A completed Crisis Intervention Call Review with appropriate referrals completed as listed in the section regarding referrals and internal affairs requests in the Crisis Intervention Call Review form.

REDLINED



## **1-37 CRISIS INTERVENTION DIVISION (CID) AND PROGRAM**

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

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-19 Response to Behavioral Health Issues
- 2-20 Hostage Situations, Barricaded Individuals, and Tactical Threat Assessments (Formerly 2-42)
- 2-59 Extreme Risk Firearm Protection Order (ERFPO)
- 2-85 Certificates for Evaluation

B. Form(s)

- PD 1502 CIT Contact Sheet (In Mark43)
- PD 1503 Crisis Intervention Call Review

C. Other Resource(s)

- Behavioral Health Division/Crisis Intervention Division Handbook

D. Active Special Order(s)

None

E. Active Special Order(s)

None

F. Rescinded Special Order(s)

None

### **1-37-1 Purpose**

The purpose of this policy is to safely assist individuals living with behavioral health issues or who are experiencing behavioral health crises, including mental illness, a mental disability, or substance use disorders, by connecting them with available services through comprehensive collaboration among law enforcement and the community, and through specialized responses and training. Crisis Intervention Division (CID) personnel continually use data to improve outcomes of these interactions.

### **1-37-2 Policy**



It is the policy of the Albuquerque Police Department (Department) to establish and support CID personnel with the goal of developing programs that assist individuals with a history of behavioral health issues. This assistance is designed to communicate clearly the options available to patrol sworn personnel who are among Department personnel who most frequently interact with individuals living with behavioral health issues or who are experiencing behavioral health crises.

**N/A 1-37-3 Definitions**

**A. Crisis Intervention Division (CID)**

The CID is comprised of Crisis Intervention Unit (CIU) Detectives, Mobile Crisis Team (MCT) sworn personnel, clinicians, a licensed psychologist, and data analysts. The CID is responsible for the overall administration and goals of the Crisis Intervention Team (CIT) and the Enhanced Crisis Intervention Team (ECIT) programs. The CID is the Department's liaison to the Mental Health Response Advisory Committee (MHRAC).

**B. Crisis Intervention Team (CIT) Coordinators**

The ~~Coordinators~~ are Detectives within CIU who act as a liaison with mental health stakeholders and the Department to ensure the success of the CIT Program. These Detectives have the responsibility of developing and providing all behavioral health training in the Department.

**C. Crisis Intervention Team (CIT) Program**

~~A~~The CIT Program is a community-based program designed to improve the way the Department and the community respond collaboratively to individuals experiencing behavioral health crises. The CIT Program is built on strong partnerships among the Department, behavioral health provider agencies, community-based organizations, individuals, and families of individuals living with behavioral health issues or who are experiencing behavioral health crises.

**D. Crisis Intervention Trained Officer (CITO)**

~~A~~CITO is an officer who has successfully completed the forty (40) hours of basic crisis intervention training.

**E. Crisis Intervention Unit Clinician (CIC)**

A clinician who is a qualified mental health professional who provides evaluations, completes general psychological assessments, assists in crisis intervention, conducts dangerousness assessments, assists with safety planning, and makes referrals for individuals in the community living with behavioral health issues who interact with Department personnel.



F. Enhanced Crisis Intervention Team (ECIT)

The Enhanced Crisis Intervention Team (ECIT) is comprised of specially-trained, sworn personnel who function as specialists to respond to calls involving individuals affected by behavioral health disorders or who are experiencing behavioral health crises.

G. Mental Health Response Advisory Committee (MHRAC)

The MHRAC is comprised of subject matter experts from within the community, including Department personnel. MHRAC assists the Department in identifying and developing mental health resources, solutions to behavioral health crises, and emergency intervention strategies designed to improve outcomes for individuals living with behavioral health issues or who are experiencing behavioral health crises. The MHRAC reviews, analyzes, and recommends appropriate changes to Department policies, procedures, and training methods regarding Department personnel's interactions with individuals in behavioral health crises, affected by a behavioral health issue, or who are experiencing chronic homelessness.

H. Mobile Crisis Team (MCT)

The MCT is a two (2) person unit comprised of one (1) licensed mental health professional and one (1) ECIT officer who jointly respond to calls with a behavioral health component. It provides immediate behavioral health services once the scene is secure. MCTs are trained to complement the ECIT and CIU.

**N/A** 1-37-4 **CIT Program**

A. The CIT Program consists of three (3) core components that are defined below:

1. Inclusive Collaboration;
2. Training; and
3. Tiered Response, in accordance consistent with SOP Response to Behavioral Health Issues.

B. Inclusive Collaboration

1. The Department's CIT Program collaborates with community partners and the MHRAC to strengthen the Department's response to individuals with behavioral health issues or who are experiencing behavioral health crises. The Program also seeks to address and minimize the stigma associated with behavioral health issues. The Program includes:
  - a. Ongoing partnerships among Department personnel, other law enforcement agencies, advocacy groups, peers, and the behavioral health community; and



b. MHRAC and community feedback in policy and training development.

C. Training

1. CIT training promotes community collaboration and community policing. The CID, primarily through the CIU coordinators, collaborates with MHRAC and other community partners to develop ongoing training tailored to the Department personnel supporting the CIT Program. Training shall be conducted by a combination of CIU Detectives, behavioral health professionals, community members, and individuals affected by behavioral health issues, where appropriate. CIT is responsible for training Department sworn personnel and information sharing with those agencies and individuals within the behavioral health community who shall be involved in the process.
2. The training is developed and delivered using the Department's Seven (7) Step Training Process, which includes:
  - a. Needs Assessment;
  - b. Curriculum Development;
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  - d. Delivery;
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3. Current training requirements for Department personnel are:
  - a. In-service training for CITO's and Emergency Communications Center (ECC) personnel at least every two (2) years;
  - b. Advanced in-service training for ECITs at least every two (2) years; and
  - c. CIT certification for all Field Services Bureau (FSB) sworn personnel. The curriculum for the CIT certification is updated periodically and is informed by policy changes, legal updates, and community-specific needs.

**7 1-37-5 Roles and Responsibilities**

A. CID Commander

1. The CID Commander is responsible for:
  - a. Overseeing every aspect of the CIT Program, including maintaining community partnerships, supervising CIT training, and evaluating the CIT Program on an ongoing basis; and
  - b. Managing the Department's CIT Program.

B. CID Lieutenant



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1. The CID Lieutenant is responsible for:

- a. The efficiency and effectiveness of all units within the CID and for coordinating their functions and activities;
- b. The units include the CIU, ECIT Program, MCT; and
- c. Designating FSB Area Command Sergeant/Lieutenant Coordinators for each area command, with the approval of that Sergeant's/Lieutenant's chain of command.

6-

C. CIT Program Coordinators

1. The CIT Program Coordinators are responsible for:

- a. Examining, reviewing, and recommending actions to ensure that Department and community needs are met;
- b. Developing curricula and training on CIT, de-escalation, behavioral health, crisis intervention, and other mental-health related topics. This includes developing an effective scenario-based training program;
- c. Developing and maintaining the CIT Program through:
  - i. Networking;
  - ii. Outreach;
  - iii. Community ownership in the CIT Program;
  - iv. Promoting the CIT Program;
  - v. Regularly attending the MHRAC meetings;
  - vi. Meeting with Department leadership; and
  - vii. Working with ECC personnel.
- d. Maintaining continuous relationships with:
  - i. Community partners;
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- e. Developing and revising CIT-related policies and procedures, and reviewing laws by:
  - i. Studying trends and data from the CIT Program;
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  - iv. Assisting, where practicable, in developing CIT Programs in other jurisdictions to ensure that agencies follow a uniform approach to CIT in accordance with the national model of police-based crisis intervention.

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1. CIU Sergeants are responsible for:

- a. Overseeing the daily operations of the CIU Detectives, and MCT;
- b. Consulting with and functioning as a liaison among CIT and mental health care providers in addition to working with the CID Psychologist, CIU Clinicians, and other clinical personnel;



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  - a. Assisting the CID with implementing and sustaining CIT as a community program;
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    - iv. Recommending sworn personnel for ECIT who demonstrate skills and abilities in CIT policing;
    - v. Attending MHRAC on a rotating basis;
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  - d. Executing Extreme Risk Firearm Protection Order (ERFPO) when related to behavioral health crises ~~in accordance~~ <sup>consistent</sup> with SOP Extreme Risk Firearm Protection Order (ERFPO); and



- e. Being on-call, on a rotating basis, twenty-four (24) hours a day to advise sworn personnel who need assistance with individuals affected by behavioral health crises or who are experiencing behavioral health crises.

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- a. Provide counseling;
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3. ECIT sworn personnel

- a. ECITs receive all FSB sworn personnel training. In addition, ECIT sworn personnel receive advanced training in ~~behavior~~ behavioral health issues developed by the CIT Program. In addition, ECIT sworn personnel receive eight (8) hours of in-service crisis intervention training every two (2) years.

4. ECC personnel

- a. ECC personnel receive twenty (20) hours of behavioral health training to focus on telephone suicide intervention, crisis management, and de-escalation. ECC personnel shall receive training on appropriate interactions with individuals with behavioral health issues, roles of different CIT Program members, and procedures for calls regarding behavioral health issues, including appropriate team/officer dispatch requirements in response to calls. ECC personnel receive a two (2) hours in-service training every two (2) years covering behavioral health-related topics.

5. CIU/MCT personnel

- a. CIU/MCT participate in the same training as ECIT sworn personnel. The CIT Program Coordinator shall develop additional training for these team members.

7 1-37-7

**Partnering with MHRAC**

- A. The MHRAC was established to collaborate with the City to improve outcomes for interactions between police sworn personnel and individuals with behavioral health issues or who are experiencing behavioral health crises.



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- B. Department personnel, including command staff, ECIT sworn personnel, CIU, and Department-contracted mental health professionals, shall serve on the MHRAC. The CID Lieutenant is responsible for recruiting Department members to serve on MHRAC. MHRAC and the CID Lieutenant shall work together to recruit members from other community organizations, such as the City's Department of Family & Community Services, UNM Psychiatric Department, mental health professionals, advocacy groups for consumers of mental health services, mental health service providers, homeless service providers, and similar groups. MHRAC shall appoint members to serve on the committee.
- C. Department personnel shall cooperate with and support MHRAC's operations.
1. The CID Commander shall designate Department personnel to attend MHRAC meetings regularly, to facilitate communication among collaborators, and to provide support needed for MHRAC's functions.
  2. Other Department personnel shall attend MHRAC meetings as requested by MHRAC to provide more information regarding the Department's policies, procedures, training, and performance.
  3. The CID Commander, in conjunction with the data analysts, shall produce regular reports for MHRAC concerning the activities of CIU, and provide data regarding interactions between sworn personnel and individuals affected by behavioral health crises or who are experiencing behavioral health crises. The CID Commander and data analysts shall work with MHRAC chairs and subcommittee chairs to gather requested data for MHRAC's review and analysis.
  4. Other Department personnel shall provide data to MHRAC that is subject to public disclosure upon MHRAC's request. If there are any concerns about the propriety of releasing certain information, the personnel shall work with the Department's legal advisor and the MHRAC chair(s) to handle the data request appropriately.
  5. Department personnel shall communicate with MHRAC in between meetings via email. Policy and training revisions for comment shall also be distributed via the MHRAC Board member email group. MHRAC members will share their policy recommendations with the CID Commander via email, and with the Policy and Procedure Unit electronically. Policy recommendations should include the section number and content of the recommendations.
- D. Upon the request of MHRAC, the CID Commander shall forward MHRAC's recommendations to City personnel outside of the Department regarding City response strategies for interacting with chronically-homeless individuals or individuals affected by behavioral health crises or who are experiencing behavioral health crises.
- E. The Deputy Chief of the Field Services Bureau shall work with all divisions and units across the Department to ensure that MHRAC's recommendations are evaluated by



Department personnel and incorporated into policies and procedures. The recommendations apply to a broad range of activities such as:

1. Policies and procedures regarding contact with individuals affected by behavioral health crises or who are experiencing behavioral health crises;
2. Protocols regarding suicidal and barricaded subjects;
3. Training, particularly scenario-based training, regarding contact with individuals affected by behavioral health crises or who are experiencing behavioral health crises;
4. Recruiting ECIT sworn personnel, CIU detectives, MCT sworn personnel, and clinicians;
5. Protocols for community providers, hospitals, and sworn personnel concerning releasing and exchanging information about individuals with known behavioral health issues; and
6. Developing resources and networks to facilitate better communication and relationships among community members and Department personnel with the goal of treating behavioral health concerns through connections with community services rather than through the criminal justice system.

**7** 1-37-8 **Data Reporting**

A. General Requirements

1. CIU shall collect and distribute data used for management purposes only. Data shall not include personal identifying information of individuals. CIU creates presentations, analyzes data, and recommends changes to help guide the Department's response to behavioral health issues based on collected data.

2. Data Reporting

- a. CIU shall prepare an annual report analyzing Department interactions with individuals affected by behavioral health crises or who are experiencing behavioral health crises, including the following variables:
  - i. Date;
  - ii. Duty shift;
  - iii. Area command;
  - iv. Individual's demographic information;
  - v. Whether and how the individual was armed;
  - vi. Whether an ECIT officer or MCT unit responded to the scene;
  - vii. Injuries to individuals, sworn personnel, or others;
  - viii. Use of force techniques and equipment used; and
  - ix. Disposition of the encounter.



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- b. CIU shall prepare an annual report analyzing the CID's crisis prevention services, including the following variables:
  - i. Number of individuals on the CIU caseload;
  - ii. Number of individuals connected with services;
  - iii. Date of incident/follow-ups;
  - iv. Duty shift of incident/follow-ups;
  - v. Area command of incident/follow-ups;
  - vi. Individuals' demographic information;
  - vii. Individuals' veteran status;
  - viii. Injuries;
  - ix. Use of force techniques used; and
  - x. Disposition of the encounter.
- c. CIU shall prepare additional reports, as needed, by chain of command or MHRAC.
- d. MHRAC, the CIT Coordinators, and the CID Commander shall use the reports to assess the effectiveness of the CIT Program, including but not limited to:
  - i. Assessing overall staffing levels;
  - ii. Developing response strategies for repeat calls for service;
  - iii. Identifying systemic issues that impede the Department's ability to provide an appropriate response to an incident involving an individual experiencing a behavioral health crisis;
  - iv. Geographic and shift deployment of resources;
  - v. Training needs; and
  - vi. Evaluation of specific personnel or techniques.

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**1-37-9 Crisis Intervention Incident Review**

- A. Each supervisor, regardless of rank, who is assigned to the CIU shall be responsible for completing crisis intervention incident reviews each month.
  - 1. The CID Commander shall ensure that a list of randomized, possible crisis interactions across the Department is forwarded, by email, to each CIU supervisor to complete a Crisis Intervention Incident Review Form of pre-determined calls for service, based on the random list sent by the CID Commander, before the end of the calendar month.
    - a. The CID Commander shall establish the number of calls for service crisis intervention incident reviews required based on the workload and existing duties of each supervisor.
  - 2. Each review shall consist of:
    - a. An examination of the Computer-Aided Dispatch (CAD) entry to identify a behavioral health component;
    - b. A review of any documentation from the primary officer, including Uniform Incident Reports and CIT Contact Sheets, when available;



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- c. An audit of the primary or investigated officer's on-body recording device (OBRD) footage by focusing on any interactions between sworn personnel on-scene and the individual in crisis; and
- d. A completed Crisis Intervention Call Review with appropriate referrals completed as listed in the section regarding referrals and internal affairs requests in the Crisis Intervention Call Review form.

REDLINED



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**1-72 ORGANIZED CRIME UNIT (OCU)**

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

A. Related SOP(s)

2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

B. Form(s)

PD 1312 Pawn Shop/Secondhand Retailers Property Receipt

C. Other Resource(s)

ROA 1994, §§ 13-6-1 to 13-6-14 Pawnbrokers, Precious Material Dealers, Secondhand Retailers, and Automated Kiosks

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**1-72-1 Purpose**

The purpose of this policy is to define the types of investigations detectives and professional staff members assigned to the Organized Crime Unit (OCU) shall handle and the processes used to develop partnerships with the community to address organized crime.

**1-72-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to investigate, identify, apprehend, and seek prosecution in criminal cases involving white-collar crimes over \$10,000, felony organized retail crimes, repeat organized crime offenders, pawnshops, secondhand retailers, metal theft, and other assigned criminal investigations which are a result of recovered property discovered by the OCU personnel.

**N/A 1-72-3 Definitions**

A. Albuquerque Retail Assets Protection Association (ARAPA)

A group of local retail asset protection professionals who work in partnership with law enforcement to address crime in retail buildings/properties.



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B. Construction Industry Crime Alliance (CICA)

A partnership between the Department and Construction Industry representatives to address public safety issues that impact Albuquerque's construction community.

C. Financial Institution Security Officers Association (FISOA)

A group that informs local financial institutions, law enforcement agencies, and consumers of financial fraud and identity theft trends and information developments.

D. Hospitality (Hotel/Motel) Partnership

A collaboration between the Department and area hotels/motels to address public safety issues that impact Albuquerque's retail community.

E. New Mexico Organized Retail Crime Association (NMORCA)

A group of local and national retail asset protection professionals who work in partnership with law enforcement to address retail crime in not only Albuquerque but the entire state of New Mexico.

F. Notice of Violation

A written notice that is issued to an individual when they violate one (1) or more provisions of ROA 1994, §§ 13-6-1 to 13-6-14.

G. Property Unit Enforcement Official

OCU personnel, sworn or professional staff within the Department's OCU Unit, Property Crimes Section, or any Department personnel specifically assigned to the enforcement or administration of ROA 1994, §§ 13-6-1 to 13-6-14.

H. Private Sector Partnership

An agreement between the Department, private agencies, and associations that communicate information relating to active criminal investigations. Private sector partners provide any known information of repeat individuals to the OCU through an online database.

I. Repeat Offender

Individuals who have been identified and are determined to be repeat offenders under certain circumstances, which may include, but are not limited to, *modus operandi*, value/amount of the theft, the type of merchandise that was taken, and the frequency of the thefts. All repeat retail theft investigations will be determined by the OCU Sergeant.



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**7** 1-72-4 Rules and Responsibilities

A. OCU personnel shall:

1. Coordinate meetings and manage any information provided by ARAPA, CICA, Hospitality Partnership, and FISOA;
2. Act as liaisons between the Department, private sector partners, and other government agencies;
3. Identify, investigate, apprehend, and seek prosecution of individuals who repeatedly commit retail-related crimes that negatively impact private sector partnerships. These crimes include, but are not limited to:
  - a. Destruction of property;
  - b. Loss of revenue; and
  - c. Incidents that may result in injury or death.
4. Attend private sector partnership meetings, conduct presentations, and relay information to the Department and other law enforcement agencies as needed;
5. Provide training to Department personnel on various economic crimes and other forms of organized theft;
6. Investigate metal thefts in accordance with ROA 1994, §§ 13-6-1 to 13-6-14 and copper thefts;
  - a. OCU detectives shall only take primary on metal theft investigations where the primary charge is metal theft.
    - i. Felony criminal damage cases do not meet these criteria unless the theft of metal is of a felony amount.
7. Investigate all felony white-collar crimes over ten thousand dollars (\$10,000);
8. Be responsible for placing holds on any alleged stolen property by either tagging the item, retrieving the property for the owner, or removing any property that was previously entered into the National Crime Information Center (NCIC) by Department personnel;
  - a. If there is a dispute over property and there is no clear proof of ownership, OCU personnel shall notify all parties involved that it is a civil issue.
  - b. OCU personnel shall document the dispute in a Uniform Incident Report.
  - c. OCU personnel shall take the property in dispute and tag it into Evidence until the rightful owner is determined, consistent with ROA 1994, §§ 13-6-1 to 13-6-14 Pawnbrokers, Precious Material Dealers, Secondhand Retailers, and



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Automated Kiosks in accordance with SOP Collection Submission and Disposition of Evidence and Property.

9. Investigate and determine whether the recovered property may be returned to the owner;

6 10. Enter case information into the Department's case management database;

11. Assist other law enforcement agencies with investigative operations, including, but not limited to:

- a. White-collar crimes;
- b. Shoplifting;
- c. Metal theft;
- d. Pawnshop/secondhand retail crimes;
- e. Fraud;
- f. Identity theft;
- g. Forgery; and
- h. The issuing of worthless checks.

12. Investigate cases that are charged as a robbery when it is determined that the crime is a result of shoplifting.

- a. The Lieutenant of OCU may reassign the investigation to any other teams within the Investigative Services Division at their discretion.

B. An OCU Detective shall:

- 1. On a rotating basis, be on-call to assist with requests for assistance from Field Services Bureau (FSB) personnel; and
- 2. Participate in undercover investigative tactical operations conducted by the Unit.

C. The OCU Sergeant shall identify repeat offenders, and determine if the offender(s) meet OCU case responsibility.

D. FSB sworn personnel who, during their investigation, determine that property needs to be placed on a pawnshop, secondhand retailer, or metal/scrap recycling hold shall contact the Property Unit Enforcement Official.

- 1. FSB sworn personnel who contact the Property Unit Enforcement Officer for assistance are not excluded from taking case responsibility.

6 E. Specialized unit personnel who recover property shall have case responsibility.



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1. If a hit or confirmed match in the law enforcement investigative online database arises, the Property Unit Enforcement Official shall track the case in the Department's case management database.

**6** 1-72-5 **Pawnshop and Secondhand Dealers Detail**

A. The designated OCU Property Unit Enforcement Official(s) shall:

1. Complete inspections as required by the corresponding ordinance;
2. Conduct and document inspections in the OCU's records management system in accordance with ROA 1994, §§ 13-6-1 to 13-6-14 Pawnbrokers, Precious Material Dealers, Secondhand Retailers, and Automated Kiosks;
3. Keep files on the places of business that qualify under ROA 1994, §§ 13-6-1 to 13-6-14 Pawnbrokers, Precious Material Dealers, Secondhand Retailers, and Automated Kiosks for record management in the OCU;
4. Maintain up-to-date applications, forms, notices, and final notices in accordance with the Department, the City of Albuquerque Zoning Department, the Treasury Department, and the Office of the City Clerk;
5. Have access to the current OCU tracking database to ensure transactions made by vendors with a City-issued permit have been uploaded accurately;
6. Maintain contact with all vendors who have a City-issued permit under the ROA 1994, §§ 13-6-1 to 13-6-14 Pawnbrokers, Precious Material Dealers, Secondhand Retailers, and Automated Kiosks;
7. Continuously follow up with any leads, receipts for the release or receipt of items, and/or notices of violation;
8. Conduct pawnshop and secondhand dealer inspections for those dealers within the Department's jurisdiction;
9. Ensure that the transaction monitor records are uploaded by the City-issued permitted vendor accurately and meet all guidelines pursuant to ROA 1994, §§ 13-6-1 to 13-6-14;
10. Attend all pawnbroker/secondhand dealer meetings to keep up with any changes the City of Albuquerque makes to the corresponding ordinance;
11. Safely handle firearms and follow Department guidelines in the event they retrieve a firearm from a pawn shop or secondhand retailer; and
12. Tag any confiscated items as evidence in accordance with SOP Collection Submission and Disposition of Evidence and Property.

N/A



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B. Notices of Violations/City Hearings

1. OCU personnel shall submit a case to the City Hearing Monitor if violations of the City of Albuquerque's Pawn Shop Ordinance and state laws are found during an inspection.
  - a. OCU personnel shall write Notices of Violations clearly to reflect each alleged violation.
  - b. OCU personnel shall serve Notices of Violations in person or by posting them in a conspicuous place of the business.
2. The Property Unit Enforcement Official shall issue written Notices of Violations to City-permitted vendors when they are in violation of ROA 1994, §§ 13-6-1 to 13-6-14.
  - a. The Property Unit Enforcement Official shall:
    - i. Prepare the Notice of Violation and issue the notice to the pawn broker and/or dealers at their place of business;
    - ii. Email copies to the City of Albuquerque Office of Administrative Hearings at [summonsandappeals@cabq.gov](mailto:summonsandappeals@cabq.gov) and the City Hearing Monitor to ensure that they are notified; and
    - iii. Provide a copy of the Notice of Violation to the City Clerk within three (3) business days of being served.



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6 10. Enter case information into the Department's case management database;

11. Assist other law enforcement agencies with investigative operations, including, but not limited to: ~~and~~

- a. White-collar crimes;
- b. Shoplifting;
- c. Metal theft;
- d. Pawnshop/secondhand retail crimes;
- e. Fraud;
- f. Identity theft;
- g. Forgery; and
- h. The issuing of worthless checks.

12. Investigate cases that are charged as a robbery when it is determined that the crime is a result of ~~premised upon a~~ shoplifting.

~~12.a.~~ The Lieutenant of OCU may reassign the investigation to any other teams within the Investigative Services ~~Enhancement~~ Division at their discretion.

B. An OCU Detective shall:

- 1. On a rotating basis, be on-call to assist with requests for assistance from Field Services Bureau (FSB) personnel; and
- 2. Participate in undercover investigative tactical operations conducted by the Unit.

C. The OCU Sergeant shall identify repeat offenders, and determine if the offender(s) meet OCU case responsibility.

D. FSB sworn personnel who, during their investigation, determine that property needs to be placed on a pawnshop, secondhand retailer, or metal/scrap recycling hold shall contact the Property Unit Enforcement Official.

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4. Maintain up-to-date applications, forms, notices, and final notices in accordance with the Department, the City of Albuquerque Zoning Department, the Treasury Department, and the Office of the City Clerk;
5. Have access to the current OCU tracking database to ensure transactions made by vendors with a City-issued permit have been uploaded accurately;
6. Maintain contact with all vendors who have a City-issued permit under the ROA 1994, §§ 13-6-1 to 13-6-14 Pawnbrokers, Precious Material Dealers, Secondhand Retailers, and Automated Kiosks;
7. Continuously ~~follow up~~ follow-up with any leads, receipts for the release or receipt of items, and/or notices of violation;
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10. Attend all pawnbroker/secondhand dealer meetings to keep up with any changes the City of Albuquerque makes to the corresponding ordinance;
11. Safely handle firearms and follow Department guidelines in the event they retrieve a firearm from a pawn shop or secondhand retailer; and

**N/A**

12. Tag any confiscated items as evidence ~~as outlined in~~ in accordance with SOP Collection Submission and Disposition of Evidence and Property. ~~(refer to SOP~~



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~~Collection Submission and Disposition of Evidence and Property for sanction classifications and additional duties).~~

B. Notices of Violations/City Hearings

1. OCU personnel shall submit a case to the City Hearing Monitor if violations of the City of Albuquerque's Pawn Shop Ordinance and state laws are found during an inspection.
  - a. OCU personnel shall write Notices of Violations clearly to reflect each alleged violation.
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    - i. Prepare the Notice of Violation and issue the notice to the pawn broker and/or dealers at their place of business;
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    - iii. Provide a copy of the Notice of Violation to the City Clerk within three (3) business days of being served.



**1-97 DATA ANALYSIS DIVISION**

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

A. Related SOP(s)

None

B. Form(s)

None

C. Other Resource(s)

Criminal Justice Information Services (CJIS) Security Policy

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**1-97-1 Purpose**

The purpose of this policy is to establish the rules and responsibilities of the Data Analysis Division to provide Albuquerque Police Department (Department) personnel and the community with timely, data-driven analyses that improve Department practices, ensure police accountability, earn community trust through transparency, and promote public safety.

**1-97-2 Policy**

It is the policy of the Department to use data to inform Department policies, procedures, tactics, and training. It is also the policy of the Department to be transparent with the community and make data analysis available for public consumption when possible.

**N/A 1-97-3 Definitions**

A. Analysis

Detailed examination or measurement of the elements or structure of a topic using data to understand the topic.

B. Data



Factual information collected from a variety of sources, such as Departmental reports, published statistics, and community feedback, which can be used for calculation, reasoning, and/or planning.

**6 1-97-4 Rules and Responsibilities**

**A. The Data Analysis Division Director shall:**

1. Be responsible for the effective supervision and management of Data Analysis Division personnel;
2. Provide oversight and direction to Departmental data analytics strategy;
3. Coordinate with Department personnel to determine unmet data needs and provide analytics support;
4. Review and approve all public reports produced by the Data Analysis Division prior to publication; and
5. Review internal work products during development stages and determine the approval process for sharing information with Department stakeholders based on the scope and complexity of projects.

**B. Data Analysis Division supervisory personnel shall:**

1. Be responsible for the effective supervision and management of assigned personnel;
2. Provide ongoing feedback and guidance on analytical projects to assigned personnel; and
3. Review work products created by assigned personnel to ensure accuracy and quality.

**C. Data Analysis Division personnel shall:**

1. Provide the Department and external stakeholders with data analyses pertaining to performance areas of interest to all parties;
2. Meet agreed-upon deadlines for project milestones and inform supervisors as soon as possible if timelines will not be met;
3. Identify, collect, and analyze data compiled by various Department sections and systems to identify trends and patterns that inform decision-making by Department personnel;



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4. When applicable, make empirically-grounded recommendations to improve Departmental policies, procedures, tactics, and training;
5. Work collaboratively with other analysts, subject matter experts, and Department personnel to tailor analyses to Department and community needs;
6. Compile documentation on analyses conducted to inform other analysts on how to replicate the analysis;
7. Conduct peer reviews and provide constructive feedback on analyses completed by other analysts, as needed, to ensure high standards for work products;
8. Work to maintain and improve data analysis and statistical skills through practice, peer feedback, and continuing education; and
9. Only release analyses to the public upon written approval from the Data Analysis Division Director, Department executive command staff, or their designee.

D. Required Reporting

1. Data Analysis Division personnel shall be responsible for producing analyses on the various topics, such as Use of Force Annual Report, Internal Affairs Professional Standards (IAPS) Division reports, Crisis Intervention Unit reports, and other topics identified by the Department.

E. Information Security

1. Data Analysis Division personnel shall:

3

a. Maintain the security and confidentiality of information obtained during employment concerning Department operations, plans, and activities;

3

b. Be authorized to access Departmental data only in the course of their official duties; and

c. Be familiar with the Criminal Justice Information Systems (CJIS) Security Policy.



**1-97 DATA ANALYSIS DIVISION**

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

A. Related SOP(s)

None

B. Form(s)

None

C. Other Resource(s)

Criminal Justice Information Services (CJIS) Security Policy

D. Active Special Order(s)

None

D.E. Rescinded Special Order(s)

None

**1-97-1 Purpose**

The purpose of this policy is to establish the rules and responsibilities of the Data Analysis Division to provide Albuquerque Police Department (Department) personnel and the community with timely, data-driven analyses that improve Department practices, ensure police accountability, earn community trust through transparency, and promote public safety.

**1-97-2 Policy**

It is the policy of the Department to use data to inform Department policies, procedures, tactics, and training. It is also the policy of the Department to be transparent with the community and make data analysis available for public consumption when possible.

**N/A 1-97-3 Definitions**

A. Analysis

Detailed examination or measurement of the elements or structure of a topic using data to understand the topic.

B. Data



Factual information collected from a variety of sources, such as Departmental reports, published statistics, and community feedback, which can be used for calculation, reasoning, and/or planning.

**6 1-97-4 Rules and Responsibilities**

A. The Data Analysis Division Director shall:

1. Be responsible for the effective supervision and management of Data Analysis Division personnel;
2. Provide oversight and direction to Departmental data analytics strategy;
3. Coordinate with Department personnel to determine unmet data needs and provide analytics support;
4. Review and approve all public reports produced by the Data Analysis Division prior to publication; and
5. Review internal work products during development stages and determine the approval process for sharing information with Department stakeholders based on the scope and complexity of projects.

B. Data Analysis Division supervisory personnel shall:

1. Be responsible for the effective supervision and management of assigned personnel;
2. Provide ongoing feedback and guidance on analytical projects to assigned personnel; and
3. Review work products created by assigned personnel to ensure accuracy and quality.

C. Data Analysis Division personnel shall:

1. Provide the Department and external stakeholders with data analyses pertaining to performance areas of interest to all parties;
2. Meet agreed-upon deadlines for project milestones and inform supervisors as soon as possible if timelines will not be met;
3. Identify, collect, and analyze data compiled by various Department sections and systems to identify trends and patterns that inform decision-making by Department personnel;



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4. When applicable, make empirically-grounded recommendations to improve Departmental policies, procedures, tactics, and training;
5. Work collaboratively with other analysts, subject matter experts, and Department personnel to tailor analyses to Department and community needs;
6. Compile documentation on analyses conducted to inform other analysts on how to replicate the analysis;
7. Conduct peer reviews and provide constructive feedback on analyses completed by other analysts, as needed, to ensure high standards for work products;
8. Work to maintain and improve data analysis and statistical skills through practice, peer feedback, and continuing education; and
9. Only release analyses to the public upon written approval from the Data Analysis Division Director, Department executive command staff, or their designee.

D. Required Reporting

1. Data Analysis Division personnel shall be responsible for producing analyses on the various topics, such as Use of Force Annual Report, Internal Affairs Professional Standards (IAPS) Division reports, Crisis Intervention Unit reports, and other topics identified by the Department.

E. Information Security

1. Data Analysis Division personnel shall:

3

a. Maintain the security and confidentiality of information obtained during employment concerning Department operations, plans, and activities;

3

b. Be authorized to access Departmental data only in the course of their official duties; and

c. Be familiar with the Criminal Justice Information Systems (CJIS) Security Policy.



**2-32 EXPOSURE TO BLOOD OR BODILY FLUIDS**

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

A. Related SOP(s)

None

B. Form(s)

PD 4706 Albuquerque Police Department Infectious Disease Exposure Consent Form

C. Other Resource(s)

29 C.F.R. § 1910.1030 (h)(5)(i) Sharps Injury Log  
NMSA 1978, § 24-2B-5.3 Informed Consent Not Required; Testing of Persons Who Are Source Individuals

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**2-32-1 Purpose**

The purpose of this policy is to protect Albuquerque Police Department (Department) personnel by ensuring that they receive treatment when exposed to blood or bodily fluids.

**2-32-2 Policy**

It is the policy of the Department to provide Department personnel with preventative information about blood or bodily fluids and how to process exposures to blood or bodily fluids.

**N/A 2-32-3 Definitions**

A. Bloodborne Pathogen

Microorganisms that can be transmitted from one person to another through blood or bodily fluids and fecal matter, excluding spittle and urine unless blood is present.

B. Exposure

1. The act of exposing someone to, including, but not limited to:



- a. Human bites;
- b. Needle sticks (sharps);
- c. Injuries from contaminated items with a sharp point or edge (sharps);
- d. Blood or bodily fluids contacting the skin with unhealed cuts/injuries;
- e. Blood or bodily fluid splashes in the eyes, nose, or mouth;
- f. Incurring injuries while subduing a bleeding subject; and
- g. Rescue or first responder procedures that are given to accident or injured victims.

C. Source Person

Any person who transfers blood or bodily fluid(s) by any means to Department personnel.

D. Universal Precautions

An approach to infection control. According to the concept of Universal Precautions, all human blood, certain human bodily fluids, and sharps are treated as if known to be infectious for HIV, hepatitis, and other bloodborne pathogens.

**7** 2-32-4      **Procedures**

A. Contact with Communicable Diseases

**N/A**

1. It is possible that in the course of their duty, Department personnel will come into physical contact with individuals or sharps infected with communicable diseases.
2. Department personnel with a risk of coming into contact with bloodborne pathogens in the course of their duties are eligible for hepatitis A and B vaccinations through the City of Albuquerque's Employee Health Center at no cost to the employee.
  - a. Hepatitis A vaccination is a series of two shots.
  - b. Hepatitis B vaccination is a series of three shots.
3. Department personnel are always encouraged to use personal protective equipment (PPE) when contacting all individuals.
4. Department personnel shall follow universal precautions, including:
  - a. Wearing surgical gloves if there is a possibility of direct contact with a person or contamination from bodily fluid(s), especially blood;
  - b. Washing their hands as soon after contact as possible or cleaning and disinfecting contaminated skin with hand sanitizer; and
  - c. If clothing is contaminated, cleaning it with hot water and dry on high heat (130 degrees Fahrenheit).



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- i. Department personnel shall clean equipment with an anti-bacterial cleanser or a 1:10 solution of chlorine/bleach and water.

5. Exposure to Blood or Bodily Fluid(s)

- a. If blood or bodily fluid(s) from a source person have penetrated the skin or mucus membranes, such as the eyes, nose, or mouth of Department personnel, the employee shall clean the affected area immediately and notify their supervisor.
- b. The supervisor or the employee shall call MedCor (1-800-775-5866) and the Safety Officer (505-850-4511). Both are available twenty-four (24) hours a day, seven (7) days per week.
- c. The MedCor nurse will determine the employee's exposure risk and advise them on medical treatment.
- d. The supervisor or the employee who was exposed to blood or bodily fluid(s) from a source person shall notify the Safety Officer of the status and location of the source person.
- e. The Safety Officer shall:
  - i. Collect information about the source person from whom a blood sample shall be drawn;
  - ii. If the source person is in custody, arrange a blood draw with the facility staff where the source person is located, such as the Metropolitan Detention Center (MDC) or University of New Mexico Hospital (UNMH);
  - iii. If necessary, contact the source person to have them sign the Infectious Disease Exposure Consent Form; and
  - iv. If necessary, arrange for the source person to be transported to a local blood draw facility.
- f. Department personnel shall:
  - i. Follow the directives given by the MedCor nurse and Safety Officer;
  - ii. Follow up with the City of Albuquerque's Employee Health Center; and
  - iii. Provide to their immediate supervisor any medical documentation that authorizes them to return to work on the first business day following the exposure.

N/A

6

B. Records Management

The Safety Officer shall maintain a log of bloodborne pathogen exposures to Department personnel, consistent with OSHA regulations (29 C.F.R. § 1910.1030 (h)(5)(i)).

N/A

C. Training

- 1. Department personnel will be provided training for bloodborne pathogens initially in the Academy Division.
  - a. Department personnel will be required to complete follow-up training annually thereafter.



**2-32 EXPOSURE TO BLOOD OR BODILY FLUIDS**

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

A. Related SOP(s)

None

B. Form(s)

PD 4706 Albuquerque Police Department Infectious Disease Exposure Consent Form

C. Other Resource(s)

29 C.F.R. § 1910.1030 (h)(5)(i) Sharps Injury Log  
NMSA 1978, § 24-2B-5.3 Informed Consent Not Required; Testing of Persons Who Are Source Individuals

D. Active Special Order(s)

None

D.E. Rescinded Special Order(s)

None

**2-32-1 Purpose**

The purpose of this policy is to protect Albuquerque Police Department (Department) personnel by ensuring that they receive treatment when exposed to blood or bodily fluids.

**2-32-2 Policy**

It is the policy of the Department to provide Department personnel with preventative information about blood or bodily fluids and how to process exposures to blood or bodily fluids.

N/A

**2-32-3 Definitions**

A. Bloodborne Pathogen

Microorganisms that can be transmitted from one person to another through blood or bodily fluids and fecal matter, excluding spittle and urine unless blood is present.

B. Exposure

1. The act of exposing someone to, including, but not limited to:



- a. Human bites;
- b. Needle sticks (sharps);
- c. Injuries from contaminated items with a sharp point or edge (sharps);
- d. Blood or bodily fluids contacting the skin with unhealed cuts/injuries;
- e. Blood or bodily fluid splashes in the eyes, nose, or mouth;
- f. Incurring injuries while subduing a bleeding subject; and
- g. Rescue or first responder procedures that are given to accident or injured victims.

C. Source Person

Any person who transfers blood or bodily fluid(s) by any means to Department personnel.

D. Universal Precautions

An approach to infection control. According to the concept of Universal Precautions, all human blood, certain human bodily fluids, and sharps are treated as if known to be infectious for HIV, hepatitis, and other bloodborne pathogens.

**7** 2-32-4      **Procedures**

A. Contact with Communicable Diseases

**N/A**

1. It is possible that in the course of their duty, Department personnel will come into physical contact with individuals or sharps infected with communicable diseases.
2. Department personnel with a risk of coming into contact with bloodborne pathogens in the course of their duties are eligible for hepatitis A and B vaccinations through the City of Albuquerque's Employee Health Center at no cost to the employee.
  - a. Hepatitis A vaccination is a series of two shots.
  - b. Hepatitis B vaccination is a series of three shots.
3. Department personnel are always encouraged to use personal protective equipment (PPE) when contacting all individuals.
4. Department personnel shall follow universal precautions, including:
  - a. Wearing surgical gloves if there is a possibility of direct contact with a person or contamination from bodily fluid(s), especially blood;
  - b. Washing their hands as soon after contact as possible or cleaning and disinfecting contaminated skin with hand sanitizer; and
  - c. If clothing is contaminated, cleaning it with hot water and dry on high heat (130 degrees Fahrenheit).



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i.—Department personnel shall clean equipment with an anti-bacterial cleanser or a 1:10 solution of chlorine/bleach and water.

i.         

5. Exposure to Blood or Bodily Fluid(s)

- a. If blood or bodily fluid(s) from a source person have penetrated the skin or mucus membranes, such as the eyes, nose, or mouth of Department personnel, the employee shall clean the affected area immediately and notify their supervisor.
- b. The supervisor or the employee shall call MedCor (1-800-775-5866) and the Safety Officer (505-850-4511). Both are available twenty-four (24) hours a day, seven (7) days per week.
- c. The MedCor nurse will determine the employee’s exposure risk and advise them on medical treatment.
- d. The supervisor or the employee who was exposed to blood or bodily fluid(s) from a source person shall notify the Safety Officer of the status and location of the source person.
- e. The Safety Officer shall:
  - i.          Collect information about the source person from whom a blood sample shall be drawn;
  - ii. If the source person is in custody, arrange a blood draw with the facility staff where the source person is located, such as the Metropolitan Detention Center (MDC) or University of New Mexico Hospital (UNMH);
  - iii.          ~~If necessary, c~~ Contact the source person to have them sign the Infectious Disease Exposure Consent Form; and
    - 1. ~~If the source person refuses to consent, the Safety Officer shall contact the Office of the City Attorney to arrange for a court order, consistent with NMSA 1978, § 24-2B-5.3.~~
  - iii. iv.          If necessary, arrange for the source person to be transported to a local blood draw facility.
- f. Department personnel shall:
  - i. Follow the directives given by the MedCor nurse and Safety Officer;
  - ii. Follow up with the City of Albuquerque’s Employee Health Center; and
  - iii. Provide to their immediate supervisor any medical documentation that authorizes them to return to work on the first business day following the exposure.

N/A

6

B. Records Management

The Safety Officer shall maintain a log of bloodborne pathogen exposures to Department personnel, consistent with OSHA regulations (29 C.F.R. § 1910.1030 (h)(5)(i)).

N/A

C. Training



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1. Department personnel will be provided training for bloodborne pathogens initially in the Academy Division.
  - a. Department personnel will be required to complete follow-up training annually thereafter.

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**2-39 FIELD SERVICES BUREAU RESPONSE TO DEMONSTRATIONS, INCIDENTS, AND EVENTS**

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

A. Related SOP(s)

- 1-64 K-9 Unit (Formerly 4-12 and 6-9)
- 2-8 Use of On-Body Recording Devices (OBRD) (Formerly 1-39)
- 2-23 Use of K-9 Unit (Formerly 2-45)
- 2-35 Emergency Response Team (ERT) (Formerly 2-29)
- 2-56 Use of Force: Reporting by Department Personnel

B. Form(s)

None

C. Other Resource(s)

- NMSA 1978, § 30-20-3 Unlawful Assembly
- ROA 1994, § 2-9-1-1 Definitions
- ROA 1994, §§ 7-3-1 to 7-3-99 Albuquerque Free Expression and Parades Ordinances (AFEPO)
- U.S. Const. amend. I.
- International Society for Krishna Consciousness, Inc. v. Lee, 505 U.S. 672 (1992)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**2-39-1 Purpose**

The purpose of this policy is to uphold community member-protected activities under the First Amendment of the United States Constitution and Albuquerque City Ordinances, such as the Albuquerque Free Expression and Parades Ordinance (AFEPO), and for the Albuquerque Police Department (Department) to fulfill its responsibilities to uphold the law; to provide for the safety of community members and sworn personnel; and to safeguard public and private property.

**2-39-2 Policy**

It is the policy of the Department to establish procedures for Field Services Bureau (FSB) sworn personnel and FSB supervisors to follow when present at or responding to



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demonstrations, incidents, and events. This policy also applies to situations in which a large number of community members gather and where there is articulable reason to believe that there is the potential for impact on community members and sworn personnel, and/or public or private property. For the Department's policy pertaining to situations that escalate beyond FSB's control, Department personnel shall refer to SOP Emergency Response Team (ERT).

**N/A** 2-39-3 Definitions

A. Civil Disturbance

A gathering that constitutes a breach of the peace or any assembly of persons where there is an imminent or probable threat of violence, destruction of property, or other unlawful acts. Such a gathering may also be deemed a riot or unlawful assembly, occurring beyond the permissive scope of a City ordinance, such as the Albuquerque Free Expression Ordinance Ord. 35-2005 § 7-3-1, or other state or federal law.

B. Civil Emergency

An incident that is declared by the mayor as defined by Albuquerque City Ordinance § 2-9-1-1. A civil emergency as defined may include, but is not limited to, an unlawful assembly, riot, or natural disasters.

C. Crowd Control

Techniques used to address civil disturbances, to include deployment of crowd dispersal equipment, tactics, and preparing for multiple arrests.

D. Crowd Management

Techniques used to manage demonstrations before, during, and after an incident or event. These techniques may involve pre-event planning and coordination, contact with group leaders, issuing permits when applicable; intelligence gathering, and observational assessment of participants and community members.

E. Demonstration

A public assembly or gathering of persons designed to engage in protected activities under the First Amendment of the United States Constitution, federal or state law, or City ordinances. Demonstrations may include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Demonstrations may devolve into civil emergencies that may require law enforcement action.

F. Event

A planned occurrence that the Department is aware of in advance.

G. Exigent Circumstances



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An emergency situation(s) requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or to prevent the destruction of evidence.

H. Incident

An unplanned occurrence that necessitates a response to protect life or property.

I. Riot

Any use of force or violence, or any threat to use force or violence, which is accompanied by the immediate power of execution by three (3) or more persons acting together, and without authority of law, which cannot be controlled or stopped under existing conditions and authority.

**6** 2-39-4 **Procedures for Demonstrations, Incidents, and Events**

**5** A. Department Personnel

1. Consistent with the First Amendment and the AFEPO, Department personnel shall uphold community members' constitutionally protected rights of free speech, to peaceable assembly, and to petition for the redress of grievances; however, Department personnel may take the narrowly tailored steps set forth in this Standard Operating Procedure (SOP) to address the following security concerns:
  - a. Incident or event participants engaging in activity that presents a threat to the security of others;
  - b. Incident or event participants engaging in activity that constitutes a substantial articulable hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property; or
  - c. When Department personnel have reasonable suspicion that a crime is being or will be committed.

**N/A**

2. Sworn personnel shall be prohibited from deploying Police Service Dogs (PSD) for crowd control (refer to SOP K-9 Unit for sanction classifications and additional duties) and as a force option during crowd control situations (refer to SOP Use of K-9 Unit for sanction classifications and additional duties).

B. ERT Lieutenant

1. The ERT Lieutenant shall determine whether to activate ERT for an incident or event.

**N/A**

2. Whenever ERT responds to the incident or event, the ERT Lieutenant shall take command of the incident or event, consistent with SOP Emergency Response



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Team (ERT) (refer to SOP Emergency Response Team (ERT) for sanction classifications and additional duties).

7

### C. Incident Commander

The Incident Commander (IC), whether it is the Operations Review Lieutenant (ORL), an ERT Lieutenant, or an FSB supervisor, shall attempt to gather incident or event information from available sources, such as from group organizers, social media, or other means, if not already provided through pre-event planning and intelligence gathering.

### D. On-Scene FSB Supervisors

1. Upon notification of an incident or event, FSB supervisors shall:

- a. Ensure that the on-call ERT Lieutenant is notified when it appears, based on articulable facts, that the incident or event will escalate to a civil disturbance, or that danger to life or property is imminent;
- b. Immediately respond to the scene when such information is known to the Department;
- c. Approach the incident or event with the understanding that participants have constitutionally protected rights. Those rights shall not be restricted unless there is imminent danger of harm to community members, sworn personnel, or private or public property;
- d. Make efforts to contact the group leader(s) of the incident or event, in order to gather information about the situation, and to ensure accurate assignment of Department personnel and resources. Information gathered about the incident or event shall address the following concerns, and FSB supervisors shall convey such information to the on-call ERT Lieutenant:
  - i. What incident or event is planned or occurring?
  - ii. When will it begin and end?
  - iii. Where are the participants meeting?
  - iv. Will it coincide with any other large event?
  - v. Is opposition expected?
  - vi. How many participants are expected?
  - vii. What are the planned travel routes, if any?
  - viii. What actions, activities, or tactics are anticipated by the participants?
  - ix. What critical infrastructures are nearby, such as schools, hospitals, and/or government facilities?
  - x. Is there a need to request mutual aid? (Bernalillo County Sheriff's Office (BCSO), Rio Rancho Police Department (RRPD), New Mexico State Police (NMSP), Albuquerque Fire Rescue (AFR), etc.)
  - xi. Based on the history of conduct at prior incidents or events, are event leader(s) cooperative or willing to help support Department operations at their incident or event?
- e. When appropriate, notify other departments and agencies, such as AFR, Emergency Medical Services (EMS), and other law enforcement agencies;



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N/A

- f. If the supervisor has direct and specific information that would lead a reasonable and prudent officer to believe violence may be an outcome of the assembly, contact the Real Time Crime Center (RTCC) to give them information concerning the incident or event;
- g. Assess the potential number of sworn personnel necessary to ensure the community's and sworn personnel's safety based on observed participant behavior and intelligence obtained;
- h. Depending on existing conditions, deploy sworn personnel at vantage points to report on the actions of participants and non-participants;
- i. If necessary, establish an inner perimeter and contain the incident or event with as few visible sworn personnel as feasible. FSB supervisors shall have sufficient sworn personnel in reserve to provide a quick response if the incident or event escalates;
- j. Maintain sufficient distance between opposing demonstrators to limit any hostile actions from either side to the extent that those involved may be identified; and/or
- k. Give dispersal orders, consistent with SOP Emergency Response Team (ERT), if it appears that an immediate threat to life or serious property damage is occurring (refer to SOP Emergency Response Team (ERT) for sanction classifications and additional duties).

E. FSB supervisors shall not take action for an incident or event that may discourage community members' peaceful and lawful gathering.

F. Responding FSB Sworn Personnel

1. The first sworn personnel to arrive at the scene of an incident or event shall:

- a. Request the assistance of a supervisor and any necessary backup;
- b. Act in a manner that upholds the participants' protected rights while monitoring participants' behavior and conduct;
- c. Observe the incident or event from a safe distance to establish and determine whether it is peaceful or if articulable facts exist indicating that the participants are likely to escalate the event or incident to a civil disturbance;
- d. Notify the Emergency Communications Center (ECC) of the location and reason for the incident or event, known presence of improvised or deadly weapons, an estimated number of participants and their current activities, such as blocking traffic, the direction of any movement, and the availability and recommended ingress and egress routes for emergency vehicles;
- e. Avoid taking any independent actions to impede or restrict the protected rights of peaceful assembly, free speech, or petitioning for the redress of grievances, unless articulable exigent circumstances exist;
- f. Consistent with the AFEPO, when a demonstration begins to occupy a portion of the street, accommodate the incident or event by closing a segment, lane, or portion of the street when doing so will not jeopardize the participants or unreasonably inhibit the flow of traffic on a major traffic route;

5



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- g. Be authorized to limit the available portion of the street, where a segment or portion of the street is capable of accommodating the incident or event; and
- h. Attempt to identify specific participants who are encouraging a disturbance or the performance of criminal acts.

**6** 2-39-5 **Crowd Management**

A. If crowd management is required, the on-scene FSB supervisor shall be mindful of the fundamental rights of those who gather, speak out legally, or exercise their rights to assemble and shall safeguard and uphold their rights.

B. On-Scene Sworn Personnel

1. On-scene sworn personnel shall:

- a. Notify the ECC and supervisory personnel of the location, nature, and extent of the incident or event;
- b. Act and respond to participants with a neutral demeanor;
- c. When necessary to protect community members, evacuate them from the immediate area of the incident or event. FSB supervisors shall allow community members to use hallways, doorways, and roadways without hindrance, so long as this does not jeopardize their safety, impede traffic, or obstruct law enforcement operations;
- d. Establish a command post and staging area for additional resources, and ensure that all assigned personnel know the location of, and response route to, the command post;
- e. Ensure that pedestrian and vehicular traffic are re-routed around and away from the incident or event;
- f. If necessary, based on articulable and reasonable facts and circumstances:
  - i. Control participants' unauthorized ingress and egress during the incident or event; and
  - ii. Plan for and prevent attempts to assist or augment the number of incident or event participants trying to enter from outside the area if there are reasonable, articulable facts that would indicate additional participants would pose a direct and proximate threat to public safety.
- g. Notify the Public Information Officer (PIO);
- h. Ensure AFR and EMS personnel are dispatched and respond to the staging area;
  - i. On-scene FSB supervisors shall provide adequate security to AFR and EMS personnel in the performance of emergency tasks.
- i. Provide support and relief to personnel so that they receive meal and rest breaks, as appropriate, given the situation and local conditions;
- j. Provide ongoing updates to ECC regarding conditions on-scene;
- k. Use their on-body recording devices (OBRD), consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices (OBRD) for sanction classifications and additional duties); and

N/A



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- I. Photograph any known injuries sustained by participants, community members, or sworn personnel to document the condition of those individuals.

5

- C. Once ERT arrives on-scene, the ERT Lieutenant shall take command of the incident or event, consistent with SOP Emergency Response Team (ERT).

7

**2-39-6 Reporting Requirements**

- A. On-scene FSB sworn personnel shall:

N/A

1. Write a Uniform Incident Report when circumstances of the incident, riot, or civil emergency necessitate it, in accordance with SOP Reports; and

N/A

2. Report their use of force consistent with SOP Use of Force: Reporting by Department Personnel (refer to SOP Use of Force: Reporting by Department Personnel for sanctions classifications and additional duties).

- B. If a call for service is generated and, the On-call ERT Lieutenant is notified, and ERT is not deployed, the on-scene FSB supervisor in command shall add detailed comments to the Computer Aided Dispatch (CAD) system.



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**2-39 FIELD SERVICES BUREAU RESPONSE TO DEMONSTRATIONS, INCIDENTS, AND EVENTS**

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

A. Related SOP(s)

- 1-64 K-9 Unit (Formerly 4-12 and 6-9)
- 2-8 Use of On-Body Recording Devices (OBRD) (Formerly 1-39)
- 2-23 Use of K-9 Unit (Formerly 2-45)
- 2-35 Emergency Response Team (ERT) (Formerly 2-29)
- 2-56 Use of Force: Reporting by Department Personnel

B. Form(s)

None

C. Other Resource(s)

- NMSA 1978, § 30-20-3 Unlawful Assembly
- ROA 1994, § 2-9-1-1 Definitions
- ROA 1994, §§ 7-3-1 to 7-3-99 Albuquerque Free Expression and Parades Ordinances (AFEPO)
- U.S. Const. amend. I.
- International Society for Krishna Consciousness, Inc. v. Lee, 505 U.S. 672 (1992)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**2-39-1 Purpose**

The purpose of this policy is to uphold community member-protected activities under the First Amendment of the United States Constitution and Albuquerque City Ordinances, such as the Albuquerque Free Expression and Parades Ordinance (AFEPO), and for the Albuquerque Police Department (Department) to fulfill its responsibilities to uphold the law; to provide for the safety of community members and sworn personnel; and to safeguard public and private property.

**2-39-2 Policy**

It is the policy of the Department to establish procedures for Field Services Bureau (FSB) sworn personnel and FSB supervisors to follow when present at or responding to



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demonstrations, incidents, and events. This policy also applies to situations in which a large number of community members gather and where there is articulable reason to believe that there is the potential for impact on community members and sworn personnel, and/or public or private property. For the Department's policy pertaining to situations that escalate beyond FSB's control, Department personnel shall refer to SOP Emergency Response Team (ERT).

**N/A** 2-39-3 Definitions

A. Civil Disturbance

A gathering that constitutes a breach of the peace or any assembly of persons where there is an imminent or probable threat of violence, destruction of property, or other unlawful acts. Such a gathering may also be deemed a riot or unlawful assembly, occurring beyond the permissive scope of a City ordinance, such as the Albuquerque Free Expression Ordinance Ord. 35-2005 § 7-3-1, or other state or federal law.

B. Civil Emergency

An incident that is declared by the mayor as defined by Albuquerque City Ordinance § 2-9-1-1. A civil emergency as defined may include, but is not limited to, an unlawful assembly, riot, or natural disasters.

C. Crowd Control

Techniques used to address civil disturbances, to include deployment of crowd dispersal equipment, tactics, and preparing for multiple arrests.

D. Crowd Management

Techniques used to manage demonstrations before, during, and after an incident or event. These techniques may involve pre-event planning and coordination, contact with group leaders, issuing permits when applicable; intelligence gathering, and observational assessment of participants and community members.

E. Demonstration

A public assembly or gathering of persons designed to engage in protected activities under the First Amendment of the United States Constitution, federal or state law, or City ordinances. Demonstrations may include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Demonstrations may devolve into civil emergencies that may require law enforcement action.

F. Event

A planned occurrence that the Department is aware of in advance.

G. Exigent Circumstances



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An emergency situation(s) requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or to prevent the destruction of evidence.

H. Incident

An unplanned occurrence that necessitates a response to protect life or property.

I. Riot

Any use of force or violence, or any threat to use force or violence, which is if accompanied by the immediate power of execution by three (3) or more persons acting together, and without authority of law, which cannot be controlled or stopped under existing conditions and authority.

**6** 2-39-4 **Procedures for Demonstrations, Incidents, and Events**

**5** A. Department Personnel

1. Consistent with the First Amendment and the AFEPO, Department personnel shall uphold community members' constitutionally protected rights of free speech, to peaceable assembly, and to petition for the redress of grievances; however, Department personnel may take the narrowly tailored steps set forth in this Standard Operating Procedure (SOP) to address the following security concerns:
  - a. Incident or event participants engaging in activity that presents a threat to the security of others;
  - b. Incident or event participants engaging in activity that constitutes a substantial articulable hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property; or
  - c. When Department personnel have reasonable suspicion that a crime is being or will be committed.

**N/A**

2. Sworn personnel shall be prohibited from deploying Police Service Dogs (PSD) for crowd control (refer to SOP K-9 Unit for sanction classifications and additional duties) and as a force option during crowd control situations (refer to SOP Use of K-9 Unit for sanction classifications and additional duties).

**6** B. ERT Lieutenant

1. The ERT Lieutenant shall determine whether to activate ERT for an incident or event.

**N/A**

2. Whenever ERT responds to the incident or event, the ERT Lieutenant shall take command of the incident or event, consistent with SOP Emergency Response



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Team (ERT) (refer to SOP Emergency Response Team (ERT) for sanction classifications and additional duties).

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C. Incident Commander

The Incident Commander (IC), whether it is the Operations Review Lieutenant (ORL), an ERT Lieutenant, or an FSB supervisor, shall attempt to gather incident or event information from available sources, such as from group organizers, social media, or other means, if not already provided through pre-event planning and intelligence gathering.

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D. On-Scene FSB Supervisors

1. Upon notification of an incident or event, FSB supervisors shall:

- a. Ensure that the on-call ERT Lieutenant is notified when it appears, based on articulable facts, that the incident or event will escalate to a civil disturbance, or that danger to life or property is imminent;
- b. Immediately respond to the scene when such information is known to the Department;
- c. Approach the incident or event with the understanding that participants have constitutionally protected rights. Those rights shall not be restricted unless there is imminent danger of harm to community members, sworn personnel, or private or public property;
- d. Make efforts to contact the group leader(s) of the incident or event, in order to gather information about the situation, and to ensure accurate assignment of Department personnel and resources. Information gathered about the incident or event shall address the following concerns, and FSB supervisors shall convey such information to the on-call ERT Lieutenant:
  - i. What incident or event is planned or occurring?
  - ii. When will it begin and end?
  - iii. Where are the participants meeting?
  - iv. Will it coincide with any other large event?
  - v. Is opposition expected?
  - vi. How many participants are expected?
  - vii. What are the planned travel routes, if any?
  - viii. What actions, activities, or tactics are anticipated by the participants?
  - ix. What critical infrastructures are nearby, such as schools, hospitals, and/or government facilities?
  - x. Is there a need to request mutual aid? (Bernalillo County Sheriff's Office (BCSSGO), Rio Rancho Police Department (RRPD), New Mexico State Police (NMSP), Albuquerque Fire Rescue (AFR), etc.)
  - xi. Based on the history of conduct at prior incidents or events, are event leader(s) cooperative or willing to help support Department operations at their incident or event?
- e. When appropriate, notify other departments and agencies, such as AFR, Emergency Medical Services (EMS), and other law enforcement agencies;



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- f. If the supervisor has direct and specific information that would lead a reasonable and prudent officer to believe violence may be an outcome of the assembly, contact the Real Time Crime Center (RTCC) to give them information concerning the incident or event;
- g. Assess the potential number of sworn personnel necessary to ensure the community's and sworn personnel's safety based on observed participant behavior and intelligence obtained;
- h. Depending on existing conditions, deploy sworn personnel at vantage points to report on the actions of participants and non-participants;
- i. If necessary, establish an inner perimeter and contain the incident or event with as few visible sworn personnel as feasible. FSB supervisors shall have sufficient sworn personnel in reserve to provide a quick response if the incident or event escalates;
- j. Maintain sufficient distance between opposing demonstrators to limit any hostile actions from either side to the extent that those involved may be identified; and/or
- k. Give dispersal orders, consistent with SOP Emergency Response Team (ERT), if it appears that an immediate threat to life or serious property damage is occurring (refer to SOP Emergency Response Team (ERT) for sanction classifications and additional duties).

N/A

6 E. FSB supervisors shall not take action for an incident or event that may discourage community members' peaceful and lawful gathering.

6 F. Responding FSB Sworn Personnel

1. The first sworn personnel to arrive at the scene of an incident or event shall:

- a. Request the assistance of a supervisor and any necessary backup;
- b. Act in a manner that upholds the participants' protected rights while monitoring participants' behavior and conduct;
- c. Observe the incident or event from a safe distance to establish and determine whether it is peaceful or if articulable facts exist indicating that the participants are likely to escalate the event or incident to a civil disturbance;
- d. Notify the Emergency Communications Center (ECC) of the location and reason for the incident or event, known presence of improvised or deadly weapons, an estimated number of participants and their current activities, such as blocking traffic, the direction of any movement, and the availability and recommended ingress and egress routes for emergency vehicles;
- e. Avoid taking any independent actions to impede or restrict the protected rights of peaceful assembly, free speech, or petitioning for the redress of grievances, unless articulable exigent circumstances exist;
- f. Consistent with the AFEPO, when a demonstration begins to occupy a portion of the street, accommodate the incident or event by closing a segment, lane, or portion of the street when doing so will not jeopardize the participants or unreasonably inhibit the flow of traffic on a major traffic route;

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- g. Be authorized to limit the available portion of the street, where a segment or portion of the street is capable of accommodating the incident or event; and
- h. Attempt to identify specific participants who are encouraging a disturbance or the performance of criminal acts.

**6** 2-39-5 **Crowd Management**

- A. If crowd management is required, the on-scene FSB supervisor shall be mindful of the fundamental rights of those who gather, speak out legally, or exercise their rights to assemble and shall safeguard and uphold their rights.
- B. On-Scene Sworn Personnel
  - 1. On-scene sworn personnel shall:
    - a. Notify the ECC and supervisory personnel of the location, nature, and extent of the incident or event;
    - b. Act and respond to participants with a neutral demeanor;
    - c. When necessary to protect community members, evacuate them from the immediate area of the incident or event. FSB supervisors shall allow community members to use hallways, doorways, and roadways without hindrance, so long as this does not jeopardize their safety, impede traffic, or obstruct law enforcement operations;
    - d. Establish a command post and staging area for additional resources, and ensure that all assigned personnel know the location of, and response route to, the command post;
    - e. Ensure that pedestrian and vehicular traffic are re-routed around and away from the incident or event;
    - f. If necessary, based on articulable and reasonable facts and circumstances:
      - i. Control participants' unauthorized ingress and egress during the incident or event; and
      - ii. Plan for and prevent attempts to assist or augment the number of incident or event participants trying to enter from outside the area if there are reasonable, articulable facts that would indicate additional participants would pose a direct and proximate threat to public safety.
    - g. Notify the Public Information Officer (PIO);
    - h. Ensure AFR and EMS personnel are dispatched and respond to the staging area;
      - i. On-scene FSB supervisors shall provide adequate security to AFR and EMS personnel in the performance of emergency tasks.
    - i. Provide support and relief to personnel so that they receive meal and rest breaks, as appropriate, given the situation and local conditions;
    - j. Provide ongoing updates to ECC regarding conditions on-scene;
    - k. Use their on-body recording devices (OBRD), consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices (OBRD) for sanction classifications and additional duties); and

N/A



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- I. Photograph any known injuries sustained by participants, community members, or sworn personnel to document the condition of those individuals.

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- C. Once ERT arrives on-scene, the ERT Lieutenant shall take command of the incident or event, consistent with SOP Emergency Response Team (ERT).

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**2-39-6 Reporting Requirements**

- A. On-scene FSB sworn personnel shall:

N/A

1. Write a Uniform Incident Report when circumstances of the incident, riot, or civil emergency necessitate it, in accordance with SOP Reports; and

N/A

2. Report their use of force consistent with SOP Use of Force: Reporting by Department Personnel (refer to SOP Use of Force: Reporting by Department Personnel for sanctions classifications and additional duties).

- B. If a call for service is generated and, the On-call ERT Lieutenant is notified, and ERT is not deployed, the on-scene FSB supervisor in command shall add detailed comments to the Computer Aided Dispatch (CAD) system.



## **2-42 DWI INVESTIGATIONS AND DWI-REVOKED/SUSPENDED LICENSE INVESTIGATIONS**

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

A. Related SOP(s)

- 2-22 Juvenile Delinquency
- 2-73 Collection, Submission, and Disposition of Evidence and Property
- 2-80 Arrests, Arrest Warrants, and Booking Procedures
- 2-48 Towing Services

B. Form(s)

- Notice of Revocation
- PD 4006 Intoxilyzer Log
- PD 4228 Report of Blood Alcohol Analysis

C. Other Resource(s)

- Intoxilyzer Breath Alcohol Test Card
- International Association of Chiefs of Police Drug Evaluation and Classification (DEC) Program
- NMSA 1978 § 66-5-39.1 (B) Driving While License Suspended or Revoked
- NMSA 1978, § 66-8-105 Implied Consent Act
- NMSA 1978, § 66-8-102 Driving Under the Influence of Intoxicating Liquor or Drugs
- NMSA 1978, § 66-8-122(G) Immediate Appearance Before Magistrate
- National Highway Traffic Safety Administration (NHTSA) Guidelines
- ROA 1994, § 8-5-2-4(A)(16)(c). Circumstances Permitting Summary Vehicle Impoundment or Relocation
- State v. Vargas - 2017-NMSC-029 (NM Supreme Court Case for Blood Draws)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

### **2-42-1 Purpose**

The purpose of this policy is to outline procedures for Albuquerque Police Department (Department) personnel when completing investigations of individuals suspected of driving while under the influence (DWI) and investigations involving individuals with suspended or revoked driver's licenses.

### **2-42-2 Policy**



It is the policy of the Department to apprehend, arrest, and assist in the efficient prosecution of individuals who are found to be operating a motor vehicle while under the influence of intoxicating liquor or drugs, or driving a vehicle while their driver's license is revoked or suspended for a previous DWI violation.

**N/A 2-42-3 Definitions**

A. Drug Recognition Expert (DRE) Officer

A Department officer who has successfully completed the Drug Evaluation and Classification (DEC) Program and is certified by the International Association of Chiefs of Police (IACP) as a DRE officer.

B. Drug Recognition Expert (DRE) Program

A program that trains and certifies sworn personnel as DRE officers in the identification and detection of drivers who are under the influence of substances other than alcohol.

**7 2-42-4 Procedures**

A. Initial Contact with Drivers Suspected of DWI

- 6 1. Sworn personnel who make contact with a driver of a motor vehicle and develop reasonable suspicion to believe the driver may be impaired by alcohol and/or drugs shall ensure that a DWI investigation is conducted.
2. Sworn personnel shall conduct DWI investigations in accordance with the National Highway Traffic Safety Administration (NHTSA) guidelines.
3. *Miranda* warnings are only required after an arrest has been made or during custodial interrogations. *Miranda* warnings are not usually required during roadside DWI investigations or prior to a chemical test.

6 B. Preliminary Breath Testing (PBT)

1. PBT Operation
  - a. Sworn personnel shall have reasonable suspicion in every case to believe the driver is driving while intoxicated before using the PBT. The random use of PBT on drivers not suspected of being impaired is prohibited.
  - b. Sworn personnel shall wait at least fifteen (15) minutes after contacting the driver to test them to allow any mouth alcohol to dissipate.
  - c. Sworn personnel with a Department-issued PBT shall use it for their own investigations. Sworn personnel who have a Department-issued PBT may allow



another officer to use their PBT, but the requesting officer shall conduct the test for themselves.

2. PBT Calibration

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- a. The use of a PBT is a non-evidentiary test; however, sworn personnel noting a difference of .03 or greater from the PBT to the evidentiary test shall take the PBT out of service and return it to the DWI supervisor so the PBT can be sent back to the manufacturer for recalibration.
  - b. It shall be the operator's responsibility to ensure the PBT remains properly calibrated.

C. Check for Prior Convictions

1. Any person arrested for DWI shall have their conviction record checked to determine whether the individual has prior DWI convictions.

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D. Implied Consent Advisory

1. Once the officer arrests an individual for DWI, they shall read to them the New Mexico Implied Consent Advisory directly from New Mexico Department of Transportation (NMDOT)-issued posters or pocket cards.
2. If the arresting officer is not certified in the primary language of the individual under arrest, the officer shall use the Language Access Line or utilize an officer who is certified in the primary language of the individual under arrest. If the arresting officer is certified in the primary language of the individual under arrest, the Language Access Line shall not be used.

E. Administering a Breath Alcohol Test

1. The arresting officer shall fully complete the Intoxilyzer logbook at the testing location.
2. Sworn personnel shall distribute the Intoxilyzer Breath Alcohol Test Card for the CMI Intoxilyzer 9000 model as follows:
  - a. A copy shall be submitted to the Motor Vehicle Division (MVD), with the DWI Affidavit, and the MVD copy of the DWI citation;
  - b. A copy shall be placed with the individual's paperwork, and placed in their property; and
  - c. A scanned copy shall be attached to the Uniform Incident Report for the DWI in the Department's records management system.
3. Sworn personnel shall handle damaged or illegible Intoxilyzer Breath Alcohol Test Cards or malfunctions of the breath alcohol instrument as follows:



- a. All Intoxilyzer Breath Alcohol Test Cards shall be maintained as evidence and shall be attached to the Uniform Incident Report for the DWI in the Department's records management system without exception. Regardless of abnormal test scores, damage, illegibility, premature printing, or any other irregularities, the test cards are evidence and shall never be discarded or destroyed.
4. Breath alcohol tests may be administered until a valid test is obtained.
5. Supervisors shall ensure all uniformed sworn personnel have completed the eight (8) hour Intoxilyzer 9000 Certification Course or any re-certification class in order to maintain their current certification.

#### F. Administering a Blood Draw

##### 1. Felony Cases

- a. Warrants for blood draws shall be obtained and administered when there is probable cause to believe that the person has driven a motor vehicle while under the influence of alcohol or a controlled substance, thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony while under the influence of alcohol or a controlled substance and that chemical tests will produce material evidence in a felony prosecution.
- b. Felony DWI, 4th and subsequent offense(s), as the leading offense is excluded, and the same procedures related to Misdemeanor DWI shall be followed.
- c. The officer shall place the Notice of Revocation and MVD copy of the DWI citation in the DWI citation drop box, located at the area command substations/testing locations.
- d. The officer shall retain a copy of the Notice of Revocation and the MVD copy of the DWI citation until results are obtained.
- e. The driver's license shall not be taken and shall remain with the driver's property when booked.

##### 2. Misdemeanor Cases

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- a. A blood draw shall only be administered in the following circumstances after supervisor notification:
  - i. The officer, due to circumstances outside their control, will be unable to administer a breath-alcohol test within three (3) hours of driving (e.g., the driver is receiving medical treatment following a crash), and the driver consents to a blood draw after being read the NM Implied Consent Advisory.
  - ii. With a Search Warrant signed by a judge.

##### 3. Refusal/Warrant Requirement



- a. For misdemeanor DWI arrests, if the individual refuses to submit to the chemical test as specified by the officer, the officer may take the following steps:
  - i. Advise the individual that a search warrant for a blood sample will be submitted to a judge for approval.
  - ii. If the individual then agrees to a chemical test, the officer shall allow them to provide a sample voluntarily.
  - iii. If the individual still refuses, the officer shall document it as a refusal and apply for a search warrant for blood.
- a. The standard procedure in misdemeanor cases is to obtain a breath sample.
- b. For felony investigations, the Implied Consent Advisory is sufficient for breath test results. If a blood sample is needed, sworn personnel shall obtain a warrant.

#### 4. Collection of Blood Evidence

- a. The arresting officer shall contact the Emergency Communications Center (ECC) to request a blood technician to respond to their location.
- b. ECC personnel shall notify the blood technician.
- c. Upon arrival of the blood technician, the arresting officer shall be present to witness the blood draw.
- d. Upon completion of the blood draw, the officer shall complete the Report of Blood Alcohol Analysis form.
- e. The blood technician shall surrender the sealed blood draw kit to the arresting officer.
- f. The arresting officer shall tag the sealed blood draw kit into evidence, in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.
- g. Criminalistics Laboratory personnel shall provide the arresting officer and the DWI Section Lieutenant with the individual's blood draw results. The officer shall document the results in the Notice of Revocation form and the MVD copy of the DWI citation.
- h. The officer shall place the Notice of Revocation and the MVD copy of the DWI citation in the DWI citation drop box, located at the area command substations/testing locations.
- i. The officer shall retain a copy of the Notice of Revocation and MVD copy of the DWI citation until results are obtained.
- j. The driver's license shall not be taken and shall remain with the driver's property when booked or issued a summons.

N/A

#### 5. DWI Citation

- a. Sworn personnel shall complete the DWI Citation in the same manner as other citations with the "blood alcohol concentration" box selected.
- b. Sworn personnel shall not indicate "See the Report" in the essential facts section of the citation.



c. Sworn personnel shall provide a basis for the DWI charge in this section.

6. Booking of Drivers Charged with DWI

a. All drivers shall be booked in accordance with SOP Arrests, Arrest Warrants, and Booking Procedures and SOP Juvenile Delinquency, except in the following circumstances, with supervisor approval:

b. Breath-alcohol concentration at or above .36 grams per 210L of breath.

5 i. In this situation, the driver shall be taken to a medical facility for medical evaluation and treatment:

1. A criminal summons shall be completed and submitted for supervisor approval by the end of the officer's shift;

2. Notice of revocation shall be served to the driver prior to the officer releasing the driver into the custody of a medical facility; and

N/A 3. Supervisors shall review and approve the criminal summons in accordance with SOP Arrests, Arrest Warrants, and Booking Procedures.

c. Breath-alcohol concentration at or below .04 grams per 210L of breath, when the case does not meet the criteria for a Drug Recognition Expert (DRE) evaluation.

6 i. Such cases shall be forwarded to the 2<sup>nd</sup> Judicial District Attorney's Office and the DWI Section Lieutenant for evaluation and possible prosecution by the end of the officer's shift.

d. Drivers who agree to a blood draw, after being read the Implied Consent Advisory (Blood), shall be booked regardless of whether DWI is the leading offense.

6 e. In cases when the individual was not booked, once the blood-alcohol results have been received, the officer shall complete a criminal summons by the end of their next scheduled shift, and submit that summons for supervisor approval.

N/A i. The criminal summons shall be reviewed and approved by the Officer's supervisor in accordance with SOP Arrests, Arrest Warrants, and Booking Procedures.

6 7. Drivers who refuse to provide consent for a blood draw shall be booked unless the situation meets one of the criteria outlined in this policy or SOP Arrests, Arrest Warrants, and Booking Procedures.

a. Drivers who refuse to provide consent for a blood draw shall not be charged with an aggravated DWI for their refusal. Aggravated DWI shall only be charged in these instances when the driver was involved in a crash that resulted in injury to another person.

H. Arrests for Revoked Driver's License (DWI Related)

1. Booking



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N/A

- a. Sworn personnel shall:
  - i. Take an individual who is driving with a revoked driver's license into custody and book them, in accordance with SOP Arrests, Arrest Warrants, and Booking Procedures; and
  - ii. Ensure the appropriate charge is listed on their complaint: NMSA 1978, § 66-5-39.1(B) – Driving While License Revoked (DWI Related).
- b. Prior to booking the individual or issuing a summons, obtain a copy of the Revoked License printout from National Crime Information Center (NCIC) Unit personnel;
- c. Include the revoked license printout with booking paperwork;
- d. If multiple offenses apply, book the individual for all traffic violations;
- e. Generate a traffic citation and indicate "booked" for all traffic-related charges; and
- f. Tow the driver's vehicle in accordance with SOP Tow Services at the time of arrest or citation pursuant to City of Albuquerque Ordinance § 8-5-2-4(A)(16)(c).

N/A

I. Proving Revocation in Court

1. It is a required element to show the individual knew or should have known that their license had been revoked at the time of the violation.
2. Proof Through MVD
  - a. The MVD maintains proof of revocation of driving privileges.
  - b. The MVD sends notice of revocation to the individual, by registered mail, to the address given to the officer at the time of arrest.
3. Additional Ways to Prove Revocation
  - a. When the individual has been arrested for DWI, physical proof of the following is able be obtained:
    - i. Chemical test results at or above the per se limit; or
    - ii. Whether the individual refused to submit to a chemical test.
  - b. If the individual is charged with a second or subsequent DWI offense, the prior arresting officer shall be called to testify in court that the officer served upon the individual a notice of revocation at the time of the individual's arrest.

J. Drug Recognition Expert (DRE) Evaluation

1. Procedures
  - a. The arresting officer shall:
    - i. Conduct a DWI investigation before requesting a response from the DRE Officer. The primary officer shall have:
      1. Observed the impaired driving;
      2. Arrested the driver for DWI;
      3. Administered a breath alcohol test; and



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4. Observed that the results of the breath alcohol test were consistent with the field sobriety tests.
- ii. Notify the on-duty supervisor and request through the ECC for an on-call DRE Officer to respond to the scene.
- iii. When making contact with an on-call DRE Officer, the arresting officer shall describe, in detail:
  1. Observations of driving behavior and observations during initial contact.
  2. Observations during the administration of field sobriety tests.
  3. Admissions or evidence of drug use observed during their investigation and after arrest
- b. The arresting officer shall not request a DRE Officer to respond to the scene solely based on an individual's admitting to using drugs, or before the conclusion of a DWI investigation.
- c. The arresting officer's supervisor shall approve all requests for a DRE Officer to respond to the scene.
- d. The DRE Officer shall:
  - i. Respond to requests from Field Services Bureau (FSB) sworn personnel requiring drug recognition skills and perform DRE evaluations, consistent with the IACP DRE guidelines;
  - ii. Conduct a DRE examination rather than only obtain a blood sample, if possible;
  - iii. Direct blood draws and testing on individuals suspected of driving under the influence of alcohol or drugs, when consent is provided or a warrant is obtained;
  - iv. Respond to an individual's location in the event they are suspected of a drug-involved crash and, if possible, record any pertinent information in a DRE report;
  - v. Complete a Supplemental Report in order to attach a completed DRE report and narrative;
  - vi. Advise the primary officer of the findings;
  - vii. Ensure the primary officer revises the blood draw results so that a criminal summons is able to be filed by the DRE Officer or the primary officer;
  - viii. Conduct the following procedures for report handling:
    1. Prepare written DRE reports of drug influence evaluations;
    2. Ensure DRE reports comply with the guidelines set forth by the New Mexico State DRE Coordinator;
    3. Enter the DRE report information into the DRE national database;
    4. Forward all original DRE reports to the New Mexico State DRE Coordinator;
    5. Maintain personal copies of all DRE reports and evaluations; and
    6. Attach the DRE report for the DWI to the corresponding Uniform Incident Report in the Department's records management system.
  - ix. Perform maintenance for equipment by:
    1. Maintaining all DRE equipment in good working condition; and
    2. Reporting any equipment discrepancies to the New Mexico State DRE Coordinator to arrange for a replacement as soon as possible.
- e. The DWI Sergeant shall:



- i. Assign DRE sworn personnel to be on a rotation basis;
- ii. Prepare a DRE Officer on-call list;
- iii. Post the DRE Officer on-call list in their office; and
- iv. Provide the list to the ECC.

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2. Evidence Handling

- a. The DRE Officer shall:
  - i. Be responsible for the disposition of blood draw evidence.
    - 1. All other evidence shall be the responsibility of the arresting officer.
  - ii. Be responsible for tagging blood specimen kits into evidence prior to the end of their shift.

REDLINED



**Appendix I: DWI Arrest Flow Chart**

REDLINED



**2-42 DWI INVESTIGATIONS AND DWI-REVOKED/SUSPENDED LICENSE INVESTIGATIONS**

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

A. Related SOP(s)

- 2-22 Juvenile Delinquency
- 2-73 Collection, Submission, and Disposition of Evidence and Property
- 2-80 Arrests, Arrest Warrants, and Booking Procedures
- 2-48 Towing Services

B. Form(s)

- Notice of Revocation
- PD 4006 Intoxilyzer Log
- PD 4228 Report of Blood Alcohol Analysis

C. Other Resource(s)

- Intoxilyzer Breath Alcohol Test Card
- International Association of Chiefs<sup>22</sup> of Police Drug Evaluation and Classification (DEC) Program
- [NMSA 1978 § 66-5-39.1 \(B\) Driving While License Suspended or Revoked](#)
- NMSA 1978, § 66-8-105 Implied Consent Act
- [NMSA 1978, § 66-8-102 Driving Under the Influence of Intoxicating Liquor or Drugs](#)
- NMSA 1978, § 66-8-122(G) Immediate Appearance Before Magistrate
- National Highway Traffic Safety Administration (NHTSA) Guidelines
- [ROA 1994, § 8-5-2-4\(A\)\(16\)\(c\). Circumstances Permitting Summary Vehicle Impoundment or Relocation](#)
- State v. Vargas - 2017-NMSC-029 (NM Supreme Court Case for Blood Draws)

D. Active Special Order(s)

None

~~D.E.~~ Rescinded Special Order(s)

None

**2-42-1 Purpose**

The purpose of this policy is to outline procedures for Albuquerque Police Department (Department) personnel when completing investigations of individuals suspected of driving while under the influence (DWI) and investigations involving individuals with suspended or revoked driver's licenses.

**2-42-2 Policy**



It is the policy of the Department to apprehend, arrest, and assist in the efficient prosecution of individuals who are found to be operating a motor vehicle while under the influence of intoxicating liquor or drugs, or driving a vehicle while their driver's license is revoked or suspended for a previous DWI violation.

**N/A 2-42-3 Definitions**

A. Drug Recognition Expert (DRE) Officer

A Department officer who has successfully completed the Drug Evaluation and Classification (DEC) Program and ~~certified by the International Association of Chiefs of Police~~ certified by the International Association of Chiefs of Police (IACP) as a DRE officer.

B. Drug Recognition Expert (DRE) Program

A program that trains and certifies sworn personnel as DRE officers in the identification and detection of drivers who are under the influence of substances other than alcohol.

**7 2-42-4 Procedures**

A. Initial Contact with Drivers Suspected of DWI

- 6 1. Sworn personnel who make contact with a driver of a motor vehicle and develop reasonable suspicion to believe the driver may be impaired by alcohol and/or drugs shall ensure that a DWI investigation is conducted.
2. Sworn personnel shall conduct DWI investigations in accordance with the National Highway Traffic Safety Administration (NHTSA) guidelines.
3. *Miranda* warnings are only required after an arrest has been made or during custodial interrogations. *Miranda* warnings are not usually required during roadside DWI investigations or prior to a chemical test.

**6 B. Preliminary Breath Testing (PBT)**

1. PBT Operation

- a. Sworn personnel shall have reasonable suspicion in every case to believe the driver is driving while intoxicated before using the PBT. The random use of PBT on drivers not suspected of being impaired is prohibited.
- b. Sworn personnel shall wait at least fifteen (15) minutes after contacting the driver to test them to allow any mouth alcohol to ~~dissipate~~ resolve.
- c. Sworn personnel with a Department-issued PBT shall use it for their own investigations; ~~however, s~~ Sworn personnel who have a Department-issued



PBT may allow another officer to use their PBT, but the requesting officer shall conduct the test for themselves.

2. PBT Calibration

- 6
- a. The use of a PBT is a non-evidentiary test; however, sworn personnel noting a difference of .03 or greater from the PBT to the evidentiary test shall take the PBT out of service and return it to the DWI supervisor so the PBT can be sent back to the manufacturer for re-calibration.
  - b. It shall be the operator's responsibility to ensure the PBT remains properly calibrated.

C. Check for Prior Convictions

1. Any person arrested for DWI shall have their conviction record checked to determine whether the individual has prior DWI convictions.

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D. Implied Consent Advisory

1. Once the officer arrests an individual for DWI, they shall read to them the New Mexico Implied Consent Advisory directly from New Mexico Department of Transportation (NMDOT)-issued posters or pocket cards.
2. If the arresting officer is not certified in the primary language of the individual under arrest, the officer shall use the Language Access Line or utilize an officer who is certified in the primary language of the individual under arrest. If the arresting officer is certified in the primary language of the individual under arrest, the Language Access Line shall not be used.

D.E. Administering a Breath Alcohol Test

1. The arresting officer shall fully complete the Intoxilyzer logbook at the testing location.
2. Sworn personnel shall distribute the Intoxilyzer Breath Alcohol Test Card for the CMI Intoxilyzer 98000 model as follows:
  - a. A copy shall be submitted to the Motor Vehicle Division (MVD), with the DWI Affidavit, and the MVD copy of the DWI citation, ~~and the individual's New Mexico driver's license. Any other state driver's license shall be returned to the individual;~~
  - b. A copy shall be placed with the individual's paperwork, and placed in their property; and
  - c. A scanned copy shall be attached to the Uniform Incident Report for the DWI in the Department's records management system.



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3. Sworn personnel shall handle damaged or illegible Intoxilyzer Breath Alcohol Test Cards or malfunctions of the breath alcohol instrument as follows:

~~a. All Intoxilyzer Breath Alcohol Test Cards shall be maintained as evidence and shall be attached to the Uniform Incident Report for the DWI in the Department's records management system without exception. Regardless of abnormal test scores, damage, illegibility, premature printing, or any other irregularities, the test cards are evidence and shall never be discarded or destroyed. egardless of the test score, in the event a Intoxilyzer Breath Alcohol Test Card is damaged, illegible, or prematurely printed upon, the card shall be maintained as evidence and submitted with the original report;~~

~~a.~~

~~b. Under no circumstances shall any Intoxilyzer Breath Alcohol Test Card be used in a breath alcohol test be discarded or destroyed; Breath alcohol tests may be administered until a valid test is obtained;~~ and

~~4.~~

~~c. All Intoxilyzer Breath Alcohol Test Cards shall be maintained as evidence and shall be attached to the Uniform Incident Report for the DWI in the Department's records management system.~~

4.5. Supervisors shall ensure all uniformed sworn personnel have completed the eight (8) hour Intoxilyzer 98000 Certification Course or any re-certification class in order to maintain their current certification.

~~E. Administering a Blood Draw~~

~~F.~~

~~E.~~

1. Felony Cases

~~a. Warrants for blood draws shall only be obtained and administered when there is probable cause to believe that the person has driven a motor vehicle while under the influence of alcohol or a controlled substance, thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony while under the influence of alcohol or a controlled substance and that chemical tests will produce material evidence in a felony prosecution.~~

~~a.b. Felony DWI, 4th and subsequent offense(s), as the leading offense is excluded, and the same procedures related to Misdemeanor DWI shall be followed.~~

~~b. The arresting officer shall contact the Emergency Communications Center (ECC) to request a blood technician to respond to their location.~~

~~c. Emergency Communications Center (ECC) personnel shall notify the blood technician.~~



N/A

- d. Upon arrival of the blood technician, the arresting officer shall be present to witness the blood draw.
- e. Upon completion of the blood draw, the officer shall complete the Report of Blood Alcohol Analysis form.
- f. The blood technician shall surrenders the sealed blood draw kit back to the arresting officer.
- g. The arresting officer shall tag it the sealed blood draw kit into evidence, consistent with SOP Collection, Submission, and Disposition of Evidence and Property (refer to SOP Collection, Submission, and Disposition of Evidence and Property for sanction classifications and additional duties).
- h. Criminalistics Laboratory personnel shall provide the arresting officer and the DWI Section Lieutenant with the individual's blood draw results. The officer shall document the results in the Notice of Revocation form and MVD copy of the DWI citation.
- i.c. The officer shall place the Notice of Revocation and MVD copy of the DWI citation in the DWI citation drop box, located at the area command substations/testing locations.
- j.d. The officer shall retain a copy of the Notice of Revocation and the MVD copy of the DWI citation until results are obtained.
- k.e.        The driver's license shall not be taken and shall remain with the driver's property when booked.

## 2. Misdemeanor Cases

6

- a. A blood draw shall only be administered in the following circumstances after supervisor notification:
  - i. ~~The officer, due to circumstances outside their control, will be unable to administer a breath-alcohol test within three (3) hours of driving (e.g., the dDriver is receiving medical treatment following a crash), and the driver consents to a blood draw after being read the NM Implied Consent Advisory.~~
  - i. ~~A blood draw shall only be administered under the following circumstances~~
  - ii. ~~With a Search Warrant signed by a judge.~~
  - ii.

### 5.3. Refusal/Warrant Requirement

- a. For misdemeanor DWI arrests, if the individual refuses to submit to the chemical test as specified by the officer, the officer may~~shall~~ take the following steps:
  - i. Advise the individual that a search warrant for a blood sample will be submitted to a judge for approval.
  - ii. If the individual then agrees to a chemical test, the officer shall allow them to provide a sample voluntarily.



iii. If the individual still refuses, the officer shall document it as a refusal and apply for a search warrant for blood.

a. The standard procedure in misdemeanor cases is to obtain a breath sample.

a.b. For felony investigations, the Implied Consent Advisory is sufficient for breath test results. If a blood sample is needed, sworn personnel shall obtain a warrant.

~~6.4.~~ Collection of Blood Evidence

~~Implied Consent Advisory~~

~~i.a. The arresting officer shall contact the Emergency Communications Center (ECC) to request a blood technician to respond to their location.~~

~~ii.b. ECC emergency Communications Center (ECC) personnel shall notify the blood technician.~~

~~iii.c. Upon arrival of the blood technician, the arresting officer shall be present to witness the blood draw.~~

~~iv.d. Upon completion of the blood draw, the officer shall complete the Report of Blood Alcohol Analysis form.~~

~~v.e. The blood technician shall surrender the sealed blood draw kit back to the arresting officer.~~

~~vi.f. The arresting officer shall tag the sealed blood draw kit into evidence, in accordance consistent with SOP Collection, Submission, and Disposition of Evidence and Property. (refer to SOP Collection, Submission, and Disposition of Evidence and Property for sanction classifications and additional duties).~~

~~vii.g. Criminalistics Laboratory personnel shall provide the arresting officer and the DWI Section Lieutenant with the individual's blood draw results. The officer shall document the results in the Notice of Revocation form and the MVD copy of the DWI citation.~~

~~i. Criminalistics Laboratory personnel shall provide the arresting officer and the DWI Section Lieutenant with the individual's blood draw results. The officer shall document the results in the Notice of Revocation and MVD copy of the DWI citation.~~

~~ii.h. The officer shall place the Notice of Revocation and the MVD copy of the DWI citation in the DWI citation drop box, located at the area command substations/testing locations.~~

~~iii.i. The officer shall retain a copy of the Notice of Revocation and MVD copy of the DWI citation until results are obtained.~~

~~iv.j. The driver's license shall not be taken and shall remain with the driver's property when booked or issued a summons.~~

~~F.~~

~~1. Once the officer arrests an individual for DWI, they shall read to them the New Mexico Implied Consent Advisory directly from New Mexico Department of Transportation (NMDOT) issued posters or pocket cards.~~

~~2. If the arresting officer is not certified in the primary language of the individual under arrest, the officer shall use the Language Access Line or utilize an officer who is certified in the primary language of the individual under arrest. I; however, if the~~

N/A



arresting officer is certified in the primary language of the individual under arrest, the Language Access Line shall not be used.

~~— Documentation of Refusal/Warrant Requirement~~

~~— For misdemeanor DWI arrests, if the individual refuses to submit to the chemical test as specified by the officer, the officer shall take the following steps:~~

~~— Advise the individual that a search warrant for a blood sample will be submitted to a judge for approval~~

~~— If the individual then agrees to a chemical test, the officer shall allow them to provide a sample voluntarily~~

~~3. If the individual still refuses, the officer shall document it as a refusal and apply for a search warrant for blood. check all of the appropriate boxes on the Notice of Revocation and submit it as normal.~~

~~— The standard procedure in misdemeanor cases is to obtain a breath sample and not compel a blood sample.~~

~~b. —~~

~~c. —~~

4. For felony investigations, Implied Consent Advisory is sufficient for breath test results. If a blood sample is needed, sworn personnel shall obtain a warrant.

#### 7.5. DWI Citation

a. Sworn personnel shall complete the DWI Citation in the same manner as other citations with the "blood alcohol concentration" box selected.

b. Sworn personnel shall not indicate "See the Report" in the essential facts section of the citation.

c. Sworn personnel shall provide a basis for the DWI charge in this section.

#### 8.6. Booking of Drivers Charged with DWI

a. All drivers shall be booked in accordance with SOP Arrests, Arrest Warrants, and Booking Procedures and SOP Juvenile Delinquency-, except in the following circumstances, with supervisor approval:

b. Breath-alcohol concentration at or above .36 grams per 210L of breath.

i. In this situation, the driver shall be taken to a medical facility for medical evaluation and treatment:

1. A criminal summons shall be completed and submitted for supervisor approval by the end of the officer's shift;

4.2. Notice of revocation shall be served to the driver prior to the officer releasing the driver into the custody of a medical facility; and

2.3. Supervisors shall review and approve the criminal summons in accordance consistent with SOP Arrests, Arrest Warrants, and Booking Procedures. ~~(refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanctions and additional duties).~~

5

N/A



~~b.c.~~          Breath-alcohol concentration at or below .04 grams per 210L of breath, when the case does not meet the criteria for a Drug ~~Influence~~ Recognition Expert ~~evaluation~~ (DRE) evaluation.

6 i. Such cases shall be forwarded to the 2<sup>nd</sup> Judicial District Attorney’s Office and the DWI Section Lieutenant for evaluation and possible prosecution, by the end of the officer’s shift.

~~e.d.~~          Drivers ~~that~~ who agree to a blood draw, after being read the Implied Consent Advisory (Blood), shall be booked regardless of whether ~~released only when~~ DWI is the leading offense, ~~pending results of the blood-alcohol test.~~

6 ~~i.e.~~ In cases when the individual was not booked, Once the blood-alcohol results have been received, the officer shall complete a criminal summons by the end of their next scheduled shift, and submit that summons for supervisor approval.

N/A i. The criminal summons shall be reviewed and approved by the Officer’s supervisor in accordance ~~consistent with SOP Arrests, Arrest Warrants, and Booking Procedures~~ ~~(refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanctions and additional duties)~~.

6 ~~5.7.~~          Drivers who refuse to provide consent for a blood ~~draw~~ shall be booked unless the situation meets one of the criteria outlined in this policy or SOP Arrests, Arrest Warrants, and Booking Procedures.

~~e.a.~~          Drivers who refuse to provide consent for a blood ~~draw~~ shall not be charged with an aggravated DWI for their refusal. Aggravated DWI shall only be charged in these instances when the driver was involved in a crash that resulted in injury to another person.

~~G.H.~~          Arrests for Revoked Driver’s License (DWI Related)

1. Booking

N/A a. Sworn personnel shall:  
i. ~~Take an individual who is driving with a revoked driver’s license into custody and book them,~~ in accordance ~~consistent with SOP Arrests, Arrest Warrants, and Booking Procedures~~ ~~(refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanctions and additional duties)~~;

i. and

~~4.~~ ii. Ensure the appropriate charge is listed on their complaint: NMSA 1978, § 66-5-39.1(B) – Driving While License Revoked (DWI Related).

b. Prior to booking the individual or issuing a summons, obtain a copy of the Revoked License printout from National Crime Information Center (NCIC) Unit personnel;

c. Include the revoked license printout with booking paperwork;

d. If multiple offenses apply, book the individual for all traffic violations;

e. Generate a traffic citation and indicate “booked” for all ~~traffic-related~~ traffic-related charges; and



N/A

- f. Tow the driver's vehicle in accordance with ~~consistent with~~ SOP Tow Services (refer to SOP Tow Services for sanctions and additional duties) at the time of arrest or citation pursuant to City of Albuquerque Ordinance § 8-5-2-4(A)(16)(c).
  - i. ~~With the exception that the vehicle can immediately be removed from the roadway by a driver who may lawfully operate a motor vehicle or private tow.~~

H.I.          Proving Revocation in Court

1. It is a required element to show the individual knew or should have known that their license had been revoked at the time of the violation.
2. Proof Through MVD
  - a. The MVD maintains proof of revocation of driving privileges.
  - b. The MVD sends notice of revocation to the individual, by registered mail, to the address given to the officer at the time of arrest. ~~;~~
  - ~~b.~~
3. Additional Ways to Prove Revocation
  - a. When the individual has been arrested for DWI, physical proof of the following is able ~~can~~ be obtained:
    - i. Chemical test results at or above the per se limit; or
    - ii. Whether ~~if~~ the individual refused to submit to a chemical test.
  - b. If the individual is charged with a second or subsequent DWI offense, the prior arresting officer shall be called to testify in court that the officer served upon the individual a notice of revocation at the time of the individual's arrest.

J. Drug Recognition Expert (DRE) Evaluation ~~Program~~

~~G.~~  
~~H.~~

4.1.          Procedures

- a. The arresting ~~primary~~ officer shall:
  - i. Conduct a DWI investigation before requesting a response from the DRE Officer. The primary officer shall have:
    1. Observed the impaired driving;
    2. Arrested the driver for DWI;
    3. Administered a breath alcohol test; and
    4. Observed that the results of the breath alcohol test were inconsistent ~~;~~ with the field sobriety tests.
  - ii. Notify the on-duty supervisor and request through the ECC for an on-call DRE Officer to respond to the scene.
  - iii. When making contact with an on-call DRE Officer, the arresting officer shall describe, in detail: ~~;~~
    - iv. 1.         Observations of driving behavior and observations during initial contact.



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- v. 2. Observations during the administration of field sobriety tests.
  - vi. 3. Admissions or evidence of drug use observed during their investigation and after arrest
- b. The arresting primary officer shall not request a DRE Officer to respond to the scene solely based on an individual's admitting to using drugs, or before the conclusion of a DWI investigation.
- c. The arresting primary officer's supervisor shall approve all requests for a DRE Officer to respond to the scene.
- d. The DRE Officer shall:
- i. Respond to requests from Field Services Bureau (FSB) sworn personnel requiring drug recognition skills and perform DRE evaluations, consistent with the IACP DRE guidelines;
  - ii. Conduct a DRE examination rather than only obtain a blood sample, if possible;
  - iii. Direct blood draws and testing on individuals suspected of driving under the influence of alcohol or drugs, when consent is provided or a warrant is obtained;
  - iv. Respond to an individual's location in the event they are suspected of a drug-involved crash and, if possible, record any pertinent information in a DRE report;
  - v. Respond and Ccomplete a Supplemental Report in order to attach a completed DRE report and narrative;
  - vi. Advise the primary officer of the findings;
  - vii. Ensure the primary officer revises the blood draw results so that a criminal summons is able to ~~can~~ be filed by the DRE Officer or the primary officer;
  - viii. Conduct the following procedures for report handling:
    - 1. Prepare written DRE reports of drug influence evaluations;
    - 2. Ensure DRE reports comply with the guidelines set forth by the New Mexico State DRE Coordinator;
    - 3. Enter the DRE report information into the DRE national database;
    - 4. Forward all original DRE reports to the New Mexico State DRE Coordinator;
    - 5. Maintain personal copies of all DRE reports and evaluations; and
    - 6. Attach the DRE report for the DWI to the corresponding Uniform Incident Report in the Department's records management system.
  - ix. Perform maintenance for equipment by:
    - 1. Maintaining all DRE equipment in good working condition; and
    - 2. Reporting any equipment discrepancies to the New Mexico State DRE Coordinator to arrange for a replacement as soon as possible.
- e. The DWI Sergeant shall:
- i. Assign DRE sworn personnel to be on a rotation basis;
  - ii. Prepare a DRE Officer on-call list;
  - iii. Post the DRE Officer on-call list in their office; and
  - iv. Provide the list to the ECC.



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- a. The DRE Officer shall:
  - i. Be responsible for the disposition of blood draw evidence.
    - 1. All other evidence shall be the responsibility of the arresting officer.
  - ii. Be responsible for tagging blood specimen kits into evidence prior to the end of their shift.

REDLINED

**Appendix I: DWI Arrest Flow Chart**



**2-49 VEHICLE IDENTIFICATION NUMBER (VIN) INSPECTIONS**

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

A. Related SOP(s)

- 1-16 Auto Theft Unit (Formerly 5-11)
- 2-48 Towing Services

B. Form(s)

New Mexico Motor Vehicle Division (MVD) Form 10861A

C. Other Resource(s)

NMSA 1978, § 66-3-507 Altered Vehicle Identification Numbers; Contraband NM MVD Form 10861A

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**2-49-1 Purpose**

The purpose of this policy is to provide requirements for Vehicle Identification Number (VIN) certified sworn personnel in completing inspections of motor vehicles.

**2-49-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to establish procedures for Department personnel who assist community members with registration of their vehicles with the New Mexico Motor Vehicle Division (MVD). It is also the policy of the Department to provide trained and certified sworn personnel to complete VIN inspections in the identification of vehicles that have been stolen and have been altered from their original state.

**N/A 2-49-3 Definitions**

None

**5 2-49-4 Procedures**

A. Training and Certification



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1. Sworn personnel who are VIN certified shall be trained and have current issued VIN Investigator Credentials and shall be authorized to complete and sign the Affidavit of Vehicle Identification Number (NM MVD Form 10861A) to register vehicles in New Mexico.

- 6** B. Sworn personnel who are certified as a VIN investigator shall make inspections and follow the established guidelines provided in training.

1. Any currently certified VIN Investigator with credentials may perform motorcycle and watercraft inspections.

- 7** C. Chief's Overtime (COT) Program personnel shall maintain:

1. A list of sworn personnel authorized to inspect vehicles; and

- 6** 2. All copies of VIN Inspection forms for a minimum of three (3) years. The officer shall also retain a copy of the form for three (3) years.

- N/A** D. Seized Vehicles

1. When inspecting vehicles seized as authorized under NMSA § 66-3-507, the on-call Auto Theft Unit Detective shall be notified immediately in accordance with SOP Auto Theft Unit, and a copy of the Uniform Incident Report shall be forwarded to the Auto Theft Unit Detective within twenty-four (24) hours.
2. Seized vehicles shall be towed to the auto theft garage in accordance with SOP Tow Services.

- N/A** E. Referrals

1. If a motor vehicle is operable, the community member will be advised to take it to the MVD office for inspection.
2. Automobile dealers will be referred to the MVD or may hire an off-duty VIN-certified officer to complete the inspection through the Chief's Overtime Program.
3. Requests may be made through the Wrecker Services/Auto Theft Unit for free VIN inspections only by email at [vininspections@cabq.gov](mailto:vininspections@cabq.gov).
  - a. A free VIN inspection is limited to residents of Bernalillo County only. Non-residents may go through the COT Program.



**2-49 VEHICLE IDENTIFICATION NUMBER (VIN) INSPECTIONS**

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

A. Related SOP(s)

- 1-16 Auto Theft Unit (Formerly 5-11)
- 2-48 Towing Services

B. Form(s)

New Mexico Motor Vehicle Division (MVD) Form 10861A

C. Other Resource(s)

NMSA 1978, § 66-3-507 Altered Vehicle Identification Numbers; Contraband NM MVD Form 10861A

D. Active Special Order(s)

None

D.E. Rescinded Special Order(s)

None

**2-49-1 Purpose**

The purpose of this policy is to provide requirements for Vehicle Identification Number (VIN) certified sworn personnel in completing inspections of motor vehicles.

**2-49-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to establish procedures for Department personnel who assist community members with registration of their vehicles with the New Mexico Motor Vehicle Division (MVD). It is also the policy of the Department to provide trained and certified sworn personnel to complete VIN inspections in the identification of vehicles that have been stolen and have been altered from their original state.

**N/A 2-49-3 Definitions**

None

**5 2-49-4 Procedures**

A. Training and Certification



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(Formerly 2-05)

CPOAB

1. Sworn personnel who are VIN certified shall be trained and have current issued VIN Investigator Credentials and shall be authorized to complete and sign the Affidavit of Vehicle Identification Number (NM MVD Form 10861A) to register vehicles in New Mexico.

4.

6 B. Sworn personnel who are certified as a VIN investigator shall make inspections and follow the established guidelines provided in training;

1. Any currently certified VIN Investigator with credentials may perform motorcycle and watercraft inspections.

7 C. Chief's Overtime (COT) Program personnel shall maintain:

1. A list of sworn personnel authorized to inspect vehicles; and

6 2. All copies of VIN Inspection forms for a minimum of three (3) years. The officer shall also retain a copy of the form for three (3) years.

N/A D. Seized Vehicles

1. When inspecting vehicles seized as authorized under NMSA § 66-3-507, the on-call Auto Theft Unit Detective shall be notified immediately, in accordance with SOP Auto Theft Unit, and a copy of the Uniform Incident Report shall be forwarded to the Auto Theft Unit Detective within twenty-four (24) hours.

2. Seized vehicles shall be towed to the auto theft garage in accordance, consistent with SOP Tow Services, ~~(refer to SOP Tow Services for sanction classifications and additional duties).~~

N/A E. Referrals

1. If a motor vehicle is operable, the community member will be advised to take it to the MVD office for inspection.

2. Automobile dealers will be referred to the MVD or may hire an off-duty VIN-certified officer to complete the inspection through the Chief's Overtime Program.

3. Requests may be made through the Wrecker Services/Auto Theft Unit for free VIN inspections only by email at [vininspections@cabq.gov](mailto:vininspections@cabq.gov).

a. A free VIN inspection is limited to residents of Bernalillo County only. Non-residents may go through the COT Program.



## 2-70 EXECUTION OF SEARCH WARRANTS

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

#### A. Related SOP(s)

- 1-87 Scientific Evidence Division (Formerly 5-5)
- 1-92 Special Weapons and Tactics (SWAT) (Formerly 6-8)
- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-71 Search and Seizure Without a Warrant (Formerly 2-17)

#### B. Form(s)

- PD 3119 Pre-Planned Search Warrant Risk Assessment Matrix Log
- PD 3118 Risk Assessment Matrix Checklist
- PD 3109 Risk Assessment Matrix Pre-Planned Search Warrant Service
- State of New Mexico Return and Inventory

#### C. Other Resource(s)

- N.M. Dist. Ct. R. Crim. P. 5-211 Search Warrants
- N.M. Metro. Ct. R. Crim. P. 7-208 Search Warrants
- Franks v. Delaware*, 438 U.S. 154 (1978), *United States v. Alqahtani*, 73 F.4th 835 (10th Circuit, 2023), requiring that warrants do not contain material misstatements or omissions. *Alqahtani* at 844.

#### D. Active Special Order(s)

None

#### E. Rescinded Special Order(s)

None

### 2-70-1 Purpose

The purpose of this policy is to establish guidelines and standards for executing search warrants.

### 2-70-2 Policy

It is the policy of the Albuquerque Police Department (Department) to follow standardized procedures during the preparation and execution of search warrants to ensure the effectiveness of the operation, the safety of personnel and the public, and that all federal, state, and local laws are met.

N/A

### 2-70-3 Definitions



A. Affiant

As used in this Standard Operating Procedure (SOP), a sworn officer who swears to an affidavit in support of a search warrant. The Affiant may also be the Case Agent, or may be a different, sworn officer.

B. Affidavits

A written statement confirmed by oath or affirmation, for use as evidence in court.

C. Diversionary Tactic

A tactic used to distract the individual.

D. Exigent Circumstances

An emergency situation(s) requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or the destruction of evidence.

E. Ruse

A tactic that conceals the identity of sworn personnel as law enforcement and/or the circumstances for their presence for the purpose of furthering an investigation.

**6** **2-70-4** **Rules and Responsibilities**

A. The Affiant shall:

1. Prepare the warrant using complete and accurate facts and circumstances supporting the probable cause for the warrant. The Affiant shall also include any material information that may contradict the probable cause so that the reviewing judge has complete information;
2. Brief their supervisor about the circumstances of a warrant before presenting it to the District Attorney's (DA) Office, obtain the DA's approval, and present the warrant to the judge for approval;
3. Obtain judicial approval for nighttime warrant execution if a nighttime warrant is required;
4. Ensure that a supervisor is present at the scene of all search warrants involving a structure and ensure that the supervisor is thoroughly briefed before the search warrant is executed;



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- a. Supervisors do not need to be present at the execution of a search warrant for vehicles or other non-structural items already in police custody.
5. Brief all personnel involved in the search warrant service about the area to be searched, items to be seized, and any significant, unusual circumstances that may exist involving the premises or its occupants, and document this information in an offense incident report;
6. Ensure necessary copies of the warrant are brought to the scene and provided to the case agent or their designee;
7. Provide a copy of the warrant and affidavit to the person whose property was searched, if present, or leave a copy in a secure and prominent location, as feasible, at the premises, along with a copy of the inventory of all items seized; and
8. Return the warrant, affidavit, and inventory promptly to the District Court Clerk within ten (10) calendar days, consistent with New Mexico Rules of Criminal Procedure for the District Courts and Metropolitan Courts for search warrants.

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B. Ruses shall be reviewed prior to approval by the Chief of Police, after collaboration with the Investigative Bureau Deputy Chief, if:

1. A ruse that has the potential to adversely affect or disrupt the public is needed for the effective service of a search warrant, such as asking multiple families to temporarily evacuate dwellings; or
2. The warrant authorizes a court-ordered electronic listening.

C. Supervisor in Charge

1. The supervisor in charge shall:

- a. Before serving a warrant:
  - i. Be thoroughly briefed by the Affiant;
  - ii. Review the search warrant for probable cause before it is presented to the DA's Office; and
  - iii. Ensure that all significant, unusual circumstances regarding the premises or occupants are included in the warrant.
- b. During the execution of a warrant for the search of a structure, accompany sworn personnel and be physically present when the warrant is executed;
- c. Determine whether other agencies should be notified and included in the search, and ensure appropriate measures are taken to make such notification and ensure such participation;
- d. Ensure that specific tasks are assigned to each officer involved in the search, as well as the assignment of an officer to videotape or photograph the scene after the scene is secure, in accordance with SOP Use of On-Body Recording Devices and SOP Scientific Evidence Division;

N/A



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- e. Notify the Emergency Communications Center (ECC) no later than five (5) minutes prior to the service of the warrant. This notification shall include the following facts:
    - i. The location of the search;
    - ii. The unit or division responsible for the execution of the warrant;
    - iii. Any special circumstances relating to the service of the warrant; and
    - iv. The time the warrant will be served.
  - f. For warrants being served outside of Bernalillo County, ensure outside agency sworn personnel with jurisdiction over the target location are present; and
  - g. Secure the area command frequency during the initial entry and until the premises are secured.
2. If the Tactical Section is not going to be used, the supervisor in charge shall:
- a. Make certain that all sworn personnel who participate in the execution of the search warrant wear clothing that clearly displays the badge of office on their chest and the Department shoulder patch that clearly identifies them as sworn personnel before the execution of the warrant;
    - i. The supervisor in charge shall ensure that everyone involved in the execution of the warrant is wearing protective body armor.
  - b. Assign sworn personnel to points of entrance and exit as necessary until an entry has been made;
  - c. Be responsible for deciding to force entry in all situations where exigent circumstances exist;
  - d. Ensure all Department personnel involved in the execution of the warrant shall record the service of the search warrant, in accordance with SOP Use of On-Body Recording Devices. The supervisor in charge shall ensure all evidence is entered into evidence by the case agent or their designee;
  - e. Ensure police authority and intent are clearly announced prior to entry of a structure pursuant to a search warrant. The responsibility for making such an announcement is to be specifically assigned by the supervisor in charge;
  - f. When appropriate, ensure an authorized emergency vehicle is parked on location and ensure the authorized emergency vehicle initiates emergency overhead lights and makes announcements over public address simultaneously to entry to execute the warrant. This section shall not apply to those situations where the scene has been secured before obtaining a search warrant; and
  - g. This section does not apply if sworn personnel are using an approved ruse, other than the collection and entering of evidence.
3. During and after the execution of the warrant, the supervisor in charge shall:
- a. Ensure the following tasks are accomplished:
    - i. Immediately after the area to be searched is secured, ensure that the scene is videotaped or photographed before the search begins. The supervisor in charge shall also ensure that the scene is videotaped or photographed after the search is completed, in accordance with SOP Scientific Evidence Division;

N/A

N/A



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- ii. Ensure evidence is videotaped or photographed as it is discovered, before its seizure and removal, in accordance with SOP Scientific Evidence Division;
- iii. Assign sworn personnel to specific areas of the scene to protect the scene, search for evidence, and prevent the destruction of evidence;
- iv. Locate all occupants of the structure as quickly as possible. Determine if any person inside is a resident. A resident may be detained for the duration of the search. Non-residents may only be detained if there is a specific, lawful objective to detain that person; otherwise, they shall be allowed to leave;
- v. All persons remaining on the premises shall be directed to a designated area that has been searched and secured, with an officer present at all times;
- vi. Absent a lawful basis to issue an arrest warrant for an individual, conduct a pat-down only when the officer has a reasonable, articulable belief that the individual may be presently armed and dangerous, in accordance with SOP Search and Seizure Without a Warrant;
- vii. Detained individuals shall not be searched unless it is specifically authorized in the search warrant, or if a warrant exception exists in accordance with SOP Search and Seizure Without a Warrant. Inventory all seized property and enter the property seized in the State of New Mexico Return and Inventory form, the specific description of the seized evidence, the location where it was found, and the name of the officer who found the evidence. The form shall not be two-sided;
- viii. Maintain seized property and ensure it is tagged into evidence;
- ix. Before leaving the premises, after completing the warrant service and search, make every reasonable attempt to secure the premises; and
- x. Ensure that every officer present completes a supplemental narrative report detailing their actions and, as applicable, identifying the location of any evidence they collected and any exigent circumstances that justified a forceful entry without knocking and announcing.

N/A

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4. If the Tactical Section is used, the supervisor in charge shall:

- a. Have the sworn personnel conducting the search stand by in a pre-designated outer perimeter area or assigned post; and
- b. Resume control of the location after the Tactical Section supervisor advises that the premises are secure.

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5. In the event that the probable cause that initially supported the issuance of the search warrant is no longer present, meaning that there are no longer sufficient grounds to justify the continued execution of the warrant, the supervisor shall:

- a. Immediately stop the execution of the warrant;
- b. Ensure the chain of command is notified through the Bureau Chief;
- c. Request the ECC dispatch a Crime Scene Specialist (CSS) to document and photograph any damage;



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- d. Ensure all property damage, if any, and detention of individuals are documented in a Uniform Incident Report by the end of the supervisor's shift;
- e. Return seized property; and
- f. Provide a copy of the completed Uniform Incident Report to the chain of command through the Bureau Chief and Risk Management by the end of the supervisor's shift.

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D. Knock and Announce/Forceful Entry

1. Sworn personnel shall not seek or engage in executing pre-planned, no-knock warrants.
2. Sworn personnel shall knock and announce their identity and intent to serve a search warrant.
3. During the preparation for executing a search warrant, additional information may become available to the sworn personnel involved that indicates an exigency of entry. Before entering, sworn personnel shall consider the totality of the circumstances and wait a reasonable amount of time, depending on the size of the structure and whether a reasonable person would have an opportunity to consent to the entry, to determine whether they may be granted consent to enter, or whether they will need to use forceful entry.
  - a. When feasible, the supervisor may contact the person with authority over the property and secure access to the property to gain entry.
4. If consent is denied, sworn personnel may enter or make forceful entry, if necessary, upon the approval of the supervisor or Incident Commander (IC).
5. With the approval of the supervisor/IC, sworn personnel may enter or make forceful entry without knocking and announcing themselves or their purpose only if immediate action is needed to prevent imminent danger to life, to forestall the imminent escape of the individual or the destruction of evidence.
6. Any time sworn personnel rely on exigent circumstances to make forceful entry, they shall thoroughly and chronologically document what the exigency was and what actions they took in response. The supervisor/IC shall also report the reasons for the forceful entry in a supplemental narrative report.

E. Use of the Tactical Section

1. The Case Agent or their designee shall use the Risk Assessment Matrix (RAM) and RAM Checklist for all pre-planned search warrants, regardless of whether the Tactical Section is activated and deployed to the scene. The RAM only applies to search warrants of structures or fenced property.



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2. The RAM and RAM Checklist shall be submitted through the division's chain of command up to the lieutenant as part of the pre-planning process, and prior to execution of the search warrant. The lieutenant shall:
  - a. Consult the RAM Checklist and packet to determine if the packet is complete;
  - b. Consider all aggravating and mitigating factors;
  - c. Ensure the case agent consults with the Tactical Section regarding any aggravating circumstances; and
  - d. Determine whether the RAM score is correct.
3. The assigned lieutenant shall ensure that the Pre-Planned Search Warrant Risk Assessment Matrix Log shall be turned in to the Special Operations Division (SOD) no later than the fifth (5<sup>th</sup>) of every month. If the fifth (5<sup>th</sup>) of the month falls on a weekend, it shall be due on the following regularly scheduled workday. The RAM, RAM Checklist, and Pre-Planned Search Warrant RAM Log shall be kept on file by SOD for a period of at least five (5) years.
  - a. When SOD or the Professional Standards and Accountability Bureau requests a case file from the Pre-Planned Search Warrant RAM Logs, the division/area command shall send the requested cases within three (3) business days.
4. The Unit supervisor is responsible for ensuring the RAM and RAM Checklist are completed correctly and included in the original case file.
5. If a Tactical response is required, Unit supervisors shall be responsible for continually assessing each planned search to determine if it continues to require a tactical response. Unit supervisors shall also be responsible for direct communication with Tactical supervisors prior to and as operations are conducted.
6. When RAM scoring falls below the twenty-five (25) point threshold, and the requesting Bureau and SOD command staff agree that deploying Special Weapons and Tactics (SWAT) is needed to ensure that the warrant is safely executed, the justification for utilizing tactical resources shall be documented by the SOD Tactical Commander or their designee by completing the RAM Packet form.
7. When the RAM scoring is disputed, the requesting Bureau shall consult with the SOD Tactical Commander, and the following process shall be adhered to:
  - a. The SOD Tactical Commander or their designee shall document the findings of the RAM scoring in the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial;
  - b. The SOD Tactical Commander shall provide the findings to the requesting Bureau by completing the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial;
  - c. Should a dispute arise from a denial, the SOD Tactical Commander shall provide the completed RAM Pre-Planned Search Warrant Service State of New



Mexico Return and Inventory form for approval or denial to the SOD Commander and to the requesting Bureau Commander for review;

- d. The SOD Commander and the requesting Bureau Commander shall review all documentation related to the scoring of the RAM and provide their findings within the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial; and
- e. Should a dispute persist, the SOD Deputy Chief shall review all documentation related to the scoring of the RAM and render a final decision by completing the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial. If the SOD Deputy Chief is unavailable, the on-call Deputy Chief will render the final decision.

F. RAM Audit Remediation Process

N/A

1. A Tactical supervisor shall conduct the RAM audit in accordance with SOP Special Weapons and Tactics (SWAT).
2. During a RAM audit, if a deficiency is identified that the affected division head/area commander does not agree with, the Tactical Section Lieutenant shall meet with the lieutenant who approved the RAM. They shall then jointly go through supporting documentation and rescore the RAM.
3. The Tactical Section Lieutenant or their designee shall provide the findings to the SOD Commander as to whether there was improper scoring by the Affiant or Case Agent and their chain of command; whether there is a policy deficiency; and/or whether there is a deficiency with the RAM.
4. If the lieutenants do not agree, the SOD Commander shall review all supporting documentation and determine if there is a deficiency or if a policy and/or RAM revision are needed.
5. When deficiencies in the RAM are identified, the division head/area commander, after consultation with the SOD Commander, shall develop and implement a remediation plan for the Affiant or Case Agent responsible for the deficient RAM.



## 2-70 EXECUTION OF SEARCH WARRANTS

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

#### A. Related SOP(s)

- 1-87 Scientific Evidence Division (Formerly 5-5)
- 1-92 Special Weapons and Tactics (SWAT) (Formerly 6-8)
- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-71 Search and Seizure Without a Warrant (Formerly 2-17)

#### B. Form(s)

- PD 3119 Pre-Planned Search Warrant Risk Assessment Matrix Log
- PD 3118 Risk Assessment Matrix Checklist
- PD 3109 Risk Assessment Matrix Pre-Planned Search Warrant Service
- State of New Mexico Return and Inventory

#### C. Other Resource(s)

- N.M. Dist. Ct. R. Crim. P. 5-211 Search Warrants
- N.M. Metro. Ct. R. Crim. P. 7-208 Search Warrants
- [Franks v. Delaware, 438 U.S. 154 \(1978\), United States v. Alqahtani, 73 F.4th 835 \(10th Circuit, 2023\), requiring that warrants do not contain material misstatements or omissions. Alqahtani at -844.](#)

#### D. Active Special Order(s)

None

#### ~~D.E.~~ Rescinded Special Order(s)

~~SO 23-125 Amendment to SOP 2-70 Execution of Search Warrants~~ None

### 2-70-1 Purpose

The purpose of this policy is to establish guidelines and standards for executing search warrants.

### 2-70-2 Policy

It is the policy of the Albuquerque Police Department (Department) to follow standardized procedures during the preparation and execution of search warrants to ensure the effectiveness of the operation, the safety of personnel and the public, and that all federal, state, and local laws are met.

### N/A 2-70-3 Definitions



A. Affiant

As used in this Standard Operating Procedure (SOP), a sworn officer person who swears to an affidavit in support of a search warrant. The Affiant may also be the Case Agent, or may be a different, sworn officer.

B. Affidavits

B. A written statement confirmed by oath or affirmation, for use as evidence in court.

Case Agent

A sworn officer who has significant and often primary responsibility for the investigation leading to the preparation for and execution of a search warrant. The Case Agent may also be the Affiant.

C. Diversionary Tactic

A tactic used to distract the individual.

D. Exigent Circumstances

An emergency situation(s) requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or the destruction of evidence.

Incident Commander

For complex search warrant executions, involved supervisors may designate an incident commander to supervise team(s) and overall operations related to the execution of a search warrant.

E. Ruse

A tactic that ~~hides~~ conceals the identity of sworn personnel as law enforcement and/or the circumstances for their presence for the purpose of furthering an investigation.

**6** Supervisor

As applied to this SOP, a sworn officer, at minimum rank of acting sergeant, who supervises other sworn officers involved in the preparation and execution of a search warrant.

**2-70-4 Rules and Responsibilities**

A. The Affiant shall:

1. Prepare the warrant using complete and accurate facts and circumstances supporting the probable cause for the warrant. The Affiant shall ~~must~~ also include any material information that may contradict the probable cause so that the reviewing judge has complete information; -



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- 4.2. Brief their supervisor about the circumstances of a warrant before presenting it to the District Attorney's (DA) Office, obtain the DA's approval, and present the warrant to the judge for approval;
- 2.3. Obtain judicial approval for nighttime warrant execution if a nighttime warrant is required;
- 3.4. Ensure that a supervisor is present at the scene of all search warrants involving a structure and ensure that the supervisor is thoroughly briefed before the search warrant is executed;
  - a. Supervisors do not need to be present at the execution of a search warrant for vehicles or other non-structural items already in police custody.
- 4.5. Brief all personnel involved in the search warrant service about the area to be searched, items to be seized, and any significant, unusual circumstances that may exist involving the premises or its occupants, and document this information in an offense incident report;
- 5.6. Ensure necessary copies of the warrant are brought to the scene and provided to the case agent or their designee;
- 6.7. Provide a copy of the warrant and affidavit to the person whose property was searched, if present, or leave a copy ~~on~~ in a secure and prominent location, as feasible, at the premises, along with a copy of the inventory of all items seized; and
8. Return the warrant, affidavit, and inventory promptly to the District Court Clerk within ten (10) calendar days, consistent with New Mexico Rules of Criminal Procedure for the District Courts and Metropolitan Courts for search warrants.

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7.

- B. Ruses shall be reviewed prior to approval by ~~the City Attorney's Office and the Chief of Police~~, after collaboration with the Investigative Bureau Deputy Chief, if:
  1. A ruse that has the potential to adversely affect or disrupt the public is needed for the effective service of a search warrant, such as asking multiple families to temporarily evacuate dwellings; or
  2. The warrant authorizes a court-ordered electronic listening g/homing tracking device.
- C. Supervisor in Charge
  1. The supervisor in charge shall:
    - a. Before serving a warrant:
      - i. Be thoroughly briefed by the Affiant;



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N/A

- ii. Review the search warrant for probable cause before it is presented to the DA's Office; and
    - iii. Ensure that all significant, unusual circumstances regarding the premises or occupants are included in the warrant.
  - b. During the execution of a warrant for the search of a structure, accompany sworn personnel and be physically present when the warrant is executed;
  - c. Determine whether other agencies should be notified and included in the search, and ensure appropriate measures are taken to make such notification and ensure such participation;
  - d. Ensure that specific tasks are assigned to each officer involved in the search, as well as the assignment of an officer to videotape or photograph the scene after the scene is secure, ~~consistent in accordance~~ with SOP Use of On-Body Recording Devices and SOP Scientific Evidence Division;
  - e. Notify the Emergency Communications Center (ECC) no later than five (5) minutes prior to the service of the warrant. This notification shall include the following facts:
    - i. The location of the search;
    - ii. The unit or division responsible for the execution of the warrant;
    - iii. Any special circumstances relating to the service of the warrant; and
    - iv. The time the warrant will be served.
  - f. For warrants being served outside of Bernalillo County, ensure outside agency sworn personnel with jurisdiction over the target location are present; and
  - g. Secure the area command frequency during the initial entry and until the ~~premise~~ premises are secured.
- 2. If the Tactical Section is not going to be used, the supervisor in charge shall:
  - a. Make certain that all sworn personnel who participate in the execution of the search warrant wear clothing that clearly displays the badge of office on their chest and the Department shoulder patch that clearly identifies them as sworn personnel before the execution of the warrant;
    - i. The supervisor in charge shall ensure that everyone involved in the execution of the warrant is wearing protective body armor.
  - b. Assign sworn personnel to points of entrance and exit as necessary until an entry has been made;
  - c. Be responsible for deciding to force entry in all situations where exigent circumstances ~~are believed to exist~~;
  - d. Ensure all Department personnel involved in the execution of the warrant shall record the service of the search warrant, ~~consistent in accordance~~ with SOP Use of On-Body Recording Devices. The supervisor in charge shall ensure all evidence is entered ~~recordings are tagged~~ into evidence by the case agent or their designee;
  - e. Ensure police authority and intent are clearly announced ~~at the appropriate time~~ prior to entry of a structure pursuant to a search warrant. The responsibility for making such an announcement is to be specifically assigned by the supervisor in charge; ~~and~~

N/A



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f. When appropriate, ensure an authorized emergency vehicle is parked on location and ensure the authorized emergency vehicle initiates emergency overhead lights and makes announcements over public address ~~simultaneous~~ simultaneously to entry to execute the warrant. This section shall not apply to those situations where the scene has been secured before obtaining a search warrant; ~~and~~;

~~f.g. This section does not apply if sworn personnel officers are using an approved ruse, other than the collection and entering of evidence.~~

3. ~~After~~ During and after the execution of the warrant is served, the supervisor in charge shall:

a. Ensure the following tasks are accomplished:

N/A

~~— For an entry after sworn personnel announced their identity and purpose, document the time between the announcement and entry and the reasons for the wait time.~~

i. Immediately after the area to be searched is secured, ensure that the scene is videotaped or photographed before the search begins. The supervisor in charge shall also ensure that the scene is videotaped or photographed after the search is completed, consistent in accordance with SOP Scientific Evidence Division;

ii. Ensure evidence is videotaped or photographed as it is discovered, before its seizure and removal, in accordance ~~consistent~~ with SOP Scientific Evidence Division;

iii. Assign sworn personnel to specific areas of the scene to protect the scene, search for evidence, and prevent the destruction of evidence;

~~iv. Locate all occupants of the structure as quickly as possible. Determine if any person inside is a resident. A resident may be detained for the duration of the search. Other persons may only be detained. Non-residents may only be detained if there is a specific, lawful objective to detain that person; otherwise, they for an articulable safety concern or if there is a basis to believe the person is connected to criminal activity. Undetained people Each person shall be identified within a reasonable period of time. After identification, and if the sworn personnel do not reasonably perceive a threat of harm to themselves or others or if sworn personnel have no reasonable basis to believe that the person has a connection to criminal activity, then the person shall be allowed to leave;.~~

N/A

~~iv.v. All persons remaining on the premises shall be directed to a designated area that has been searched and secured, with an officer present at all times;~~

~~v.vi. Absent an lawful basis to issue an arrest warrant for an individual,~~  
cConduct a pat-down only when the officer has a reasonable, articulable belief that a person the individual may be presently armed and dangerous, in accordance ~~consistent~~ with SOP Search and Seizure Without a Warrant;



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- Detain an individual when there is reasonable suspicion or probable cause to believe that they are or were committing any crime. This could include concealing or attempting to destroy evidence.
- vi. ~~T~~; however, the Ddetained individuals shall not be searched unless it is specifically indicated authorized in the search warrant, or if a warrant exception exists in accordance with SOP Search and Seizure Without a Warrant pursuant to SOP 2-71. if there is probable cause to justify the search. This could include probable cause that believe the individual is concealing evidence of a crime, or if there is probable cause to believe that the individual is destroying evidence;
  - vii. Inventory all seized property and enter the property seized in the State of New Mexico Return and Inventory form, the specific description of the seized evidence, the location where it was found, and the name of the officer who found the evidence. The form shall not be two-sided;
  - viii. Maintain seized property and ensure it is tagged into evidence;
  - ix. Before leaving the premises, after completing the warrant service and search, make every reasonable attempt to secure the premises; and
  - x. Ensure that every officer present completes a supplemental narrative report detailing their actions and, as applicable, identifies identifying the location of any evidence they collected and any exigent circumstances that justified a forceful entry without knocking and announcing.

4. If the Tactical Section is ~~going to be used~~, the supervisor in charge shall:
- a. Have the ~~individuals officers~~ sworn personnel conducting the search stand by in a pre-designated outer perimeter area or assigned post; and
  - b. Resume control of the location after the Tactical Section supervisor advises that the premises are secure.

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5. In the event that the probable cause that initially supported the issuance of the search warrant ~~has ceased~~ is no longer present, and meaning that there are no longer sufficient grounds to justify the continued execution of the warrant, the supervisor shall:
- a. Immediately stop the execution of the warrant;
  - b. Ensure the chain of command is notified through the Bureau Chief;
  - c. Request the ECC ~~to dispatch~~ a Crime Scene Specialist (CSS) to document and photograph any damage;
  - d. Ensure all property damage, if any, and detention of individuals are documented in a Uniform Incident Report by the end of ~~their~~ the supervisor's shift;
  - e. Return seized property; and
  - f. Provide a copy of the completed Uniform Incident Report to the chain of command through the Bureau Chief and Risk Management by the end of ~~their~~ the supervisor's shift.

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- D. Knock and Announce/Forceful Entry



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1. Sworn personnel shall not seek or engage in executing pre-planned, no-knock warrants.
2. Sworn personnel shall knock and announce their identity and intent to serve a search warrant.
3. During the preparation for executing a search warrant, additional information may become available to the sworn personnel officers involved that indicates an exigency of entry. Before entering, sworn ~~personnel~~ personnel officers shall consider the totality of the circumstances and wait a reasonable amount of time ~~depending on the size of the structure and whether a reasonable person would have an opportunity to consent to the entry,~~ depending on the size of the structure and whether a reasonable person would have an opportunity to consent to the entry, to determine if ~~whether they shall~~ may be granted consent to enter, or whether they will need to use forceful entry.
  - a. When feasible, the supervisor may contact the person with authority over the property and secure access to the property to gain entry.
4. ~~Upon the approval of the Incident Commander (IC), sworn personnel may enter or make forceful entry, if necessary, if consent is denied.~~ If consent is denied, sworn personnel officers may enter or make forceful entry, if necessary, upon the approval of the sSupervisor or iIncident eCommander (IC).
5. ~~With~~ Upon the approval of the ~~sSupervisor~~/IC, sworn personnel may enter or make forceful entry without knocking and announcing themselves or their purpose only if immediate action is needed to prevent imminent danger to life, to forestall the imminent escape of the individual or the destruction of evidence.
6. Any time sworn personnel rely on exigent circumstances to make forceful entry; they shall thoroughly and chronologically document what the exigency was and what actions they took in response. The ~~sSupervisor~~/IC shall also report the reasons for the forceful entry in a supplemental narrative report.

E. Use of the Tactical Section

1. ~~Sworn personnel~~ The Case Agent or their designee shall use the Risk Assessment Matrix (RAM) and RAM Checklist for all pre-planned search warrants, regardless of whether the Tactical Section is activated and deployed to the scene. The RAM only applies to search warrants of structures or fenced property.
2. The RAM and RAM Checklist shall be submitted through the division's chain of command up to the lieutenant as part of the pre-planning process, and prior to execution of the search warrant. The lieutenant shall:
  - a. Consult the RAM Checklist and packet to determine if the packet is complete;



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- b. Consider all aggravating and mitigating factors;
  - c. Ensure the case agent consults with the Tactical Section regarding any aggravating circumstances; and
  - d. Determine whether the RAM score is correct.
3. The assigned Lieutenant shall ensure that the Pre-Planned Search Warrant Risk Assessment Matrix Log shall be turned in to the Special Operations Division (SOD) no later than the fifth (5<sup>th</sup>) of every month. If the fifth (5<sup>th</sup>) of the month falls on a weekend, it shall be due on the following regularly scheduled workday. The RAM, RAM Checklist, and Pre-Planned Search Warrant RAM Log shall be kept on file by SOD for a period of at least five (5) years.
  - a. When SOD or the Professional Standards and Accountability Bureau requests a case file from the Pre-Planned Search Warrant RAM Logs, the division/area command shall ~~have three (3) business days to send the requested cases~~ within three (3) business days.
4. The Unit supervisor is responsible for ensuring the RAM and RAM Checklist are completed correctly and included in the original case file.
- ~~5.~~ 5. If a Tactical response is required, Unit supervisors shall be responsible for continually assessing each planned search to determine if it ~~requires~~ continues to require a tactical response. Unit supervisors shall also be responsible for direct communication with Tactical supervisors prior to and as operations are conducted.
6. When RAM scoring falls below the twenty-five (25) point threshold, and the requesting Bureau and SOD command staff agree that deploying Special Weapons and Tactics (SWAT) is needed to ensure that the warrant is safely executed, the justification for utilizing tactical resources shall be documented by the SOD Tactical Commander or their designee by completing the RAM Packet form.
7. When the RAM scoring is disputed, the requesting Bureau shall consult with the SOD Tactical Commander, and the following process shall be adhered to:
  - a. The SOD Tactical Commander or their designee shall document the findings of the RAM scoring in the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial<sub>;</sub>
  - b. The SOD Tactical Commander shall provide the findings to the requesting Bureau by completing the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial<sub>;</sub>
  - c. Should a dispute arise from a denial, the SOD Tactical Commander shall provide the completed RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial to the SOD Commander and to the requesting Bureau Commander for review<sub>;</sub>
  - d. The SOD Commander and the requesting Bureau Commander shall review all documentation related to the scoring of the RAM and provide their findings



within the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial; and.

- e. Should a dispute persist, the SOD Deputy Chief shall review all documentation related to the scoring of the RAM and render a final decision by completing the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial. If the SOD Deputy Chief is unavailable, the on-call Deputy Chief will render the final decision.

8. Documentation

- ~~a. The requesting Bureau shall complete the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial for each pre-planned search warrant.~~
- ~~b. The requesting Bureau shall not submit the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial without completing the form in its entirety. The form shall include all required signatures, dates, rebuttals, and decisions from all involved parties.~~
- ~~c. The requesting Bureau shall provide the RAM Pre-Planned Search Warrant Service State of New Mexico Return and Inventory form for approval or denial to SOD administrative personnel upon completion.~~

F. RAM Audit Remediation Process

N/A

1. A Tactical ~~administrative~~ supervisor shall conduct the RAM audit in accordance consistent with SOP Special Weapons and Tactics (SWAT).  
4.
2. During a RAM audit, if a deficiency is identified that the affected division head/area commander does not agree with, the Tactical Section Lieutenant shall meet with the lieutenant who approved the RAM. They shall then jointly go through supporting documentation and rescore the RAM.
3. The Tactical Section Lieutenant or their designee shall provide the findings to the SOD Commander as to whether there ~~is~~ was improper scoring by the ~~investigator~~ Affiant or /Case Agent and their chain of command; whether there is a policy deficiency; and/or whether there is a deficiency with the RAM.
4. If the lieutenants do not agree, the SOD Commander shall review all supporting documentation and determine if there is a deficiency or if a policy and/or RAM revision are needed.
5. ~~When deficiencies in the RAM are identified,~~ the division head/area commander, after consultation with the SOD Commander, shall develop and implement a remediation plan for the Affiant or /Case Agent responsible for the deficient investigator RAM.

Documentation

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The IC shall ensure that all actions taken by sworn personnel in executing a search warrant are reported including, including the reasons for their actions. In particular, sworn personnel shall:

For a forceful entry of a structure, document the circumstances and reasons for the forceful entry;

For a no knock entry based on exigent circumstances pursuant to this SOP, document the circumstances and reasons that led to the decision that a no knock entry was necessary; and



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For an entry after announcing their identity and purpose, document the time between the announcement and entry and the reasons for the wait time.

REDLINED



**2-80 ARRESTS, ARREST WARRANTS, AND BOOKING PROCEDURES**

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

A. Related SOP(s)

- 1-31 Court Services Unit
- 2-16 Reports
- 2-52 Use of Force: General
- 2-70 Execution of Search Warrants
- 2-73 Collection, Submission, and Disposition of Evidence and Property
- 2-82 Restraints and Transportation of Individuals

B. Form(s)

- PD 3097 Temporary Detention Log
- PD 4201 Criminalistics Section Request for Service Form

C. Other Resource(s)

- McClendon, et al. v. City of Albuquerque, 29 F. Supp. 2d 1267 (D.N.M. 1996)
- NMSA 1978, § 30-2-1 Murder
- NMSA 1978, § 30-2-3 Manslaughter
- NMSA 1978, § 30-6-1 Abandonment or Abuse of a Child
- [U.S. Department of State Bureau of Consular Affairs](#)
- 4<sup>th</sup> Amendment United States Constitution
- New Mexico Constitution

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

SO 25-17 Amendment to SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures

**2-80-1 Purpose**

The purpose of this policy is to set forth the procedures that comply with federal, state, and local laws for exercising arrest powers by Albuquerque Police Department (Department) sworn personnel.

**2-80-2 Policy**



It is the policy of the Department to empower sworn personnel to arrest individuals who have committed a felony and/or misdemeanor. It is also the policy of the Department to follow the correct legal procedures that are required when arresting, booking, and filing charges against such individuals.

**N/A** 2-80-3      **Definitions**

A. Exigency

A situation known to sworn personnel prior to or at the time of a warrantless arrest which does not necessarily amount to an imminent threat of danger, escape, or destruction of evidence, but provides sufficient factual basis for making the warrantless arrest, such as an on-the-scene arrest based upon probable cause.

B. Exigent Circumstances

An emergency situation requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or prevent the destruction of evidence.

C. Probable Cause to Arrest (Seize)

When facts and circumstances within an officer's knowledge or, on which an officer has reasonably trustworthy information, are sufficient to warrant a reasonable person to believe that an offense has been or is being committed by the individual arrested.

**5** 2-80-4      **Arrests**

A. Felony Arrest Authority

1. Sworn personnel may make felony arrests through the authority of an arrest warrant, or based on probable cause, specific statutory authority to arrest, plus exigent circumstances, or an articulable exigency that prevents securing an arrest warrant imminently.

a. When feasible, sworn personnel shall make probable cause, custodial felony arrests for all:

- i. Violent crimes, including but not limited to, kidnapping, homicide, aggravated battery, aggravated assault, robbery offenses, criminal sexual penetration and contact, and felony domestic violence;
- ii. Felony narcotic offenses; and
- iii. Felonies in progress, including, but not limited to, violent crimes and property crimes.

2. For crimes that are not listed above, sworn personnel may choose to arrest an individual for a felony crime based on probable cause, instead of merely submitting a criminal case to the District Attorney for consideration for indictment.



B. Misdemeanor/Petty Misdemeanor Arrest Authority

1. Sworn personnel shall issue a citation or summons for non-violent misdemeanor offenses, unless they can articulate and clearly document what facts or circumstances necessitated making a custodial arrest for that offense.
  - a. The individual's lack of a fixed address is not justification for making a custodial arrest for a non-violent misdemeanor offense.
2. When responding to calls for service for misdemeanor or petty misdemeanor violation(s), the officer shall:
  - a. Take appropriate law enforcement action to enforce violations:
    - i. Complete a Uniform Incident Report for every case;
    - ii. Issue a separate misdemeanor citation when an individual has committed multiple offenses;
    - iii. Provide a physical copy of the citation to the individual at the time of issuance; (an email copy is not sufficient);
    - iv. Advise the individual that they have five (5) working days in which to appear at the Bernalillo County Metropolitan Court, and if they fail to appear, a warrant may be issued for their arrest; and
    - v. If no law enforcement action is taken, the officer shall note the reason on the Computer-Aided Dispatch (CAD) system or in a Uniform Incident Report explaining why no enforcement action was taken.
  - b. After establishing reasonable suspicion or probable cause for a misdemeanor offense, conduct a warrant check on the individual(s).
    - i. If the individual(s) has an outstanding misdemeanor warrant(s), sworn personnel shall make an arrest and complete a Criminal Complaint rather than issue a misdemeanor citation.

N/A

3. Sworn personnel may:
  - a. Make arrests on misdemeanor crimes that occur in their presence.
  - b. Make a custodial arrest without an arrest warrant for a misdemeanor criminal offense that has occurred outside their presence, provided probable cause, statutory authority to arrest, and exigent circumstances, or an articulable exigency exists which would imminently prevent securing an arrest warrant.

N/A

4. When an individual's criminal behavior appears to originate from a behavioral health disorder and they would benefit from receiving care at a treatment facility rather than entering the criminal justice system, sworn personnel may seek such interventions in lieu of criminal charges.
  - a. The officer's decision to divert an individual from the criminal justice system shall only apply to non-violent misdemeanor and non-violent felony cases.



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5. Sworn personnel shall include the reason the arrest was necessary in the narrative of their Uniform Incident Report.

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C. Sworn Personnel Responsibilities

1. The arresting officer shall:

N/A

- a. Complete a Uniform Incident Report indicating all charges and detailing the circumstances for any incident or warrant service resulting in an arrest or protective custody, in accordance with SOP Reports; and
- b. Ask an Emergency Communications Center (ECC) National Crime Information Center (NCIC) operator to run all individuals taken into custody through the local warrants database.
  - i. If the NCIC check indicates that the individual has a warrant(s) for their arrest, the arresting officer shall verify the warrant and shall notify the operator that the individual is in custody.

D. Arrest(s) Involving Controlled Substances

1. All arrests involving any narcotic or controlled substance may require a Criminalistics Section Request for Service form requesting that the Scientific Evidence Division Chemical Analysis Unit conduct a drug analysis in addition to the completed Uniform Incident Report.
  - a. A copy of the Criminalistics Section Request for Service form is required for a completed drug case.

E. Arresting Individuals Who Hold a Specialized Status

1. Sworn personnel shall not arrest the drivers of mail-carrying vehicles or armored vehicles except when they are charged with a felony or driving while under the influence (DWI), or when their mental or physical state is such that they are a hazard to the public.
  - a. Upon taking such a driver into custody, arresting personnel shall:
    - i. Immediately notify the local United States Postal Service office/armored car company; and
    - ii. Be responsible for the safety of the United States Postal Service/armored vehicle and its contents until a United States Postal Service representative/armored vehicle company supervisor arrives. The arresting officer shall be responsible for the safety of the United States Postal Service/armored vehicle and its contents.

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2. When sworn personnel arrest individuals who are on active military duty for any criminal offense, excluding minor traffic charges, the arresting officer shall notify the Kirtland Air Force Base Security Police Desk of the arrest.



- a. In all cases, sworn personnel shall complete a Uniform Incident Report.

### 3. Undocumented Foreign Nationals

- a. The enforcement of immigration laws and the arrest of undocumented foreign nationals reside exclusively with the federal government.
- b. Sworn personnel shall not:
  - i. Stop, question, detain, or arrest any individual based solely on the grounds that they may be an undocumented immigrant or a deportable foreign national;
  - ii. Inquire about or seek proof of an individual's immigration status unless the individual is in custody or is a suspect in a criminal investigation for a non-immigration criminal violation, and the immigration status of the individual is pertinent to the criminal investigation;
  - iii. Request assistance in language translation from any immigration official or agency; or
  - iv. Call federal immigration officials to the scene of a stop or investigation, except in the case of suspected human trafficking. For cases involving suspected human trafficking, sworn personnel shall:
    1. Obtain a supervisor's approval before contacting federal immigration officials; and
    2. Document the investigation in a Uniform Incident Report.
- c. Sworn personnel do not have the authority to place an Immigration and Customs Enforcement (ICE) hold on individuals suspected of having violated federal immigration laws.
- d. Sworn personnel shall accept the Mexican Consular Identification Card (Matricula Consular de Alta Seguridad) as a valid form of identification.
  - i. The Mexican Consular Identification Card is not an indication of a person's immigration status, nor is it sufficient evidence to establish reasonable suspicion of a person's immigration status.
- e. Nothing outlined in this SOP shall prevent an officer from investigating any federal, state, or City non-immigration criminal violation or taking any action necessary for officer safety.

### 4. Arrest of Legal Foreign Nationals (Legal Immigrants)

- a. Sworn personnel shall do the following whenever a legal foreign national is arrested:
  - i. Immediately notify the foreign national of their right to have their government notified concerning the arrest and/or detention; and
  - ii. Notify the foreign national's consulate of the arrest if the U.S. State Department guidelines mandate the notification. The guidelines can be obtained at the following website: [travel.state.gov](http://travel.state.gov).

### 5. Foreign Diplomats



- a. Foreign diplomats have diplomatic immunity concerning City ordinances and state and federal laws under the guidelines of the State Department of the United States.
- b. Sworn personnel shall:
  - i. Deal with foreign diplomats on an individual basis; and
  - ii. Ensure that the respective foreign consulate has been contacted.
- c. Sworn personnel shall not place foreign diplomats under arrest.

**5** 2-80-5 **Arrest Warrants**

A. Arrest Warrants

- N/A**
- 1. When personnel from an outside agency request warrant service, they must provide the following information before sworn personnel serve the warrant:
    - a. A physical description of the wanted individual, including, but not limited to:
      - i. Name;
      - ii. Sex;
      - iii. Race;
      - iv. Height;
      - v. Weight;
      - vi. Hair color; and
      - vii. Date of birth or social security number.
    - b. A warrant description, which must include:
      - i. The originating agency;
      - ii. The court and the judge who issued the warrant;
      - iii. Jurisdiction and state;
      - iv. Charge(s);
      - v. Date of the warrant;
      - vi. Warrant number; and
      - vii. The bond amount.
    - c. When extraditing an individual, if the warrant is not issued in the State of New Mexico, the warrant must indicate that the issuing jurisdiction will extradite them before the warrant can be served.

- N/A**
- 2. When necessary, sworn personnel or their supervisor may request additional information from the issuing agency about the identity or the location of the individual, or the validity of the warrant.

- 6**
- 3. Sworn personnel shall notify their immediate or on-duty supervisor if a discrepancy or contradiction exists in the description of the wanted individual.

- a. The supervisor shall ensure that appropriate action is taken to resolve the discrepancy.

- 4. Sworn personnel shall complete the following procedures to prevent the arrest warrant from being canceled before responsibility of the in-custody individual has



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been transferred to the Metropolitan Detention Center (MDC) and booked on the arrest warrant:

- a. If an individual is arrested on an arrest warrant and is not taken to the MDC (i.e., the individual has to be taken to a hospital or any other facility), the arresting officer shall not pick up the arrest warrant at that time;
- b. The arresting officer shall fill out the necessary booking paperwork for a hold to be placed on the in-custody individual; and
- c. The arresting officer shall pick up the arrest warrant at the time the in-custody individual is physically taken to the MDC. The arresting officer shall include the arrest warrant with the documentation that has already been completed.

5. Sworn personnel may execute an arrest warrant without a supervisor present when the wanted individual comes into contact with sworn personnel during their normal course of duty.

N/A

6. When following the protocol for serving an arrest warrant at a known location, sworn personnel shall follow the requirements for serving a search warrant in accordance with SOP Execution of Search Warrants.

7. References to Deoxyribonucleic Acid (DNA) Information in Arrest Warrant Affidavits

- a. Whenever forensic DNA information, including references to a DNA “hit” or “match,” is used in an arrest warrant affidavit as a full or partial basis for issuing an arrest warrant, the affiant officer must reasonably explain to the recipient judicial officer the relative strength of the DNA information at issue.
  - i. If the affiant officer is unable to reasonably explain the relative strength of the DNA information to the recipient judicial officer, the affiant officer may contact Criminalistics Laboratory personnel for an explanation of the relative strength of the DNA information.
  - ii. The affiant officer may then relay the Criminalistics Laboratory employee’s explanation to the recipient judicial officer in the affidavit.

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8. Sworn personnel shall first obtain the approval of the Investigations Division Commander or their designee before seeking prosecutor or judicial approval for an arrest warrant affidavit for the following crimes:

- a. Murder, pursuant to NMSA 1978, § 30-2-1;
- b. Manslaughter, pursuant to NMSA 1978, § 30-2-3;
- c. Child neglect that results in the death of a child, pursuant to NMSA 1978, § 30-6-1 F.;
- d. Child abuse resulting in the death of a child age twelve (12) to eighteen (18), pursuant to NMSA 1978, § 30-6-1 G.; and
- e. Child abuse resulting in the death of a child less than twelve (12) years of age, pursuant to NMSA 1978, § 30-6-1H.

B. Telephone Requests from Outside Agencies



Sworn personnel shall treat a telephone request for the arrest of a fugitive as information only until the request is confirmed by teletype, an ECC NCIC Operator, or a letter from the outside agency that meets the requirements outlined in this SOP.

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#### C. Teletype Requests

1. Teletypes from outside agencies that request assistance in locating and arresting a fugitive must include information necessary for the service of a warrant as outlined in this SOP.
2. If the below requirements are not met, the ECC NCIC Operator shall advise the issuing agency that the Department cannot serve the warrant without additional information, and the teletypes shall be considered as informational only and not as arrest authority.
  - a. Teletypes permitting a choice shall not be honored (e.g., a collection of fines instead of jail, restitution, court costs, etc.).
  - b. Teletypes requesting an arrest on a domestic matter, such as child abduction, kidnapping, and custodial interference, should be carefully examined and referred to the Special Victims Section personnel, except when exigent circumstances exist, such as physical danger, abuse, or neglect of the victim child.
  - c. Teletypes requesting an arrest of a John Doe or white collar crime warrants shall be handled with caution.
    - i. Information that was the basis for the warrant may be fictitious as to the identity of the offender.
  - d. Teletypes from out-of-state agencies requesting an arrest for high court misdemeanors must be directed to an on-duty lieutenant for authority to serve.
    - i. The on-duty lieutenant will forward the warrant to the appropriate area command.

#### D. Execution of Arrest Warrants

1. Sworn personnel shall determine the identity of an individual to establish probable cause for an arrest, prior to making the arrest based on a warrant.
  - a. Individuals with Soundex hits shall not be arrested without multiple points of identification that confirm the individual's identity.
  - b. An NCIC hit for a wanted person is not probable cause for an officer to make an arrest, but may provide reasonable suspicion to detain an individual while the warrant is confirmed.
  - c. Sworn personnel shall confirm through NCIC the validity of the warrant and whether extradition is authorized on all individuals prior to making an arrest.



2. Sworn personnel shall only conduct a search of the premises for a wanted individual with a consent to search or with a valid search warrant, except in situations concerning exigent circumstances.
  - a. If sworn personnel are denied access to a structure, and they have probable cause to believe a wanted person is inside, they shall:
    - i. Secure the scene;
    - ii. Notify a supervisor to respond to the area; and
    - iii. Obtain a search warrant before proceeding with the search for the wanted individual.
  - b. A supervisor's presence shall be mandatory with all warrant services.
3. Sworn personnel attempting to serve felony warrants shall verify the warrants through the ECC NCIC Operator before checking the address on the warrants.
4. Fugitives may insist that a warrant has been canceled to avoid apprehension; therefore, sworn personnel shall further investigate the validity of the warrant before arresting them.

#### E. Grand Jury Indictments

1. Sworn personnel shall only make arrests based on grand jury indictments after the Bernalillo County Sheriff's Office Warrants Section receives the resulting bench warrant.
2. The knowledge that a true bill has been returned by the grand jury does not constitute grounds for a valid arrest.

#### F. Metropolitan Court Bench Warrants

1. Arresting sworn personnel shall complete the following procedures when any law enforcement agency brings an individual to MDC for booking on a Metropolitan Court bench warrant only:
  - a. If it is discovered that an individual is being booked on bench warrants only and has the cash on hand to post their bond, or it is released on their own recognizance (ROR) warrant, the individual shall not be taken through the booking process; and
  - b. The arresting officer shall escort the individual to the bonding window where the individual can post their bond, clear the bench warrant, and receive any appropriate court date(s).

#### G. Custody of Individuals

1. When sworn personnel take an individual into custody, the individual must be guarded at all times except when placed in an area specifically designed for



temporary detention or when an officer's swift action is required to prevent imminent danger to life during exigent circumstances.

- a. A police vehicle is not considered a temporary detention area.

## 2. Temporary Detention and Processing

- a. Detention rooms must be equipped with a window to view the individual and a handcuffing post.
- b. When available, an audio/video and/or monitoring device shall be used.
- c. The officer in charge (OIC) of the individual shall notify a supervisor before placing the individual in the temporary detention room.
- d. The OIC shall:
  - i. Keep a Temporary Detention Log in a highly visible location, or immediately adjacent to the temporary detention area. The log shall contain:
    - 1. Name of the in-custody individual;
    - 2. Date and time the in-custody individual was placed in and removed from temporary detention;
    - 3. The OIC's signature;
    - 4. Name of the supervisor who was notified of the detention;
    - 5. Record of the time the individual was visually and verbally checked; and
    - 6. Violent individuals and/or individuals who become violent shall be monitored at all times, and shall not be left unattended under any circumstances.
      - A. If possible, the supervisor's signature should be included on the document for the authorization to use temporary detention.
  - ii. Document on the Temporary Detention Log the movement of the in-custody individual in and out of the temporary detention area and the reason, such as bathroom breaks, interviews, or meals provided;
  - iii. Upon completion of the temporary detention, scan the Temporary Detention Log with the Uniform Incident Report as an attachment in the Department's records management system;
  - iv. Complete Detention Logs for in-custody juveniles:
    - 1. The OIC shall complete the New Mexico Children, Youth and Families Department Juvenile Justice and Delinquency Prevention Act Secure Juvenile Holding Log available at [http://cyfd.org/docs/Secure\\_Juvenile\\_Holding\\_Log.pdf](http://cyfd.org/docs/Secure_Juvenile_Holding_Log.pdf); and
    - 2. The OIC shall email the New Mexico Children, Youth and Families Department Juvenile Justice and Delinquency Prevention Act Secure Juvenile Holding Log to [CYFD.FederalCompliance@state.nm.us](mailto:CYFD.FederalCompliance@state.nm.us) after the in-custody juvenile is booked into the Bernalillo County Juvenile Detention Center.
  - v. Conduct a security/cleanliness inspection of the detention area before securing the in-custody individual;
  - vi. Before the in-custody individual is secured in the temporary detention area:
    - 1. Search the individual, in accordance with SOP Restraints and Transportation of Individuals.

N/A



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N/A

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2. Remove all items of evidence/personal property from the individual and place the items in a secure area during the period of detention.
  3. Handle any property of evidentiary value in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.
  4. Accompany them to the MDC.
- vii. Hold males, females, and juveniles separately;
1. The OIC shall only hold juveniles for up to six (6) hours in a locked room and/or handcuffed to a fixed, stationary object consistent with NMSA §32A-2-4.1 - Adult jails and lockups used as temporary holding facilities; reports.
  2. The OIC shall remove the juvenile from the locked room after six (6) hours.
  3. If necessary, the OIC shall secure the juvenile in a room not handcuffed to a fixed stationary object while an officer stays in the room with them.
  4. Juveniles handcuffed in the back of a patrol car does not constitute a locked room.
  5. Juveniles who are runaways, incorrigible, curfew violators, or habitually truant shall not be placed in a secure setting such as holding cells, locked rooms, or handcuffed to a stationary object.
- viii. Handcuff the individual to a fixed object specifically designed for this purpose in such a manner that maximizes the comfort of the individual;
- ix. Visually and verbally monitor the individual by checking their behavior at least every thirty (30) minutes to ensure that they are safe;
- x. After two (2) hours, notify a supervisor of the individual's continued detention. The OIC or their designee shall continue to monitor the individual every thirty (30) minutes to ensure that they are safe; and
- xi. Provide individuals access to water, restrooms, or any other justifiable need.
1. When individuals are allowed a restroom break, they shall be escorted by Department personnel of the same sex.
  2. Before being escorted to the restroom, sworn personnel shall thoroughly search the individual, and all items must be removed from them.
  3. Non-sworn personnel may be used as restroom escorts, but a sworn officer must remain outside the door for the safety of non-sworn personnel.
  4. Handcuffs may be moved to the front or removed for restroom breaks.
  5. Sworn personnel shall use caution when determining whether to remove the individual's handcuffs. Partial restraint is preferable.
  6. Sworn personnel may use handicap rails to secure one (1) of the individual's hands for the purpose of a restroom break.
- e. Security Measures
- i. Access to the temporary detention area where an individual is being held shall be limited to sworn personnel only. If the area is a holding room, only the OIC or their designee may frequent the room.
  - ii. In all instances, the OIC shall guard against any circumstance that may facilitate an escape of the in-custody individual.
  - iii. If an escape does occur, the OIC shall notify the watch commander and notify the ECC to dispatch additional personnel to the area.



iv. In the event of an emergency, sworn personnel shall use the red duress button on their hand-held radio to request immediate assistance.

**6** H. Criminal Complaints, Criminal Summonses, and Juvenile Statements of Probable Cause.

1. When sworn personnel arrest an individual on misdemeanor or felony charges, the charging officer shall submit a Criminal Complaint form.
  - a. The upper portion of the Criminal Complaint form, except the docket number and date filed, shall be completed in its entirety by the charging officer; and
  - b. When an in-custody individual is admitted into a hospital, and a hospital guard duty call has been created, the appropriate investigative unit shall complete an arrest warrant within one (1) calendar day. The arrest warrant will immediately replace the Criminal Complaint form and shall be filed.
    - i. If an arrest warrant cannot be completed within one (1) calendar day, a memo shall be written to the booking officer's Deputy Chief explaining the circumstances, detailing when the warrant will be completed, or when the in-custody individual will be released.
    - ii. If the in-custody individual is released, a memo shall be sent to the booking officer's Deputy Chief explaining the circumstances.
2. Sworn personnel shall complete a Criminal Complaint/Juvenile Statement of Probable Cause, whichever is applicable, in the Department's records management system, to include the arresting officer's first and last name.
  - a. When a criminal complaint/juvenile statement of probable cause is not completed correctly, the courts shall reject the criminal complaint/juvenile statement of probable cause.
    - i. When the court notifies an officer that their criminal complaint/juvenile statement of probable cause was rejected, the officer shall correct the complaint/statement within three (3) days or the next available workday.
    - ii. The officer shall not be authorized to use compensatory time or overtime to correct the rejected criminal complaint/juvenile statement of probable cause.
    - iii. If the criminal complaint/juvenile statement of probable cause is not corrected, the officer's chain of command, through their commander, shall be notified.
  - b. If the Department's records management system is not operational, sworn personnel shall immediately notify their first-line supervisor and use the criminal complaint, criminal summons, or juvenile statement of probable cause form that is available on the Department's [Share Hub](#) site.
3. Sworn personnel shall conduct a warrants check on individual(s) before issuing a misdemeanor citation.



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- a. If the individual(s) has an outstanding misdemeanor warrant(s), sworn personnel shall make an arrest and complete a Criminal Complaint rather than issue a misdemeanor citation.
4. Supervisors shall approve all criminal complaints, criminal summonses, and juvenile statements of probable cause in the Department's records management system, including:
  - a. Prior to booking an individual in a detention facility; and
  - b. Approval of a criminal summons within five (5) workdays upon receipt of the summons from an officer.
- I. When sworn personnel issue a criminal summons instead of an arrest warrant:
  1. A criminal summons shall only be filed for misdemeanor charges;
  2. Criminal summons may be filed when:
    - a. The officer did not witness the incident but has probable cause to believe a crime occurred;
    - b. The individual cannot be located; or
    - c. The individual has been taken to a medical facility and will not be released by the end of the officer's shift. This does not include individuals who have been charged with a domestic violence offense.
  3. Sworn personnel shall complete the criminal summons in the Department's records management system, and label it as "Criminal Summons" using the Department's records management system's label so Court Services personnel can print and file the summons in Metro Court.
    - a. The required information on the criminal summons shall be the same as a custodial criminal complaint.
    - b. When submitting a criminal summons, sworn personnel shall complete a Uniform Incident Report in the Department's records management system.
  4. Incomplete/Incorrect Information on Criminal Summonses.
    - a. The Court Services Unit supervisor shall review all criminal summonses.
      - i. If the information on the criminal summons is incomplete/incorrect, the Court Services Unit Supervisor shall notify the officer of the corrections needed, consistent with SOP Court Services Unit.
    - b. The officer shall have three (3) days or their next available work day to correct the criminal summons.
    - c. If the criminal summons is returned to the submitting officer due to an incorrect address, the criminal summons will be dismissed.
    - d. If the criminal summons is not corrected, the officer's commander shall be notified.



- e. If the officer is unable to locate the correct identifiers or a current address for the defendant, the officer shall complete a Supplemental Report documenting these reasons.

J. Criminal Complaint Forms for Domestic Violence

Sworn personnel shall list domestic violence in the charges portion of the criminal complaint form, along with any other criminal charges.

K. Re-Filing of Criminal Charges

When sworn personnel are requested by the District Attorney's Office or the Court Services Unit to refile a criminal complaint, the officer shall comply with the request within three (3) days or on the next available workday.

**6** 2-80-6 **Booking**

A. General Booking Procedures

1. Sworn personnel shall secure all weapons in their vehicles or their lock boxes before entering the MDC. Sworn personnel shall be permitted to carry equipment into the booking facility.
2. Upon entering MDC, sworn personnel shall submit all charging documents, including but not limited to, the criminal complaint, citations, and the pre-booking worksheet, to MDC personnel. Sworn personnel may utilize the [metrnewbooking@nmcourts.gov](mailto:metrnewbooking@nmcourts.gov) email to print their paperwork at MDC, if available.
  - a. The criminal complaint, any citations, and the pre-booking form will be stamped Filed/Endorsed-in by Metro Court personnel once all documents are verified.
  - b. The pre-booking form will be returned to the officer so they may process the individual through medical personnel and through the MDC's booking procedures.
  - c. The arresting or transporting officer shall conduct a thorough search of the in-custody individual at the MDC booking desk.
  - d. All in-custody individuals being booked into MDC will remain handcuffed until the booking process is completed.
  - e. Knives, guns, ammunition, or chemical agents will not be accepted by MDC personnel to be placed in the in-custody individual's property. These items may be tagged into evidence for safekeeping, consistent with SOP Collection, Submission, and Disposition of Evidence and Property.
  - f. If an individual is already in custody at the MDC and additional charges are being filed against them, the officer shall notify MDC personnel in person, making sure that the individual is still in custody, that the right inmate is charged with the additional charge(s), and that the paperwork is properly administered.
    - i. The officer shall complete a Supplemental Report to document this notification.



3. Sworn personnel shall not assist with any medical procedure that is required as a condition of booking an individual into a detention facility unless they have a valid search warrant or the individual's consent, except during life-threatening situations.

**7** B. Booking on the Basis of a Warrant

1. After sworn personnel confirm the existence of a valid warrant through ECC NCIC, they shall:
  - a. Document on the pre-booking worksheet the warrant number, type of warrant, and if it is for a felony or misdemeanor; and
  - b. Notify the ECC NCIC Operator when an arrest is made as the result of a warrant.
    - i. ECC NCIC personnel shall transmit a copy of the warrant and/or the confirmation to the MDC.
    - ii. The copy of the warrant that MDC personnel receive is required for the booking procedure.

**7** C. Using the Bernalillo County Metropolitan Courthouse Bonding Window

1. After sworn personnel confirm the existence of a valid misdemeanor warrant through ECC NCIC personnel, they shall:
  - a. Use the Bernalillo County Metropolitan Courthouse bonding window to allow individuals to post bond, pay fines, or resolve the warrant; and
    - i. The in-custody individual is required to pay the full bond amount.
  - b. Verify whether the individual has the required cash before transporting them to the Bernalillo County Metropolitan Courthouse bonding window.
    - i. Sworn personnel shall not wait for the individual's friend, relative, or acquaintance to bring the cash to the bonding window.

**7** D. Booking on the Basis of a Warrant Issued Outside Bernalillo County

1. The arresting officer shall request that the ECC NCIC Operator send a teletype to the jurisdiction holding the warrant, advising that the individual is in custody and request a return teletype as soon as possible. The teletype shall have:
  - a. The name of the judge who issued the warrant;
  - b. Charges;
  - c. Bond;
  - d. Warrant number; and
  - e. Whether the agency will extradite the individual.
2. Sworn personnel shall not make a telephone call to verify the warrant; a teletype is required.



3. Sworn personnel shall book the individual into MDC.
4. Sworn personnel shall notify MDC booking personnel if their in-custody individual(s) are a potential medical and/or security hazard.

E. Release of Individuals Who Were Arrested in Error

1. For an individual who must be released because they were arrested and booked in error, sworn personnel shall:
  - a. Immediately notify their supervisor;
  - b. Contact the District Attorney's Office to assist in getting the individual released;
    - i. If sworn personnel or their supervisor are unable to contact the District Attorney's Office, they shall contact the on-call Assistant District Attorney.
    - ii. Sworn personnel or their supervisor shall email the on-call Assistant District Attorney to explain the reason for the requested dismissal for their file.
    - iii. The supervisor shall ensure that the individual is released.
  - c. Receive a copy of the Release Order and the *Nolle Prosequi*; and
  - d. Submit a copy of their completed Uniform Incident Report, along with a copy of the Release Order and *Nolle Prosequi* to the City of Albuquerque Risk Management Division.
2. If sworn personnel discover an error before the individual is booked, the individual shall be released, and the details shall be documented in a Uniform Incident Report.
3. When sworn personnel release an individual who was arrested on a warrant in error, or when it is determined that the wrong individual has been arrested based on a warrant, the following procedures shall be completed:
  - a. The arresting officer shall contact the Scientific Evidence Division (SED) Identification Unit and notify the on-duty ECC supervisor immediately upon confirming the wrong individual is in custody.
    - i. Identification Unit personnel shall provide the ECC supervisor with the name of the Identification Technician and the reason the subject should be released.
    - ii. The ECC supervisor shall immediately notify the appropriate on-duty watch commander or sergeant of the arrest that was made in error.
    - iii. The on-duty watch commander or sergeant shall have the arresting officer, if available, or another officer report to the MDC and begin the release process.
    - iv. The on-duty supervisor shall have the ECC contact the on-call Risk Management Division representative.
    - v. The on-duty supervisor shall ensure that a copy of the Uniform Incident Report is forwarded to the Department Safety Officer by the end of their shift.



4. At no time shall sworn personnel indicate in their Uniform Incident Report "Pending Further Investigation" after they release an individual who was arrested in error.

F. Non-Custodial Booking Processing and Identification

1. Sworn personnel may release an individual who has been arrested for a felony offense that is non-violent in nature, pending an indictment by the prosecuting agency.
2. An individual arrested for a violent felony offense is ineligible for release under this section. A violent felony offense is:
  - a. Abandonment and/or abuse of a child;
  - b. Aggravated arson, arson resulting in bodily injury;
  - c. Aggravated assault and/or battery;
  - d. Criminal sexual penetration of a minor;
  - e. Criminal sexual contact of a minor;
  - f. Dangerous use of explosives;
  - g. Great bodily injury by vehicle;
  - h. Homicide by vehicle;
  - i. Kidnapping;
  - j. Robbery; or
  - k. Voluntary and/or involuntary manslaughter.
3. The arresting officer shall not release an individual arrested for a non-violent felony when the individual:
  - a. Is a flight risk;
  - b. Has an extensive record that indicates a likelihood to commit additional criminal offenses;
  - c. Identity is uncertain;
  - d. Appears to suffer from a physical/mental impairment that indicates a likelihood that they present a danger to themselves or others;
  - e. Poses a threat to victims or witnesses;
  - f. Upon release, they may interfere with the investigation of the crime for which they were arrested;
  - g. Was arrested on the felony charges of residential burglary, aggravated burglary, trafficking in a controlled substance, or a felon in possession of a firearm; or
  - h. Was arrested for domestic violence, or DWI, and therefore, is ineligible for processing and identification under this section.
4. Sworn personnel shall not release an individual once a formal complaint has been filed in Metropolitan Court.

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G. Photographs of Sworn Personnel, Individuals, and In-custody Individuals



1. Crime Scene Specialists (CSS) and or Supervisors shall take photographs of all involved persons, the officer, and the arrested individual when:
  - a. An officer, suspect, or in-custody individual who has been injured, including injuries that are not visible;
  - b. The individual resists in any manner that would be consistent with SOP Use of Force: General;
  - c. Individuals are charged with battery on a police officer, aggravated battery on a police officer, or resisting arrest; or
  - d. Individuals who have pre-existing injuries.
    - i. Sworn personnel shall document these injuries on the Uniform Incident Report.
2. The arresting officer shall ensure that a CSS responds to the scene to take photographs.
3. Photographs Taken by Personnel Other than a CSS
  - a. Designated personnel shall:
    - i. Take photographs if the injuries are minor;
    - ii. Be responsible for tagging all photographs, consistent with SOP Collection, Submission, and Disposition of Evidence and Property; and
    - iii. Be required to complete a Supplemental Report to document the nature of the injury or damage and complaints or claims of damage or injury reported by the individual.
      1. In all other instances, the photographs shall be taken by a CSS.

**6 2-80-7 Uniform Incident Report Distribution**

**A. Uniform Incident Reports for Arrests**

1. Sworn personnel shall complete a Uniform Incident Report before the end of their shift.
2. The officer shall notify their supervisor or the on-duty supervisor that a Uniform Incident Report is awaiting approval in the Department records management system.
3. The officer shall not go off-duty until the Uniform Incident Report is approved, in the event any corrections need to be made.
4. The supervisor, upon approving the Uniform Incident Report, shall ensure that the Uniform Incident Report is properly labeled in the Department's records management system.



**2-80 ARRESTS, ARREST WARRANTS, AND BOOKING PROCEDURES**

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

A. Related SOP(s)

- 1-31 Court Services Unit
- 2-16 Reports
- 2-52 Use of Force: General
- 2-70 Execution of Search Warrants
- 2-73 Collection, Submission, and Disposition of Evidence and Property
- 2-82 Restraints and Transportation of Individuals

B. Form(s)

- PD 3097 Temporary Detention Log
- PD 4201 Criminalistics Section Request for Service Form

C. Other Resource(s)

- McClendon, et al. v. City of Albuquerque, 29 F. Supp. 2d 1267 (D.N.M. 1996)
- NMSA 1978, § 30-2-1 Murder
- NMSA 1978, § 30-2-3 Manslaughter
- NMSA 1978, § 30-6-1 Abandonment or Abuse of a Child
- [U.S. Department of State Bureau of Consular Affairs](#)
- [4<sup>th</sup> Amendment United States Constitution](#)
- [New Mexico Constitution](#)

D. Active Special Order(s)

None

D.E. Rescinded Special Order(s)

- ~~[SO 25-17 Amendment to SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures](#)~~
- ~~[SO 22-147 Amendment to SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures](#)~~
- ~~[SO 23-75 Amendment to SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures](#)~~
- ~~[SO 24-35 Amendment to SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures](#)~~
- ~~[SO 25-17 Amendment to SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures](#)~~

**2-80-1 Purpose**



The purpose of this policy is to set forth the procedures that comply with federal, state, and local laws for exercising arrest powers by Albuquerque Police Department (Department) sworn personnel.

**2-80-2 Policy**

It is the policy of the Department to empower sworn personnel to arrest individuals who have committed a felony and/or misdemeanor. It is also the policy of the Department to follow the correct legal procedures that are required when arresting, booking, and filing charges against such individuals.

**N/A 2-80-3 Definitions**

A. Exigency

A situation known to sworn personnel prior to or at the time of a warrantless arrest which does not necessarily amount to an imminent threat of danger, escape, or ~~destruction of~~ destruction of evidence, but provides sufficient factual basis for making the warrantless arrest, such as an on-the-scene arrest based upon probable cause.

B. Exigent Circumstances

An emergency situation~~(s)~~ requiring swift action to prevent imminent danger to life, to forestall the imminent escape of an individual, or prevent the destruction of evidence.

C. Probable Cause to Arrest (Seize)

When facts and circumstances within an officer's knowledge or, on which an officer has reasonably trustworthy information, are sufficient to warrant a reasonable person to believe that an offense has been or is being committed by the individual arrested.

**5 2-80-4 Arrests**

A. Felony Arrest Authority

**N/A** 1. Sworn personnel may make felony arrests through the authority of an arrest warrant, or based on probable cause, specific statutory authority to arrest, plus exigent circumstances, or an articulable exigency that prevents securing an arrest warrant imminently.

a. When feasible, sworn personnel shall make probable cause, custodial felony arrests for all:

- i. Violent crimes, including but not limited to, kidnapping, homicide, aggravated battery, aggravated assault, robbery offenses, criminal sexual penetration and contact, and felony domestic violence;
- ii. Felony narcotic offenses; and



iii. Felonies in progress, including, but not limited to, violent crimes and property crimes.

2. For crimes that are not listed above, sworn personnel may choose to arrest an individual for a felony crime based on probable cause, instead of merely submitting a criminal case to the District Attorney for consideration for indictment.

B. Misdemeanor/Petty Misdemeanor Arrest Authority

1. Sworn personnel shall issue a citation or summons for non-violent misdemeanor offenses, unless they can articulate and clearly document what facts or circumstances necessitated making a custodial arrest for that offense.

a. The individual's lack of a fixed address is not justification for making a custodial arrest for a non-violent misdemeanor offense.

2. When responding to calls for service for misdemeanor or petty misdemeanor violation(s), the officer shall:

a. Take appropriate law enforcement action to enforce violations:

i. Complete a Uniform Incident Report for every case;

~~ii.~~ Issue a separate misdemeanor citation when an individual has committed multiple offenses;

~~iii.~~ Provide a physical copy of the citation to the individual at the time of issuance; (an email copy is not sufficient);

~~iv.~~ Advise the individual that they have ~~(5)~~ five (5) working days in which to appear at the Bernalillo County Metropolitan Court, and if they fail to appear, a warrant may be issued for their arrest; and

~~v.~~ If no law enforcement action is taken, the officer shall note the reason on the Computer-Aided Dispatch (CAD) system or in a Uniform Incident Report explaining why no enforcement action was taken.

b. ~~The individual's lack of a fixed address is not a justification for making a custodial arrest for a non-violent misdemeanor offense.~~ After establishing reasonable suspicion or probable cause for a misdemeanor offense, conduct a warrant check on the individual(s).

~~i. If the individual(s) has an outstanding misdemeanor warrant(s), sworn personnel shall make an arrest on the warrant and complete a Criminal Summons or Citation on the new non-violent misdemeanor charge, unless circumstances necessitate an arrest as outlined above.~~ Complaint rather than issue a misdemeanor citation.

N/A

3. Sworn personnel may:

a. Make arrests on misdemeanor crimes that occur in their presence.

b. Make a custodial arrest without an arrest warrant for a misdemeanor criminal offense that has occurred outside their presence, provided probable cause,



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statutory authority to arrest, and exigent circumstances, or an articulable exigency exists which would imminently prevent securing an arrest warrant.

N/A

4. When an individual's criminal behavior appears to originate from a behavioral health disorder and they would benefit from receiving care at a treatment facility rather than entering the criminal justice system, sworn personnel may seek such interventions in lieu of criminal charges.

a. The officer's decision to divert an individual from the criminal justice system shall only apply to non-violent misdemeanor and non-violent felony cases.

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5. Sworn personnel shall include the reason the arrest was necessary in the narrative of their Uniform Incident Report.

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C. Sworn Personnel Responsibilities

1. The arresting officer shall:

N/A

- a. Complete a Uniform Incident Report indicating all charges and detailing the circumstances for any incident or warrant service resulting in an arrest or protective custody, in accordance consistent with SOP Reports (refer to SOP Reports for sanction classifications and additional duties); and
- b. Ask an Emergency Communications Center (ECC) National Crime Information Center (NCIC) operator to run all individuals taken into custody through the local warrants database.
  - i. If the NCIC check indicates that the individual has a warrant(s) for their arrest, the arresting officer shall verify the warrant and shall notify the operator that the individual is in custody.

D. Arrest(s) Involving Controlled Substances

- 1. All arrests involving any narcotic or controlled substance may require a Criminalistics Section Request for Service form requesting that the Scientific Evidence Division Chemical Analyst Unit conduct a drug analysis in addition to the completed Uniform Incident Report.
  - a. A copy of the Criminalistics Section Request for Service form is required for a completed drug case.

E. Arresting Individuals Who Hold a Specialized Status

- 1. Sworn personnel shall not arrest the drivers of mail-carrying vehicles or armored vehicles except when they are charged with a felony or driving while under the influence (DWI), or when their mental or physical state is such that they are a hazard to the public.



2-a. Upon taking such a driver into custody, arresting personnel shall:

- a.i. Immediately ~~notify~~ have the local United States Postal Service office/armored car company ~~notified~~; and
- b.ii. Be responsible for the safety of the United States Postal Service/armored vehicle and its contents until the arrival of a United States Postal Service representative/armored vehicle company supervisor arrives. T, the arresting officer shall be responsible for the safety of the United States Postal Service/armored vehicle and its contents.

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3-2. When sworn personnel arrest individuals who are on active military duty for any criminal offense, excluding minor traffic charges, the arresting officer shall notify the Kirtland Air Force Base Security Police Desk of the arrest.

a. In all cases, sworn personnel shall complete a Uniform Incident Report.

4-3. Undocumented Foreign Nationals

- a. The enforcement of immigration laws and the arrest of undocumented foreign nationals reside exclusively with the federal government.
- b. Sworn personnel shall not:
  - i. Stop, question, detain, or arrest any individual based solely on the grounds that they may be an undocumented immigrant or a deportable foreign national;
  - ii. Inquire about or seek proof of an individual's immigration status unless the individual is in custody or is a suspect in a criminal investigation for a non-immigration criminal violation, and the immigration status of the individual is pertinent to the criminal investigation;
  - iii. Request assistance in language translation from any immigration official or agency; or
  - iv. Call federal immigration officials to the scene of a stop or investigation, except in the case of suspected human trafficking. For cases involving suspected human trafficking, sworn personnel shall:
    - 1. Obtain a supervisor's approval before contacting federal immigration officials; and
    - 2. Document the investigation in a Uniform Incident Report.
- c. Sworn personnel do not have the authority to place an Immigration and Customs Enforcement (ICE) hold on individuals suspected of having violated federal immigration laws.
- d. Sworn personnel shall accept the Mexican Consular Identification Card (Matricula Consular de Alta Seguridad) as a valid form of identification.
  - i. The Mexican Consular Identification Card is not an indication of a person's immigration status, nor is it sufficient evidence to establish reasonable suspicion of a person's immigration status.
- e. ~~Sworn personnel are reminded that all children have a right to attend public schools in the United States.~~



- ~~i. Sworn personnel shall not, under any circumstances, engage in stopping, questioning, detaining, investigating, or arresting minor children under eighteen (18) years old on any immigration-related matter while on or immediately in the vicinity of public school grounds or property.~~
- ~~ii. Sworn personnel shall not assist others, including school personnel or other law enforcement officers or agencies, in detaining or questioning minor children on any immigration-related matter.~~
- f.e. Nothing outlined in this SOP shall prevent an officer from investigating any federal, state, or City non-immigration criminal violation or taking any action necessary for officer safety.

~~5.4.~~ Arrest of Legal Foreign Nationals (Legal Immigrants)

- a. Sworn personnel shall do the following whenever a legal foreign national is arrested:
  - i. Immediately notify the foreign national of their right to have their government notified concerning the arrest and/or detention; and
  - ii. Notify the foreign national's consulate of the arrest if the U.S. State Department guidelines mandate the notification. ~~is mandated by the U.S. State Department guidelines.~~ The guidelines can be obtained at the following website: [travel.state.gov](http://travel.state.gov).

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~~6.5.~~ Foreign Diplomats

- a. Foreign diplomats have diplomatic immunity concerning City ordinances and state and federal laws under the guidelines of the State Department of the United States.
- b. Sworn personnel shall:
  - i. Deal with foreign diplomats on an individual basis; and
  - ii. Ensure that the respective foreign consulate has been contacted.
- c. Sworn personnel shall not place foreign diplomats under arrest.

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2-80-5 Arrest Warrants

A. Arrest Warrants

N/A

- 1. When personnel from an outside agency requests warrant service, they must provide the following information before sworn personnel serve the warrant:
  - a. A physical description of the wanted individual, including, but not limited to:
    - i. Name;
    - ii. Sex;
    - iii. Race;
    - iv. Height;
    - v. Weight;
    - vi. Hair color; and
    - vii. Date of birth or social security number.



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- b. A description of the warrant description, which must include:
  - i. The originating agency;
  - ii. The court and the judge who issued the warrant;
  - iii. Jurisdiction and state;
  - iv. Charge(s);
  - v. Date of the warrant;
  - vi. Warrant number; and
  - vii. The bond amount.
- c. When extraditing an individual, if the warrant is not issued in the State of New Mexico, the warrant must indicate that the issuing jurisdiction will extradite them before the warrant can be served.

N/A

- 2. When necessary, sworn personnel or their supervisor may request additional information from the issuing agency about the identity or the location of the individual, or the validity of the warrant.

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- 3. Sworn personnel shall notify their immediate or on-duty supervisor if a discrepancy or contradiction exists in the description of the wanted individual.

- a. The supervisor shall ensure that appropriate action is taken to resolve the discrepancy.

- 4. Sworn personnel shall complete the following procedures to prevent the arrest warrant from being canceled before responsibility of the in-custody individual has been transferred to the Metropolitan Detention Center (MDC) and booked on the arrest warrant:

- a. If an individual is arrested on an arrest warrant and is not taken to the MDC (i.e., the individual has to be taken to a hospital or any other facility), the arresting officer shall not pick-up the arrest warrant at that time;
- b. The arresting officer shall fill out the necessary booking paperwork for a hold to be placed on the in-custody individual; and
- c. The arresting officer shall pick up the arrest warrant at the time the in-custody individual is physically taken to the MDC. The arresting officer shall include the arrest warrant with the documentation that has already been completed.

- 5. Sworn personnel may execute an arrest warrant without a supervisor present when the wanted individual comes into contact with sworn personnel during their normal course of duty.

N/A

- 6. When following the protocol for serving an arrest warrant at a known location, sworn personnel shall follow the requirements for serving a search warrant in accordance with as outlined in SOP Execution of Search Warrants. ~~(refer to SOP Execution of Search Warrants for sanction classifications and additional duties).~~

- 7. References to Deoxyribonucleic Acid (DNA) Information in Arrest Warrant Affidavits



- a. Whenever forensic DNA information, including references to a DNA “hit” or “match,” is used in an arrest warrant affidavit as a full or partial basis for issuing an arrest warrant, the affiant officer must reasonably explain to the recipient judicial officer the relative strength of the DNA information at issue.
  - i. If the affiant officer is unable to reasonably explain the relative strength of the DNA information to the recipient judicial officer, the affiant officer may contact Criminalistics Laboratory personnel for an explanation of the relative strength of the DNA information.
  - ii. The affiant officer may then relay the Criminalistics Laboratory employee’s explanation to the recipient judicial officer in the affidavit.

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8. Sworn personnel shall first obtain the approval of the Investigations Division Commander or their designee before seeking prosecutor or judicial approval for an arrest warrant affidavit for the following crimes:
  - a. Murder, pursuant to NMSA 1978, § 30-2-1;
  - b. Manslaughter, pursuant to NMSA 1978, § 30-2-3;
  - c. Child neglect that results in the death of a child, pursuant to NMSA 1978, § 30-6-1 F.;
  - d. Child abuse resulting in the death of a child age twelve (12) to eighteen (18), pursuant to NMSA 1978, § 30-6-1 G.; and
  - e. Child abuse resulting in the death of a child less than twelve (12) years of age, pursuant to NMSA 1978, § 30-6-1H.

~~A.~~B. Telephone Requests from Outside Agencies

Sworn personnel shall treat a telephone request for the arrest of a fugitive as information only until the request is confirmed by teletype, an ECC NCIC Operator, or a letter from the outside agency that meets the requirements outlined in this SOP.

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~~B.~~C. Teletype Requests

1. Teletypes from outside agencies that request assistance in locating and arresting a fugitive must include information necessary for the service of a warrant as outlined in this SOP.
2. If the below requirements are not met, the ECC NCIC Operator shall advise the issuing agency that the Department cannot serve the warrant without additional information, and the teletypes shall be considered as informational only and not as arrest authority.
  - a. Teletypes permitting a choice shall not be honored (e.g., a collection of fines instead of jail, restitution, court costs, etc.).
  - b. Teletypes requesting an arrest on a domestic matter, such as child abduction, kidnapping, and custodial interference, should be carefully examined and referred to the Special Victims Section personnel, except when exigent



- circumstances exist, such as physical danger, abuse, or neglect of the victim child.
- c. Teletypes requesting an arrest of a John Doe or white collar crime warrants shall be handled with caution.
    - i. Information that was the basis for the warrant may be fictitious as to the identity of the offender.
  - d. Teletypes from out-of-state agencies requesting an arrest for high court misdemeanors must be directed to an on-duty lieutenant for authority to serve.
    - i. The on-duty lieutenant ~~the~~ will forward the warrant to the appropriate area command.

C.D. Execution of Arrest Warrants

1. Sworn personnel shall determine the identity of an individual to establish probable cause for an arrest, prior to making the arrest based on a warrant.
  - a. Individuals with ~~soundex~~ Soundex hits shall not be arrested without multiple points of identification that confirm the individual's identity.
  - b. An NCIC hit for a wanted person is not probable cause for an officer to make an arrest, but may provide reasonable suspicion to detain an individual while the warrant is confirmed.
  - c. Sworn personnel shall confirm through NCIC the validity of the warrant and whether extradition is authorized on all individuals prior to making an arrest.
2. Sworn personnel shall only conduct a search of the premises for a wanted individual with a consent to search or with a valid search warrant, except in situations concerning exigent circumstances ~~hot pursuit of the wanted individual~~.
  - a. If sworn personnel are denied access to a structure, and they have probable cause to believe a wanted person is inside, they shall:
    - i. Secure the scene;
    - ii. Notify a supervisor to respond to the area; and
    - iii. Obtain a search warrant before proceeding with the search for the wanted individual.
  - b. A supervisor's presence shall be mandatory with all warrant services.
3. Sworn personnel attempting to serve felony warrants shall verify the warrants through the ECC NCIC Operator before checking the address on the warrants.
4. Fugitives may insist that a warrant has been canceled to avoid apprehension; therefore, sworn personnel shall further investigate the validity of the warrant before arresting them.

D.E. Grand Jury Indictments



1. Sworn personnel shall only make arrests based on grand jury indictments after the ~~resulting bench warrant is received by the Bernalillo County Sheriff's Office Warrants Section~~ receives the resulting bench warrant.
2. The knowledge that a true bill has been returned by the grand jury does not constitute grounds for a valid arrest.

~~E.F.~~      Metropolitan Court Bench Warrants

1. Arresting sworn personnel shall complete the following procedures when any law enforcement agency brings an individual to MDC for booking on a Metropolitan Court bench warrant only:
  - a. If it is discovered that an individual is being booked on bench warrants only and has the cash on hand to post their bond, or it is a released on their own recognizance (ROR) warrant, the individual shall not be taken through the booking process; and
  - b. The arresting officer shall escort the individual to the bonding window where the individual can post their bond, clear the bench warrant, and receive any appropriate court date(s).

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~~F.G.~~      Custody of Individuals

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1. When sworn personnel take an individual into custody, the individual must be guarded at all times except when placed in an area specifically designed for temporary detention or when an officer's swift action is required to prevent imminent danger to life during exigent circumstances.
  - a. A police vehicle is not considered a temporary detention area.
2. Temporary Detention and Processing
  - a. Detention rooms must be equipped with a window to view the individual and a handcuffing post.
  - b. When available, an audio/video and/or monitoring device shall be used.
  - c. The officer in charge (OIC) of the individual shall notify a supervisor before placing the individual in the temporary detention room.
  - d. The OIC shall:
    - i. Keep a Temporary Detention Log in a highly visible location, ~~in,~~ or immediately adjacent to the temporary detention area. The log shall contain:
      1. Name of the in-custody individual;
      2. Date and time the in-custody individual was placed in and removed from temporary detention;
      3. The OIC's signature;
      4. Name of the supervisor who was notified of the detention;
      5. Record of the time the individual was visually and verbally checked; and



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6. Violent individuals and/or individuals who become violent shall be monitored at all times, and shall not be left unattended under any circumstances.
  - A. If possible, the supervisor's signature should be included on the document ~~for~~ the authorization to use of temporary detention.
- ii. Document on the Temporary Detention Log the movement of the in-custody individual in and out of the temporary detention area and the reason, such as bathroom breaks, interviews, or meals provided;
- iii. Upon completion of the temporary detention, scan the Temporary Detention Log with the Uniform Incident Report as an attachment in the Department's records management system;
- iv. Complete Detention Logs for in-custody juveniles:
  1. The OIC shall complete the New Mexico Children, Youth and Families Department Juvenile Justice and Delinquency Prevention Act Secure Juvenile Holding Log available at [http://cyfd.org/docs/Secure\\_Juvenile\\_Holding\\_Log.pdf](http://cyfd.org/docs/Secure_Juvenile_Holding_Log.pdf); and
  2. The OIC shall email the New Mexico Children, Youth and Families Department Juvenile Justice and Delinquency Prevention Act Secure Juvenile Holding Log to [CYFD.FederalCompliance@state.nm.us](mailto:CYFD.FederalCompliance@state.nm.us) after the in-custody juvenile is booked into the Bernalillo County Juvenile Detention Center.
- v. Conduct a security/cleanliness inspection of the detention area before securing the in-custody individual;
- vi. Before the in-custody individual is secured in the temporary detention area:
  1. Search the individual, in accordance consistent with SOP Restraints and Transportation of Individuals. ~~(refer to SOP Restraints and Transportation of Individuals for sanction classifications and additional duties).~~
  2. Remove all items of evidence/personal property from the individual and place the items in a secure area during the period of detention.
  3. Handle any property of evidentiary value in accordance consistent with SOP Collection, Submission, and Disposition of Evidence and Property. ~~(refer to SOP Collection, Submission, and Disposition of Evidence and Property);~~
  4. Accompany them to the MDC.
- vii. Hold males, females, and juveniles separately;
  1. The OIC shall only hold juveniles for up to six (6) hours in a locked room and/or handcuffed to a fixed, stationary object consistent with NMSA §32A-2-4.1 ~~\_-~~ Adult jails and lockups used as temporary holding facilities; reports.
  2. The OIC shall remove the juvenile from the locked room after six (6) hours.
  3. If necessary, the OIC shall secure the juvenile in a room not handcuffed to a fixed stationary object while an officer stays in the room with them.
  4. Juveniles handcuffed in the back of a patrol car does not constitute a locked room.

N/A

N/A



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5. Juveniles who that are runaways, incorrigible, curfew violators, or habitually truant shall not be placed in a secure setting such as holding cells, locked rooms, or handcuffed to a stationary object.

viii. Handcuff the individual to a fixed object specifically designed for this purpose in such a manner that maximizes the comfort of the individual;

ix. Visually and verbally monitor the individual by checking their behavior at least every thirty (30) minutes to ensure that they are safe;

x. After two (2) hours, notify a supervisor of the individual's continued detention. The OIC or their designee shall continue to monitor the individual every thirty (30) minutes to ensure that they are safe; and

xi. Provide individuals access to water and restrooms, or any other justifiable need.

1. When individuals are allowed a restroom break, they shall be escorted by Department personnel of the same sex.

2. Before being escorted to the restroom, sworn personnel shall thoroughly search the individual, and all items must be removed from them.

3. Non-sworn personnel may be used as for restroom escorts, but a sworn officer must remain outside the door for the safety of non-sworn personnel.

4. Handcuffs may be moved to the front or removed for restroom breaks.

5. Sworn personnel shall use caution when determining whether to remove the individual's handcuffs. Partial restraint is preferable.

6. Sworn personnel may use handicap rails to secure one (1) of the individual's hands for the purpose of a restroom break.

e. Security Measures

i. Access to the temporary detention area where an individual is being held shall be limited to sworn personnel only. If the area is a holding room, only the OIC or their designee may frequent the room.

ii. In all instances, the OIC shall guard against any circumstance that, which may facilitate an escape of the in-custody individual.

iii. If an escape does occur, the OIC shall notify the watch commander and notify the ECC to dispatch additional personnel to the area.

iv. In the event of an emergency, sworn personnel shall use the red duress button on their hand-held radio to request immediate assistance.

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G.H. Criminal Complaints, Criminal Summonses, and Juvenile Statements of Probable Cause.

1. When sworn personnel arrest an individual on misdemeanor or felony charges, the charging officer shall submit a Criminal Complaint form.

a. The upper portion of the Criminal Complaint form, except the docket number and date filed, shall be completed in its entirety by the charging officer; and

b. When an in-custody individual is admitted into a hospital, and a hospital guard duty call has been created, the appropriate investigative unit shall complete an arrest warrant shall be completed by the appropriate investigative unit within



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- ~~one~~ an arrest warrant within one (1) calendar day. The arrest warrant will immediately replace the Criminal Complaint form and shall be filed.
- i. If an arrest warrant cannot be completed within one (1) calendar day, a memo shall be written to the booking officer's Deputy Chief explaining the circumstances, ~~which will also detail~~ detailing when the warrant will be completed, or when the in-custody individual will be released.
  - ii. If the in-custody individual is released, a memo shall be sent to the booking officer's Deputy Chief explaining the circumstances.
2. Sworn personnel shall complete a Criminal Complaint/Juvenile Statement of Probable Cause, whichever is applicable, in the Department's records management system, to include the arresting officer's first and last name.
- a. When a criminal complaint/juvenile statement of probable cause is not completed correctly, the courts shall reject the criminal complaint/juvenile statement of probable cause.
    - i. When the court notifies an officer ~~is notified by the court~~ that their criminal complaint/juvenile statement of probable cause was rejected, the officer shall correct the complaint/statement ~~of~~ within three (3) days or the next available workday.
    - ii. The officer shall not be authorized to use compensatory time or overtime to correct the rejected criminal complaint/juvenile statement of probable cause.
    - iii. If the criminal complaint/juvenile statement of probable cause is not corrected, the officer's chain of command, through their commander, shall be notified.
  - b. If the Department's records management system is not operational, sworn personnel shall immediately notify their ~~first-~~line supervisor and use the criminal complaint, criminal summons, or juvenile statement of probable cause form that is available on the Department's [Share Hub](#) site.
3. Sworn personnel shall conduct a warrants check on individual(s) before issuing a misdemeanor citation.
- a. If the individual(s) has an outstanding misdemeanor warrant(s), sworn personnel shall make an arrest and complete a Criminal Complaint rather than issue a misdemeanor citation.
4. Supervisors shall approve all criminal complaints, criminal summonses, and juvenile statements of probable cause in the Department's records management system, including:
- a. Prior to booking an individual in a detention facility; and
  - b. Approval of a criminal summons within five (5) workdays upon receipt of the summons from an officer.

H.I. \_\_\_\_\_ When sworn personnel issue a criminal summons instead of an arrest warrant:



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1. A criminal summons shall only be filed for misdemeanor charges;
2. Criminal summons may be filed when:
  - a. The officer did not witness the incident but has probable cause to believe a crime occurred;
  - b. The individual cannot be located; or
  - c. The individual has been taken to a medical facility and will not be released by the end of the officer's shift. This does not include individuals who have been charged with a domestic violence offense.
3. Sworn personnel shall complete the criminal summons in the Department's records management system<sup>Mark43</sup>, and label it as "Criminal Summons" using the Department's records management system's<sup>Mark43</sup> label so Court Services personnel can print and file the summons in Metro Court.
  - a. The required information on the criminal summons shall be the same as a custodial criminal complaint.
  - b. When submitting a criminal summons, sworn personnel shall complete a Uniform Incident Report in the Department's records management system<sup>Mark43</sup>.
4. Incomplete/Incorrect Information on Criminal Summonses.
  - a. The Court Services Unit supervisor shall review all criminal summonses.
    - i. If the information on the criminal summons is incomplete/incorrect, the Court Services Unit Supervisor shall notify the officer of the corrections needed, consistent with SOP Court Services Unit.
  - b. The officer shall have three (3) days or their next available work day to correct the criminal summons.
  - c. If the criminal summons is returned to the submitting officer due to an incorrect address, the criminal summons will be dismissed.
  - d. If the criminal summons is not corrected, the officer's commander shall be notified.
  - e. If the officer is unable to locate the correct identifiers or a current address for the defendant, the officer shall complete a Supplemental Report documenting these reasons.

I.J. Criminal Complaint Forms for Domestic Violence

Sworn personnel shall list domestic violence in the charges portion of the criminal complaint form, along with any other criminal charges.

J.K. Re-Filing of Criminal Charges



When sworn personnel are requested by the District Attorney's Office or the Court Services Unit to re-file a criminal complaint, the officer shall comply with the request within three (3) days or on the next available work-day.

**6** 2-80-6 **Booking**

A. General Booking Procedures

1. Sworn personnel shall secure all weapons in their vehicles or their lock boxes before entering the MDC. Sworn personnel shall be permitted to carry equipment into the booking facility.
2. Upon entering MDC, sworn personnel shall submit all charging documents, including but not limited to, the criminal complaint, citations, and the pre-booking worksheet, to MDC personnel. ~~Si~~If available, sworn personnel may utilize the [metronewbooking@nmcourts.gov](mailto:metronewbooking@nmcourts.gov) email to print their paperwork at MDC, if available.
  - a. The criminal complaint, any citations, and the pre-booking form will be stamped Filed/Endorsed-in by Metro Court personnel once all documents are verified.
  - b. The pre-booking form will be returned to the officer so they may process the individual through medical personnel and through the MDC's booking procedures.
  - c. The arresting or transporting officer shall conduct a thorough search of the in-custody individual at the MDC booking desk.
  - d. All in-custody individuals being booked into MDC will remain handcuffed until the booking process is completed.
  - e. Knives, guns, ammunition, or chemical agents will not be accepted by MDC personnel to be placed in the in-custody individual's property. These items may be tagged into evidence for safekeeping, consistent with SOP Collection, Submission, and Disposition of Evidence and Property.
  - f. If an individual is already in custody at the MDC and additional charges are being filed against them, the officer shall notify MDC personnel in-person, making sure that the individual is still in custody, that the right inmate is charged with the additional charge(s), and that the paperwork is properly administered.
    - i. The officer shall complete a Supplemental Report to document this notification.
3. Sworn personnel shall not assist with any medical procedure that is required as a condition of booking an individual into a detention facility unless they have a valid search warrant or the individual's consent, except during life-threatening situations.

**7** B. Booking on the Basis of a Warrant

1. After sworn personnel confirm the existence of a valid warrant through ECC NCIC, they shall:



- a. Document on the pre-booking worksheet the warrant number, type of warrant, and if it is for a felony or misdemeanor; and
- b. Notify the ECC NCIC Operator when an arrest is made as the result of a warrant.
  - i. ECC NCIC personnel shall transmit a copy of the warrant and/or the confirmation to the MDC.
  - ii. The copy of the warrant that MDC personnel receive is required for the booking procedure.

**7** C. Using the Bernalillo County Metropolitan Courthouse Bonding Window

1. After sworn personnel confirm the existence of a valid misdemeanor warrant through ECC NCIC personnel, they shall:
  - a. Use the Bernalillo County Metropolitan Courthouse bonding window to allow individuals to post bond, pay fines, or resolve the warrant; and
    - i. The in-custody individual is required to pay the full bond amount.
  - b. Verify whether the individual has the required cash before transporting them to the Bernalillo County Metropolitan Courthouse bonding window.
    - i. Sworn personnel shall not wait for the individual's friend, relative, or acquaintance to bring the cash to the bonding window.

**7** D. Booking on the Basis of a Warrant Issued Outside Bernalillo County

1. The arresting officer shall request that the ECC NCIC Operator send a teletype to the jurisdiction holding the warrant, advising that the individual is in custody and request a return teletype as soon as possible. The teletype shall have:
  - a. The name of the judge who issued the warrant;
  - b. Charges;
  - c. Bond;
  - d. Warrant number; and
  - e. Whether the agency will extradite the individual.
2. Sworn personnel shall not make a telephone call to verify the warrant; a teletype is required.
3. Sworn personnel shall book the individual into MDC.
4. Sworn personnel shall notify MDC booking personnel if their in-custody individual(s) are a potential medical and/or security hazard.

E. Release of Individuals Who Were Arrested in Error

1. For an individual who must be released because they were arrested and booked in error, sworn personnel shall:



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- a. Immediately notify their supervisor;
  - b. Contact the District Attorney's Office to assist in getting the individual released;
    - i. If sworn personnel or their supervisor are unable to contact the District Attorney's Office, they shall contact the on-call Assistant District Attorney.
    - ii. Sworn personnel or their supervisor shall email the on-call Assistant District Attorney to explain the reason for the requested dismissal for their file.
    - iii. The supervisor shall ensure that the individual is released.
  - c. Receive a copy of the Release Order and the *Nolle Prosequi*; and
  - d. Submit a copy of their completed Uniform Incident Report, along with a copy of the Release Order and *Nolle Prosequi* to the City of Albuquerque Risk Management Division.
2. If sworn personnel discover an error before the individual is booked, the individual shall be released, and the details shall be documented in a Uniform Incident Report.
3. When sworn personnel release an individual who was arrested on a warrant in error, or when it is determined that the wrong individual has been arrested based on a warrant, the following procedures shall be completed:
- a. The arresting officer shall contact the Scientific Evidence Division (SED) Identification Unit and notify the on-duty ECC supervisor immediately upon confirming the wrong individual is in custody.
    - i. Identification Unit personnel shall provide the ECC supervisor with the name of the Identification Technician and the reason the subject should be released.
    - ii. The ECC supervisor shall immediately notify the appropriate on-duty watch commander or sergeant of the arrest that was made in error.
    - iii. The on-duty watch commander or sergeant shall have the arresting officer, if available, or another officer report to the MDC and begin the release process.
    - iv. The on-duty supervisor shall have the ECC contact the on-call Risk Management Division representative.
    - v. The on-duty supervisor shall ensure that a copy of the Uniform Incident Report is forwarded to the Department Safety Officer by the end of their shift.
4. At no time shall sworn personnel indicate in their Uniform Incident Report "Pending Further Investigation" after they release an individual who was arrested in error.

F. Non-Custodial Booking Processing and Identification

1. Sworn personnel may release an individual who has been arrested for a felony offense that is non-violent in nature, pending an indictment by the prosecuting agency.



2. An individual arrested for a violent felony offense is ineligible for release under this section. A violent felony offense is:
  - a. Abandonment and/or abuse of a child;
  - b. Aggravated arson, arson resulting in bodily injury;
  - c. Aggravated assault and/or battery;
  - d. Criminal sexual penetration of a minor;
  - e. Criminal sexual contact of a minor;
  - f. Dangerous use of explosives;
  - g. Great bodily injury by vehicle;
  - h. Homicide by vehicle;
  - i. Kidnapping;
  - j. Robbery; or
  - k. Voluntary and/or involuntary manslaughter.
  
3. The arresting officer shall not release an individual arrested for a non-violent felony when the individual:
  - a. Is a flight risk;
  - b. Has an extensive record that indicates a likelihood to commit additional criminal offenses;
  - c. Identity is uncertain;
  - d. Appears to suffer from a physical/mental impairment that indicates a likelihood that they present to be a danger to themselves or others;
  - e. Poses a threat to victims or witnesses;
  - f. Upon release, they may interfere with the investigation of the crime for which they were arrested;
  - g. Was arrested on the felony charges of residential burglary, aggravated burglary, trafficking in a controlled substance, or a felon in possession of a firearm; or
  - h. Was arrested for domestic violence, or DWI, and therefore, is ineligible for processing and identification under this section.
  
4. Sworn personnel shall not release an individual once a formal complaint has been filed in Metropolitan Court.

**6** G. Photographs of Sworn Personnel, Individuals, and In-custody Individuals

1. Crime Scene Specialists (CSS) and or Supervisors shall take photographs of all involved persons, the officer, and the arrested individual when:
  - a. An officer, suspect, or in-custody individual who has been injured, including injuries that are not visible;
  - b. The individual resists in any manner that would be consistent with SOP Use of Force: General;
  - c. Individuals are charged with battery on a police officer, aggravated battery on a police officer, or resisting arrest; or
  - d. Individuals who have pre-existing injuries.



- i. Sworn personnel shall document these injuries on the Uniform Incident Report.
2. The arresting officer shall ensure that a CSS responds to the scene to take photographs.
3. Photographs Taken by Personnel Other than a CSS
  - a. Designated personnel shall:
    - i. Take photographs if the injuries are minor;
    - ii. Be responsible for tagging all photographs, consistent with SOP Collection, Submission, and Disposition of Evidence and Property; and
    - iii. Be required to complete a Supplemental Report to document the nature of the injury or damage and complaints or claims of damage or injury reported by the individual.
      1. In all other instances, the photographs shall be taken by a CSS.

**6 2-80-7 Uniform Incident Report Distribution**

**A. Uniform Incident Reports for Arrests**

1. Sworn personnel shall complete a Uniform Incident Report before the end of their shift.
2. The officer shall notify their supervisor or the on-duty supervisor that a Uniform Incident Report is awaiting approval in the Department records management system.
3. The officer shall not go off-duty until the Uniform Incident Report is approved, in the event any corrections need to be made.
4. The supervisor, upon approving the Uniform Incident Report, shall ensure that the Uniform Incident Report is properly labeled in the Department's records management system Mark43.



**2-88 BAIT CAR AND PROPERTY PROGRAM**

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

A. Related SOP(s)

- 1-1 Personnel Code of Conduct
- 2-73 Collection, Submission, and Disposition of Evidence and Property

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

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E. Rescinded Special Order(s)

None

**2-88-1 Purpose**

The purpose of this policy is to outline the operating requirements for the use of the Bait Car Program, which makes use of a specially-equipped car, or bait car, that can be placed in an area with a statistically heightened risk of auto theft.

**2-88-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to proactively identify and apprehend in-progress auto theft offenders. In doing so, the Department seeks to increase the number of arrests and prosecutions for this offense, thereby deterring future offenders and reducing the number of stolen vehicles. It is also the policy to perform this proactive and tactical mission in a safe and professional manner.

**N/A 2-88-3 Definitions**

A. 27-7 Edward (Emergency Alarm-BAIT Activation)

Ten Code used to describe a bait car activation or theft.

B. Activity and Location Logs



A log that includes the dates, times, locations, conditions, and duration of all bait car deployments. Activity and location logs are retained for three (3) years.

C. Bait Car

An electronically equipped vehicle with a silent alarm, a global positioning system (GPS), global mapping software, and audio/video recording equipment. The vehicle is also equipped with a disabling feature that permits the engine to be turned off from a remote location and the doors and windows locked.

D. Bait Car Coordinator

The Auto Theft Unit supervisor or their designee who supervises the Bait Car Program, including record keeping, bait car deployment, and filings.

E. Global Positioning System (GPS)

An electronic tracking system that continually monitors the bait car's location, direction of travel, speed, and operating condition.

F. Long-Term Bait Car Deployment

A bait car deployment where the car is unattended and without surveillance for a period of twenty-four (24) hours or more.

G. Short-Term Bait Car Deployment

A bait car deployment where sworn personnel keep visual surveillance on the car for a period less than twenty-four (24) hours.

**6** 2-88-4 **Procedures**

A. Deployment

1. The Bait Car Coordinator has the authority to deploy the bait car. Deployment is based on an objectively heightened risk of theft in an area.
  - a. The Bait Car Coordinator shall be the designated professional staff or, in the absence of professional staff, the Auto Theft Sergeant.
  - b. The Bait Car Coordinator shall maintain a permanent record containing three (3) years of the bait car history in the activity and location logs.
2. Department personnel shall not operate or deploy the bait car without specific authorization from the Bait Car Coordinator.
3. Department personnel who desire deployment of the bait car in a specific area may direct requests to the Bait Car Coordinator.



B. Emergency Communications Center (ECC)

1. The ECC Supervisor shall:

- a. Contact the on-call Auto Theft Unit supervisor, notify them of the activation, and create a call for service (27-7E) within the area command;
  - i. RTCC/ECC and responding personnel shall switch their Talk Group to “bait car” under the APD-Spec 1 Talk Group. The entire duration of the call shall be monitored on this Talk Group, regardless of which area command the activation originated.
- b. In the event of a higher priority call being initiated, such as but not limited to an officer involved shooting, or SWAT call, RTCC shall assume responsibility until the dispatch function occurs. The Auto Theft Sergeant or designee will notify the area command dispatcher for emergency assistance.

2. ECC Supervisor/RTCC Operator shall:

- a. Be responsible for monitoring the bait car during a long-term bait car deployment or at the request of the Bait Car Coordinator;
- b. Be trained to interpret any alarms or activation of the bait car system;
- c. Identify the bait car’s physical location, car description, license plate, and, where applicable, the speed and direction of travel when the activation is valid;
- d. Ensure the ECC dispatcher dispatches a minimum of two (2) sworn personnel to the vehicle location and, if the bait car is mobile, the ECC Supervisor shall provide location updates to the responding personnel until directed by an Auto Theft Sergeant or designee;
- e. Have responding sworn personnel notify the ECC Supervisor when they have visual contact of the vehicle;
- f. Have responding sworn personnel advise when it is safe to perform a high-risk stop on the vehicle; and
- g. Remotely disable the vehicle ignition at the request of sworn personnel or the Auto Theft Unit supervisor.

C. Responding sworn personnel shall:

1. Exercise appropriate caution and comply with the provisions of this Standard Operating Procedure (SOP);
  - a. Responding personnel shall switch their radio channel to “bait car” under the APD-Spec 1 Talk Group. The entire duration of the call shall be monitored on this Talk Group, regardless of which area command the activation originated.
2. Inform the ECC Supervisor that they have made first visual contact with the bait car, state the location, and whether the vehicle is occupied;
3. Assess whether disabling the vehicle is appropriate if the bait car is occupied;



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4. Advise whether the immediate disabling of the bait car would be unsafe;
    - a. Sworn personnel shall follow the vehicle at a safe distance until it is safe to disable the bait car.
  5. Notify the ECC Dispatcher if a request is made to disable the bait car ignition;
  6. Visually confirm that the vehicle disabling command has been received by noting that the auxiliary brake light is flashing;
  7. Once verified, initiate a high-risk traffic stop by using their emergency equipment and notifying the ECC Supervisor of their stopping location; and
  8. Complete a Supplemental Report to document their involvement.
- D. The Responding Auto Theft Unit Detective shall:
1. Respond to the original bait car activation;
  2. Assume case responsibility for all bait car investigations;
    - a. The responding Auto Theft Unit Detective shall switch their radio channel to "bait car" under the APD-Spec 1 Talk Group. The entire duration of the call shall be monitored on this Talk Group, regardless of which area command the activation originated.
  3. Attempt to get a visual of the vehicle and the involved individuals prior to the high-risk stop. This information is relayed to the ECC supervisor;
  4. Coordinate with Field Service Bureau (FSB) personnel and the Auto Theft Unit supervisor to create an apprehension plan;
  5. Assume case responsibility and complete a Uniform Incident Report, criminal complaint, and any other necessary arresting documentation; and
  6. Coordinate with the Bait Car Technician to recover the bait car from the scene.
- E. The Auto Theft Unit Sergeant shall monitor and assume the command of the bait car activation.
- F. Pursuits and Location of Bait Cars
1. If sworn personnel are directed to follow a mobile bait car and the individual is driving in an erratic or reckless manner that places the public in imminent danger of great bodily harm or death, sworn personnel shall immediately notify the on-call Auto Theft Unit supervisor and shall request to disable the vehicle.



- 5 2. At no time shall sworn personnel engage in a vehicle pursuit with a bait car.
- 3. In the event the bait car is not located by GPS and cannot be physically located, the on-call Auto Theft Unit Detective shall immediately complete a stolen vehicle report and enter the vehicle into the National Crime Information Center (NCIC) as stolen. The on-call Auto Theft Unit supervisor shall then be notified.

7 G. Bait Car and Evidence Recovery

- 1. Following each verified Emergency Alarm-BAIT Activation (27-7 Edward) incident, sworn personnel shall move the bait car to a location determined by the Bait Car Coordinator. To maintain the confidentiality of the bait car program and vehicle, only plain-clothes sworn personnel shall drive the vehicle.

- N/A 2. The on-call Auto Theft Unit Detective or their designee shall be responsible for collecting and tagging evidence obtained from the vehicle in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.

7 H. Confidentiality of Bait Cars

- 1. The bait car program is considered an undercover operation. Accordingly, all Department personnel shall exercise caution to protect the confidentiality of the program.

- N/A 2. Department personnel shall never reveal the bait car description, location of deployment, or information that may compromise the vehicle's undercover status (refer to SOP Personnel Code of Conduct for sanction classifications and additional duties).

7 I. Short-Term Bait Car Deployment

- 1. All short-term bait car deployments shall be monitored by the Auto Theft Unit Sergeant or their designee.
- 2. The Auto Theft Unit Sergeant or their designee shall notify the ECC Supervisor of their short-term deployment.



**2-88 BAIT CAR AND PROPERTY PROGRAM**

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

A. Related SOP(s)

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- 2-73 Collection, Submission, and Disposition of Evidence and Property

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

SO 25-65 Amendments to SOP 2-88 Bait Car Program

~~D.~~ E. Rescinded Special Order(s)

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**2-88-1 Purpose**

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C. Bait Car

An electronically equipped vehicle with a silent alarm, a global positioning system (GPS), global mapping software, and audio/video recording equipment. The vehicle is also equipped with a disabling feature that permits the engine to be turned off from a remote location and the doors and windows locked.

D. Bait Car Coordinator

The Auto Theft Unit supervisor or their designee who supervises the Bait Car Program, including record keeping, bait car deployment, and filings.

E. Global Positioning System (GPS)

An electronic tracking system that continually monitors the bait car's location, direction of travel, speed, and operating condition.

F. Long-Term Bait Car Deployment

A bait car deployment where the car is unattended and without surveillance for a period of twenty-four (24) hours or more.

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A bait car deployment where sworn personnel keep visual surveillance on the car for a period less than twenty-four (24) hours.

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  - a. The Bait Car Coordinator shall be the designated professional staff or, in the absence of professional staff, the Auto Theft Sergeant.
  - b. The Bait Car Coordinator shall maintain a permanent record containing three (3) years of the bait car history in the activity and location logs.
2. Department personnel shall not operate or deploy the bait car without specific authorization from the Bait Car Coordinator.
3. Department personnel who desire deployment of the bait car in a specific area may direct requests to the Bait Car Coordinator.



B. Emergency Communications Center (ECC)

1. The ECC Supervisor shall:

- a. Contact the on-call Auto Theft Unit supervisor, notify them of the activation, and create a call for service (27-7E) within the area command;
  - i. RTCC/ECC and responding personnel shall switch their ~~Talk Group~~ radio channel to to "bait car" under the APD-Spec 1 Talk Group. The entire duration of the call shall be monitored on this Talk Group, regardless of which area command the activation originated.
  - ii. In the event of a higher priority call being initiated, such as but not limited to an officer involved shooting, or SWAT call, RTCC shall assume responsibility until the dispatch function occurs. The Auto Theft Sergeant or designee will notify the area command dispatcher for emergency assistance.

2. ECC Supervisor/RTCC Operator~~Supervisor~~~~personnel~~ shall:

- a. Be responsible for monitoring the bait car during a long-term bait car deployment or at the request of the Bait Car Coordinator;
- b. Be trained to interpret any alarms or activation of the bait car system;
- c. Identify the bait car's physical location, car description, license plate, and, where applicable, the speed and direction of travel when the activation is valid;
- d. Ensure the ECC dispatcher dispatches a minimum of two (2) sworn personnel officers to the vehicle location and, if the bait car is mobile, the ECC Supervisor shall provide location updates to the responding personnel until directed by an Auto Theft Sergeant or designee;
- d. ~~Dispatch a minimum of two (2) officers to the vehicle location and, if the bait car is mobile, provide location updates to the responding personnel;~~
- e. Have responding sworn personnel notify the ECC Supervisor~~Dispatcher~~ when they have visual contact of the vehicle;
- f. Have responding sworn personnel advise when it is safe to perform a high-risk stop on the vehicle; and
- g. Remotely disable the vehicle ignition at the request of sworn personnel or the Auto Theft Unit supervisor.

C. Responding sworn personnel shall:

- 1. Exercise appropriate caution and comply with the provisions of this Standard Operating Procedure (SOP);
  - a. Responding personnel shall switch their radio channel to "bait car" under the APD-Spec 1 Talk Group. The entire duration of the call shall be monitored on this Talk Group, regardless of which area command the activation originated.
- 2. Inform the ECC Supervisor~~Dispatcher~~ that they have made first visual contact with the bait car, state the location, and whether the vehicle is occupied;



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3. Assess whether disabling the vehicle is appropriate if the bait car is occupied;
  4. Advise whether the immediate disabling of the bait car would be unsafe;
    - a. Sworn personnel shall follow the vehicle at a safe distance until it is safe to disable the bait car.
  5. Notify the ECC Dispatcher if a request is made to disable the bait car ignition;
  6. Visually confirm that the vehicle disabling command has been received by noting that the auxiliary brake light is flashing;
  7. Once verified, initiate a high-risk traffic stop by using their emergency equipment and notifying the ECC Supervisor Dispatcher of their stopping location; and
  8. Complete a Supplemental Report to document their involvement.
- D. The Responding Auto Theft Unit Detective shall:
1. Respond to the original bait car activation;
  2. Assume case responsibility for all bait car investigations;
    - a. The responding Auto Theft Unit Detective shall switch their radio channel to "bait car" under the APD-Spec 1 Talk Group. The entire duration of the call shall be monitored on this Talk Group, regardless of which area command the activation originated.
  3. Attempt to get a visual of the vehicle and the involved individuals prior to the high-risk stop. This information is relayed to the ECC supervisor;
  4. Coordinate with Field Service Bureau (FSB) personnel and the Auto Theft Unit supervisor to create an apprehension plan;
  5. Assume case responsibility and complete a Uniform Incident Report, criminal complaint, and any other necessary arresting documentation; and
  6. Coordinate with the Bait Car Technician to recover the bait car from the scene.
- E. The Auto Theft Unit Sergeant shall monitor and assume the command of the bait car activation.
- F. Pursuits and Location of Bait Cars
1. If sworn personnel are directed to follow a mobile bait car and the individual is driving in an erratic or reckless manner that places the public in imminent danger of



great bodily harm or death, sworn personnel shall immediately notify the on-call Auto Theft Unit supervisor and shall request to disable the vehicle.

- 5
2. At no time shall sworn personnel engage in a vehicle pursuit with a bait car.
  3. In the event the bait car is not located by GPS and cannot be physically located, the on-call Auto Theft Unit Detective shall immediately complete a stolen vehicle report and enter the vehicle into the National Crime Information Center (NCIC) as stolen. The on-call Auto Theft Unit supervisor shall then be notified.

7 G. Bait Car and Evidence Recovery

1. Following each verified Emergency Alarm-BAIT Activation (27-7 Edward) incident, sworn personnel shall move the bait car to a location determined by the Bait Car Coordinator. To maintain the confidentiality of the bait car program and vehicle, only plain-clothes sworn personnel shall drive the vehicle.

- N/A
2. The on-call Auto Theft Unit Detective or their designee shall be responsible for collecting and tagging evidence obtained from the vehicle in accordance consistent with SOP Collection, Submission, and Disposition of Evidence and Property. ~~(refer to SOP Collection, Submission, and Disposition of Evidence and Property personnel for sanction classifications and additional duties).~~

7 H. Confidentiality of Bait Cars

1. The bait car program is considered an undercover operation. Accordingly, all Department personnel shall exercise caution to protect the confidentiality of the program.

- N/A
2. Department personnel shall never reveal the bait car description, location of deployment, or information that may compromise the vehicle's undercover status. (refer to SOP Personnel Code of Conduct for sanction classifications and additional duties).

7 I. Short-Term Bait Car Deployment

1. All short-term bait car deployments shall be monitored by the Auto Theft Unit Sergeant or their designee.
2. The Auto Theft Unit Sergeant or their designee shall notify the ECC Supervisor of their ~~the~~ short-term deployment.



**2-90 DEPARTMENT APPLICANT BACKGROUND INVESTIGATIONS**

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

A. Related SOP(s)

None

B. Form(s)

- New Mexico Law Enforcement Agency Form LEA-1 Basic Training and Re-certification Request
- New Mexico Law Enforcement Agency Form LEA-2
- New Mexico Law Enforcement Agency Form LEA-3 Medical Examination Procedure
- Personal History Statement
- Waiver of Liability Acknowledgment of Confidentiality Form

C. Other Resource(s)

- Albuquerque Police Department Interest Card Application
- Americans with Disabilities Act of 1990
- N.M. Code R. §§ 10.29.9.1 to 10.29.9.19 Police Officer
- NMSA 1978, § 29-7-6 Qualifications for Certification
- Omnibus Consolidated Appropriations Act of 1997 §658 Gun Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence
- [Criminal Justice Information Services \(CJIS\) Security Policy](#)

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**2-90-1 Purpose**

The purpose of this policy is to set forth the duties of the Background Investigations Unit, which is responsible for conducting thorough, objective, and timely background investigations on applicants for employment with the Albuquerque Police Department (Department) to evaluate applicants' suitability for employment with the Department. All background investigations are conducted in accordance with New Mexico Department of Public Safety regulations and anti-discrimination laws.

**2-90-2 Policy**



It is the policy of the Department to provide requirements for the hiring of Department personnel and the background investigations process.

**N/A 2-90-3 Definitions**

**A. Conditional Offer of Employment Agreement**

An agreement that extends to an applicant. A conditional offer of employment that conforms with the requirements of the Americans with Disabilities Act. The applicant must satisfy all Department qualification criteria before extending a final offer. A conditional offer of employment is not a contract for employment.

**B. Disqualification**

The removal from consideration and/or the cessation of processing of an applicant or applicant for an academy class.

**C. Highly Qualified Applicant**

An applicant who has passed testing and is assigned to a Background Investigations Unit Investigator for follow-up investigation.

**D. Minimum Entrance Standards**

The minimum standards of training for police officer certification are established by the State of New Mexico as defined in New Mexico Administrative Code §§ 10.29.9.1 to 10.29.9.10. Law enforcement agencies may expand upon these standards, but not lower them.

**E. Qualified Applicant**

A qualified applicant who has successfully completed the interest card and is scheduled for testing, and is going through the background investigation process.

**2-90-4 Selection Process**

**A. Interest Card Application**

1. An applicant who wishes to apply to become a Police officer, Prisoner Transport Officer (PTU), Transit Safety Section Officer (TSS), or Police Service Aide (PSA) will submit an [Interest Card Application](#) through the Department's web-based application system at [www.apdonline.com](http://www.apdonline.com).

- a. For applicants with military experience, the only acceptable release or discharge from any branch of the armed forces of the United States shall be:
  - i. Honorable discharge;



- ii. Any other discharge under honorable conditions shall be reviewed on a case-by-case basis; and
  - iii. Under no circumstances shall a release or discharge under dishonorable conditions from any of the United States armed forces be acceptable, pursuant to NMSA 1978, § 29-7-6.
2. After the applicant submits their interest card application, the web-based application system [www.apdonline.com](http://www.apdonline.com) qualifies or disqualifies them based on the information on their card.
3. For a qualified applicant, the web-based application system through [www.apdonline.com](http://www.apdonline.com) notifies the applicant of available dates for scheduling testing.
- a. The web-based application system requests the applicant to bring the following documents with them to testing:
    - i. Birth certificate;
    - ii. Applicable training certificates;
    - iii. Credit report;
    - iv. Copy of driver's license and Social Security card;
    - v. DD-214, if applicable;
    - vi. Higher education transcripts, if applicable;
    - vii. High school diploma; and
    - viii. Notarized Waiver of Liability Acknowledgment of Confidentiality.

B. Initial Testing

1. During the initial testing, the qualified applicant completes a:
- a. Personal History Statement (PHS); and
  - b. Nelson-Denny Examination.

C. Background Investigation

1. After the initial testing, the qualified applicant who is applying to become a Police officer, PTU, TSS, or PSA must pass a background investigation.
2. The Background Investigations Unit Investigator shall:
- a. Complete a detailed background investigation for qualified applicants, which includes, but is not limited to:
    - i. Credit (financial) history;
    - ii. Criminal history;
    - iii. Driving history;
    - iv. Employment history;
    - v. Educational history;
    - vi. Military history;
    - vii. A reference check; and

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- viii. A social media check.
- b. Complete the Department's pre-employment investigation process to include:
  - i. Reviewing a lateral hire's history of using lethal and less lethal force;
  - ii. Determining whether the lateral hire has been named in a civil or criminal action; and
  - iii. Assessing the lateral hire's use of force training records and complaint history.
- c. Complete background investigations of sworn personnel, PTU personnel, TSS, and PSA's. The investigation will encompass a Criminal Justice Information Service (CJIS) criminal history check through an approved vendor (i.e., Gemalto).

3. Disqualification Criteria

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- a. The Background Investigations Unit Investigator who identifies the following information during the background investigation shall submit the file for command staff review;
  - i. Inappropriate conduct during former law enforcement employment;
    - 1. Inappropriate actions as a police officer or equivalent position (military police, security, prior law enforcement) have special significance in and of themselves due to the professional, ethical standards of these professions, which are considered in the evaluation process, and may serve as a disqualifying factor on a case-by-case basis; and
    - 2. On-duty conduct in violation of generally accepted rules of conduct, such as uses of force that would violate Department policy, dereliction of duty, acceptance of gratuities, sexual conduct, and conduct unbecoming of an officer during former employment, may disqualify a highly qualified applicant/applicant on a case-by-case basis.
- b. Any applicant who is untruthful in any part of the recruiting or selection process;
- c. Any applicant who;
  - i. Refuses to take the mandatory drug-screening test;
  - ii. Has a test result showing a presence of illegal drugs, prohibited substances, or prescription drugs not prescribed to the applicant; or
  - iii. Uses illegal drugs, prohibited substances, or prescription drugs not prescribed to the applicant after the application to the Department has been submitted.
- d. Past illegal drug/narcotic use;
  - i. Refer to the respective job description for minimum qualifications.
- e. Alcohol use by minors;
  - i. Use of alcohol by minors prior to the age of twenty-one (21) may be a disqualifier as determined on a case-by-case basis.
- f. After the conditional offer of employment, an applicant may be disqualified after a detailed drug usage interview;
- g. The following criminal activity;
  - i. Criminal activity in which the applicant was convicted of, pled guilty to, or entered a plea of *nolo contendere* as an adult to any felony charge, or was



- involved in any prosecution diversion program (PDP) for a felony crime committed shall be permanently disqualified;
- ii. Delinquency adjudications as a juvenile shall be considered on a case-by-case basis;
  - iii. Applicants who admit to an undiscovered felony crime where there is no deception shall be considered on a case-by-case basis.  
Mitigating/aggravating circumstances may include, but are not limited to:
    1. Severity of the act;
    2. Number of times the act was committed;
    3. Age at the time the act was committed;
    4. Circumstances surrounding the act; and/or
    5. Recentness of the act.
  - iv. Applicants who, within the three (3) years prior to taking the written test, were convicted of, pled guilty to, or entered a plea of *nolo contendere* as an adult to any violation of federal law, state law, or local ordinance that would be classified as a misdemeanor crime, shall be disqualified until the appropriate time passes;
  - v. Any conduct that would constitute a misdemeanor offense committed that the qualified applicant admits to, or that is discovered during the course of the background investigation, may be a disqualifier as determined on a case-by-case basis;
  - vi. Any misdemeanor in which there is a court-ordered deferred sentence with a resulting dismissal of the charge upon completion of some court-ordered conditions shall be reviewed on a case-by-case basis; and
  - vii. Incidents of domestic disputes not involving an official reporting of the incident to a law enforcement agency are considered on the basis of the nature of the domestic dispute(s).
    1. The Background Unit Investigator shall evaluate each domestic violence incident;
    2. The Background Unit Investigator shall, when possible, obtain written or recorded statements from all parties involved in any domestic violence incident;
    3. As part of the Omnibus Consolidated Appropriations Act of 1997, it is unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition, or to sell or to otherwise dispose of a firearm or ammunition to any person knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor. Therefore, an applicant with a conviction of domestic violence is disqualified; and
    4. Any domestic violence in which there is a court-ordered deferred sentence with a resulting dismissal of the charge upon completion of some court-ordered conditions is reviewed on a case-by-case basis.
  - h. Applicants convicted of driving while intoxicated (DWI) in the last five (5) years, whether from an administrative sanction by any motor vehicle department, criminal conviction, or military disciplinary action, shall be removed from the process;



- i. An applicant with two (2) or more DWI convictions from any of these categories within the most recent ten (10) year period shall be dropped from the process.
- i. Any pattern of excessive/unjustified use of force by a lateral applicant shall be grounds for disqualification; and
- j. Any civil or criminal action where a lateral applicant has been found to be liable may be disqualified.

D. Post-Background Investigation

1. Applicants must successfully complete the following six (6) parts of the selection process in order to be recommended to continue in the process:
  - a. Written psychological assessment;
  - b. Polygraph examination;
  - c. Psychological interview;
  - d. Chief's Selection Committee;
  - e. Medical examination procedure; and
  - f. Physical fitness assessment.

E. Process for Qualified Applicant Placed in Future Training Academy Class

1. The Background Investigations Unit Sergeant may request a qualified applicant who was held over to another training academy class to obtain an updated medical exam due to the length of time between the original medical exam and the start of the next training academy class.
2. The Background Investigations Unit Sergeant may also require a qualified applicant to complete a physical ability test to assess whether they maintained the required level of physical fitness.
3. The Background Investigations Unit Sergeant and Academy Division Lieutenant may require qualified applicants to complete any other tests as deemed necessary.

F. Disqualification Procedures

1. If an applicant fails any portion of the selection process, the web-based application system through [www.apdonline.com](http://www.apdonline.com) will notify the applicant electronically within thirty (30) days. The specific reasons for disqualification will not be stated.
2. The Recruiting and Backgrounds Deputy Commander shall make the final approval of disqualification.
3. The Background Investigations Unit Investigator shall generate the disqualification letter.



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- a. The Background Investigations Unit Sergeant shall sign the disqualification letter and place copies of the letter and the supporting Interoffice Memorandum in the applicant's file within one week of final approval.

G. Re-Application Process

1. Applicants who are rejected in the selection process but are eligible to reapply are required to repeat each step in the selection process.
  - a. However, if an applicant still has valid written tests (Nelson-Denny and City Entrance exam not over one year old from the date of the test), then an applicant may be allowed to retake the physical abilities step, and begin the process from that stage.
  - b. The Recruiting Unit Sergeant and the Academy Division Lieutenant shall verify test results are still valid as based on the date of the original tests and the date the highly qualified applicant applied to the Academy Division.

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H. The Background Investigations Unit Sergeant shall:

1. Assign files of qualified applicants to a Background Investigations Unit investigator; and
2. Keep a log of each assignment.

**2-90-5 Background Investigation for Professional Staff**

7

- A. A Department supervisor who is seeking to hire an applicant for a position as a professional staff member may request Background Investigations Unit personnel to conduct a background investigation. A Department supervisor shall provide the following documents to the Background Investigations Unit Sergeant:
  1. Birth certificate;
  2. Applicable training certificates;
  3. Credit report;
  4. Copy of driver's license and Social Security card;
  5. DD-214, if applicable;
  6. High school diploma;
  7. Higher education transcripts, if applicable; and
  8. Notarized Waiver of Liability Acknowledgment of Confidentiality.



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B. Background Investigations of professional staff shall include, but are not limited to:

1. Criminal history;
2. Driving history;
3. Employment history;
4. Educational history;
5. Financial History;
6. Military history; and
7. Verification of references.

C. Once a background investigation is complete, the Background Investigations Unit Sergeant shall provide the results to the referring supervisor for review.

1. The Department supervisor shall ensure the background investigation meets their approval before accepting.
  - a. If a referral requires CJIS clearance, it will be the referring supervisor's responsibility to request for the background unit to conduct a CJIS criminal history check through an approved vendor (i.e., Gemalto).
2. The Department supervisor may coordinate with the Background Investigations Unit Sergeant for additional follow-up investigation, if necessary.

3 2-90-6

### Confidentiality

- A. Background Investigations Unit personnel shall provide strict security and confidentiality to the information obtained during the recruitment and selection processes, including background investigations. Strict adherence to the security and confidentiality of information is mandatory for all Background Investigations Unit personnel involved in the selection process.
- B. The access to and use of information obtained by Background Investigations Unit personnel during the selection process shall be restricted to authorized personnel and only be used for the purposes outlined in Department Standard Operating Procedures (SOP).
- C. Only personnel assigned to the Recruiting Unit and Background Investigations Unit or who are authorized by the Academy Division Director/Commander shall be permitted to handle or view background investigation files.
- D. All Background Investigations Unit personnel shall sign a confidentiality agreement.



1. Background Investigations Unit personnel who violate the confidentiality agreement shall be disciplined.

**5** 2-90-7 **Release of Information**

A. Court Orders and Subpoenas

- 3** 1. Under no circumstances shall Background Investigations Unit personnel release background investigation files or allow for the handling or the viewing of background investigation files to anyone outside of the Background Investigations Unit without a court order, unless authorized by the City Attorney's Office.
2. If a background investigation file is subpoenaed, the process server should be directed to the City Attorney's Office to serve the subpoena. The file will only be signed out to the City Attorney's Office.

B. Requests for Information to Applicants and Outside Agencies

1. Under no circumstances shall Background Investigations Unit personnel release any information from an applicant's file to an applicant unless it is an original document and authorized by the Background Investigations Unit Sergeant.
  - a. All information is otherwise the property of the Department, and information previously provided by the applicant may be given verbally to the applicant.
2. Background Investigations Unit personnel shall not release information on any applicant for any purpose except as a function of the recruiting process.
  - a. Background Investigations Unit personnel shall refer requests for information on applicants from recruiting units with other law enforcement agencies to the Background Investigations Unit Sergeant.
    - i. The request must be accompanied by a copy of the Waiver of Liability Form Acknowledgment of Confidentiality Form that the applicant signs.
3. Background investigation files are reviewed in their entirety by the requesting agency's recruiting representative. Under no circumstances shall copies of a background investigation be made. However, the Background Investigations Unit Sergeant may release copies of PHSs to another law enforcement agency's recruiting representative with a valid Release of Liability.

**5** 2-90-8 **File Maintenance and Retention**

A. The Academy Division Lieutenant shall maintain background investigation files in a secure area. The files shall remain in the Lieutenant's possession and control.

1. The files shall remain in a secure area until authorized personnel request access.



- B. Background Investigations Unit personnel shall maintain the files of applicants who are accepted into the training academy.
- 6** C. The Background Investigations Unit Sergeant shall purge hard copies of background investigation files that are over five (5) years old.
- D. The Background Investigations Unit Sergeant shall maintain a log of all files that have been purged.

REDLINED



**2-90**      **DEPARTMENT APPLICANT BACKGROUND INVESTIGATIONS**

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

A. Related SOP(s)

None

B. Form(s)

- New Mexico Law Enforcement Agency Form LEA-1 Basic Training and Re-certification Request
- New Mexico Law Enforcement Agency Form LEA-2
- New Mexico Law Enforcement Agency Form LEA-3 Medical Examination Procedure
- Personal History Statement
- Waiver of Liability Acknowledgment of Confidentiality Form

C. Other Resource(s)

- Albuquerque Police Department Interest Card Application
- Americans with Disabilities Act of 1990
- N.M. Code R. §§ 10.29.9.1 to 10.29.9.19 Police Officer
- NMSA 1978, § 29-7-6 Qualifications for Certification
- Omnibus Consolidated Appropriations Act of 1997 §658 Gun Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence
- [Criminal Justice Information Services \(CJIS\) Security Policy](#)

D. Active Special Order(s)

None

~~D.E.~~ Rescinded Special Order(s)

None

**2-90-1**      **Purpose**

The purpose of this policy is to set forth the duties of the Background Investigations Unit, which is responsible for conducting thorough, objective, and timely background investigations on applicants for employment with the Albuquerque Police Department (Department) to evaluate applicants' suitability for employment with the Department. All background investigations are conducted in accordance with New Mexico Department of Public Safety regulations and anti-discrimination laws.

**2-90-2**      **Policy**



It is the policy of the Department to provide requirements for the hiring of Department personnel and the background investigations process.

**N/A 2-90-3 Definitions**

A. Conditional Offer of Employment Agreement

An agreement that extends to an applicant. ~~A~~ a conditional offer of employment that conforms with the requirements of the Americans with Disabilities Act. The applicant must satisfy all Department qualification criteria before ~~a final offer is extended~~ extending a final offer. A conditional offer of employment is not a contract for employment.

B. Disqualification

The removal from consideration and/or the cessation of processing of an applicant or applicant for an academy class.

C. Highly Qualified Applicant

An applicant who has passed testing and is assigned to a Background Investigations Unit Investigator for follow-up investigation.

D. Minimum Entrance Standards

The minimum standards of training for police officer certification are established by the State of New Mexico as defined in New Mexico Administrative Code §§ 10.29.9.1 to 10.29.9.10. Law enforcement agencies may expand upon these standards, but not lower them.

E. Qualified Applicant

A qualified applicant who has successfully completed the interest card and is scheduled for testing, and is going through the background investigation process.

**2-90-4 Selection Process**

A. Interest Card Application

1. An applicant who wishes to apply to become a Police officer, Prisoner Transport Officer (PTU), Transit Safety Section Officer (TSS), or Police Service Aide (PSA) will submit an Interest Card Application through the Department's web-based application system at [www.apdonline.com](http://www.apdonline.com).

- a. For applicants with military experience, the only acceptable release or discharge from any branch of the armed forces of the United States shall be:
  - i. Honorable discharge;



- ii. Any other discharge under honorable conditions shall be reviewed on a case-by-case basis; and
  - iii. Under no circumstances shall a release or discharge under dishonorable conditions from any of the United States armed forces be acceptable, pursuant to NMSA 1978, § 29-7-6.
2. After the applicant submits their interest card application, the web-based application system [www.apdonline.com](http://www.apdonline.com) qualifies or disqualifies them based on the information on their card.
3. For a qualified applicant, the web-based application system through [www.apdonline.com](http://www.apdonline.com) notifies the applicant of available dates for scheduling testing.
  - a. The web-based application system requests the applicant to bring the following documents with them to testing:
    - i. Birth certificate;
    - ii. Applicable training certificates;
    - iii. Credit report;
    - iv. Copy of driver's license and Social Security card;
    - v. DD-214, if applicable;
    - vi. Higher education transcripts, if applicable;
    - vii. High school diploma; and
    - viii. Notarized Waiver of Liability Acknowledgment of Confidentiality.

B. Initial Testing

1. During the initial testing, the qualified applicant completes a:
  - a. Personal History Statement (PHS); and
  - b. Nelson-Denny Examination.

C. Background Investigation

1. After the initial testing, the qualified applicant who is applying to become a Police officer, PTU, TSS, or PSA must pass a background investigation.
2. The Background Investigations Unit Investigator shall:
  - a. Complete a detailed background investigation for qualified applicants, which includes, but is not limited to:
    - i. Credit (financial) history;
    - ii. Criminal history;
    - iii. Driving history;
    - iv. Employment history;
    - v. Educational history;
    - vi. Military history;
    - vii. A reference check; and



- viii. A Social Media social media check.
- b. Complete the Department's pre-employment investigation process to include:
  - i. Reviewing a lateral hire's history of using lethal and less lethal force;
  - ii. Determining whether the lateral hire has been named in a civil or criminal action; and
  - iii. Assessing the lateral hire's use of force training records and complaint history.
- c. Complete background investigations of sworn personnel, PTU personnel, TSS, and PSA's. The investigation will encompass a Criminal Justice Information Service (CJIS) criminal history check through an approved vendor (i.e., Gemalto, IDEMIA).

3. Disqualification Criteria

6

- a. The Background Investigations Unit Investigator who identifies the following information during the background investigation shall submit the file for command staff review;
  - i. Inappropriate conduct during former law enforcement employment;
    - 1. Inappropriate actions as a police officer or equivalent position (military police, security, prior law enforcement) have special significance in and of themselves due to the professional, ethical standards of these professions, which are considered in the evaluation process, and may serve as a disqualifying factor on a case-by-case basis; and
    - 2. On-duty conduct in violation of generally accepted rules of conduct, such as uses of force that would violate Department policy, dereliction of duty, acceptance of gratuities, sexual conduct, and conduct unbecoming as of an officer during former employment, may disqualify a highly qualified applicant/applicant on a case-by-case basis.
- b. Any applicant who is untruthful in any part of the recruiting or selection process;
- c. Any applicant who;
  - i. Refuses to take the mandatory drug-screening test;
  - ii. Has a test result showing a presence of illegal drugs, prohibited substances, or prescription drugs not prescribed to the applicant; or
  - iii. Uses illegal drugs, prohibited substances, or prescription drugs not prescribed to the applicant after the application to the Department has been submitted.
- d. Past illegal drug/narcotic use;
  - i. Refer to the respective job description for minimum qualifications.
- e. Alcohol use by minors;
  - i. Use of alcohol by minors prior to the age of twenty-one (21) may be a disqualifier as determined on a case-by-case basis.
- f. After the conditional offer of employment, an applicant may be disqualified after a detailed drug usage interview;
- g. The following criminal activity;
  - i. Criminal activity in which the applicant was convicted of, pled guilty to, or entered a plea of *nolo contendere* as an adult to any felony charge, or was



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- involved in any prosecution diversion program (PDP) for a felony crime committed shall be permanently disqualified;
- ii. Delinquency adjudications as a juvenile shall be considered on a case-by-case basis;
  - iii. Applicants who admit to an undiscovered felony crime where there is no deception shall be considered on a case-by-case basis.  
Mitigating/aggravating circumstances may include, but are not limited to:
    1. Severity of the act;
    2. Number of times the act was committed;
    3. Age at the time the act was committed;
    4. Circumstances surrounding the act; and/or
    5. Recentness of the act.
  - iv. Applicants who, within the three (3) years prior to taking the written test, were convicted of, pled guilty to, or entered a plea of *nolo contendere* as an adult to any violation of federal law, state law, or local ordinance that would be classified as a misdemeanor crime, shall be disqualified until the appropriate time passes;
  - v. Any conduct that would constitute a misdemeanor offense committed that the qualified applicant admits to, or that is discovered during the course of the background investigation, may be a disqualifier as determined on a case-by-case basis;
  - vi. Any misdemeanor in which there is a court-ordered deferred sentence with a resulting dismissal of the charge upon completion of some court-ordered conditions shall be reviewed on a case-by-case basis; and
  - vii. Incidents of domestic disputes not involving an official reporting of the incident to a law enforcement agency are considered on the basis of the nature of the domestic dispute(s).
    1. The Background Unit Investigator shall evaluate each domestic violence incident;
    2. The Background Unit Investigator shall, when possible, obtain written or recorded statements from all parties involved in any domestic violence incident;
    3. As part of the Omnibus Consolidated Appropriations Act of 1997, it is unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition, or to sell or to otherwise dispose of a firearm or ammunition to any person knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor. Therefore, an applicant with a conviction of domestic violence is disqualified; and
    4. Any domestic violence in which there is a court-ordered deferred sentence with a resulting dismissal of the charge upon completion of some court-ordered conditions is reviewed on a case-by-case basis.
  - h. Applicants convicted of driving while intoxicated (DWI) in the last five (5) years, whether from an administrative sanction by any motor vehicle department, criminal conviction, or military disciplinary action, shall be removed from the process;



- i. An applicant with two (2) or more DWI convictions from any of these categories within the most recent ten (10) year period shall be dropped from the process.
- i. Any pattern of excessive/unjustified use of force by a lateral applicant shall be grounds for disqualification; and
- j. Any civil or criminal action where a lateral applicant has been found to be liable may be disqualified.

D. Post-Background Investigation

1. Applicants must successfully complete the following six (6) parts of the selection ~~processes~~ process in order to be recommended to continue in the process:
  - a. Written psychological assessment;
  - b. Polygraph examination;
  - c. Psychological interview;
  - d. Chief's Selection Committee;
  - e. Medical examination procedure; and
  - f. Physical fitness assessment.

E. Process for Qualified Applicant Placed in Future Training Academy Class

1. The Background Investigations Unit Sergeant may request a qualified applicant who was held over to another training academy class to obtain an updated medical exam due to the length of time between the original medical exam and the start of the next training academy class.
2. The Background Investigations Unit Sergeant may also require a qualified applicant to complete a physical ability test to assess whether they maintained the required level of physical fitness.
3. The Background Investigations Unit Sergeant and Academy Division Lieutenant may require qualified applicants to complete any other tests as deemed necessary.

F. Disqualification Procedures

1. If an applicant fails any portion of the selection process, the web-based application system through [www.apdonline.com](http://www.apdonline.com) will notify the applicant electronically within thirty (30) days. The specific reasons for disqualification will not be stated.
2. The Recruiting and Backgrounds Deputy Commander shall make the final approval of disqualification.
3. The Background Investigations Unit Investigator shall generate the disqualification letter.



6

- a. The Background Investigations Unit Sergeant shall sign the disqualification letter and place copies of the letter and the supporting Interoffice Memorandum in the applicant's file within one week of final approval.

G. Re-Application Process

1. Applicants who are rejected in the selection process but are eligible to reapply are required to repeat each step in the selection process.
  - a. However, if an applicant still has valid written tests (Nelson-Denny and City Entrance exam not over one year old from the date of the test), then an applicant may be allowed to retake the physical abilities step, and begin the process from that stage.
  - b. The Recruiting Unit Sergeant and the Academy Division Lieutenant shall verify test results are still valid as based on the date of the original tests and the date the highly qualified applicant applied to the Academy Division.

6

H. The Background Investigations Unit Sergeant shall:

1. Assign files of qualified applicants to a Background Investigations Unit investigator; and
2. Keep a log of each assignment.

**2-90-5 Background Investigation for Professional Staff**

7

- A. A Department supervisor who is seeking to hire an applicant for a position as a professional staff member may request Background Investigations Unit personnel to conduct a background investigation. A Department supervisor shall provide the following documents to the Background Investigations Unit Sergeant:
  1. Birth certificate;
  2. Applicable training certificates;
  3. Credit report;
  4. Copy of driver's license and Social Security card;
  5. DD-214, if applicable;
  6. High school diploma;
  7. Higher education transcripts, if applicable; and
  8. Notarized Waiver of Liability Acknowledgment of Confidentiality.



**6** B. Background Investigations of professional staff shall include, but are not limited to:

1. Criminal history;
2. Driving history;
3. Employment history;
4. Educational history;
5. Financial History;
6. Military history; and
7. Verification of references.

**7** C. Once a background investigation is complete, the Background Investigations Unit Sergeant shall provide the results to the referring supervisor for review.

1. The Department supervisor shall ensure the background investigation meets their approval before accepting.
  - a. If a referral requires CJIS clearance, it will be the referring supervisor's responsibility to request for the background unit to conduct a CJIS criminal history check through an approved vendor (i.e., Gemalto, IDEMIA).
2. The Department supervisor may coordinate with the Background Investigations Unit Sergeant for additional follow-up investigation, if necessary.

**3** **2-90-6 Confidentiality**

- A. Background Investigations Unit personnel shall provide strict security and confidentiality to the information obtained during the recruitment and selection processes, including background investigations. Strict adherence to the security and confidentiality of information is mandatory for all Background Investigations Unit personnel involved in the selection process.
- B. The access to and use of information obtained by Background Investigations Unit personnel during the selection process shall be restricted to authorized personnel and shall only be used for the purposes outlined in Department Standard Operating Procedures (SOP).
- C. Only personnel assigned to the Recruiting Unit and Background Investigations Unit or who are authorized by the Academy Division Director/Commander shall be permitted to handle or view background investigation files.
- D. All Background Investigations Unit personnel shall sign a confidentiality agreement.



1. Background Investigations Unit personnel who violate the confidentiality agreement shall be disciplined.

**5** 2-90-7 **Release of Information**

A. Court Orders and Subpoenas

- 3** 1. Under no circumstances shall Background Investigations Unit personnel release background investigation files or allow for the handling or the viewing of background investigation files to anyone outside of the Background Investigations Unit ~~background files~~ without a court order, unless authorized by the City Attorney's Office.
2. If a background investigation file is subpoenaed, the process server should be directed to the City Attorney's Office to serve the subpoena. The file will only be signed out to the City Attorney's Office.

B. Requests for Information to Applicants and Outside Agencies

1. Under no circumstances shall Background Investigations Unit personnel release any information from an applicant's file to an applicant unless it is an original document and authorized by the Background Investigations Unit Sergeant.
  - a. All information is otherwise the property of the Department, and information previously provided by the applicant may be given verbally to the applicant.
2. Background Investigations Unit personnel shall not release information on any applicant for any purpose except as a function of the recruiting process.
  - a. Background Investigations Unit personnel shall refer requests for information on applicants from recruiting units with other law enforcement agencies to the Background Investigations Unit Sergeant.
    - i. The request must be accompanied by a copy of the Waiver of Liability Form Acknowledgment of Confidentiality Form that the applicant signs.
3. Background investigation files are reviewed in their entirety by the requesting agency's recruiting representative. Under no circumstances shall copies ~~be made of a background investigation~~ of a background investigation be made. However, the Background Investigations Unit Sergeant may release copies of PHSs to another law enforcement agency's recruiting representative with a valid Release of Liability.

**5** 2-90-8 **File Maintenance and Retention**

- A. The Academy Division Lieutenant shall maintain background investigation files in a secured area. The files shall remain in the Lieutenant's possession and control.



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1. The files shall remain in a secured ~~secure~~ area until authorized personnel request access.
- B. Background Investigations Unit personnel shall maintain the files of applicants who are accepted into the training academy.
- 6** C. The Background Investigations Unit Sergeant shall purge hard copies of background investigation files that are over five (5) years old.
- D. The Background Investigations Unit Sergeant shall maintain a log of all files that have been purged.

REDLINED



**2-96 CLANDESTINE DRUG LABORATORY AND INDOOR MARIJUANA GROW SITE INVESTIGATIONS**

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

A. Related SOP(s)

2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

B. Form(s)

Exposure Report Form

C. Other Resource(s)

NMSA 1978, §§ 26-2C-1 to 26-2C-42 Cannabis Regulation Act

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**2-96-1 Purpose**

The purpose of this policy is to outline procedures for Albuquerque Police Department (Department) personnel when investigating and handling clandestine drug laboratories and indoor marijuana grow sites.

**2-96-2 Policy**

It is the policy of the Department to investigate, dismantle, and render safe clandestine drug laboratories and indoor marijuana grow sites, with consideration given to the safety of Department personnel and the community. The risk posed by illegal laboratories and grow sites requires the Department to have a safe and effective way to address them.

**N/A 2-96-3 Definitions**

A. Cannabis

A tall plant containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, with a stiff upright stem, divided serrated leaves, and glandular hairs. It is used to produce hemp fiber and as a drug.



**B. Case Agent**

The detective responsible for investigating and presenting the criminal case for prosecution. The Case Agent should be a certified clandestine drug laboratory investigator.

**C. Certified Clandestine Drug Laboratory Investigator**

A sworn officer who has completed an Occupational Safety and Health Administration (OSHA)-approved training course and has been issued the proper certification. The certified sworn officer is authorized to enter, evaluate, and dismantle a clandestine drug laboratory.

**D. Chemical Exposure**

Any contact, including inhalation, between an individual's person and any potentially hazardous chemical, resulting in the possibility of an adverse reaction to the hazardous chemical.

**E. Clandestine Drug Laboratory**

A location where there are sufficient chemicals and/or equipment to manufacture a controlled substance or demonstrate the intent to manufacture a controlled substance. A clandestine drug laboratory may also be known as a "clan lab", "meth lab", "drug lab", or "lab".

**F. Clandestine Drug Laboratory Team**

A team consisting of certified Clandestine Drug Laboratory Investigators to safely process and dismantle a clandestine drug laboratory. The team will be a minimum of three (3) people, which will include a Site Safety Officer and two (2) additional certified Clandestine Drug Laboratory Investigators.

**G. Grow Equipment**

Items that are used to enhance the growth of marijuana plants, including grow lights, fertilizer, pots, enhanced soil, or atmosphere enhancement equipment.

**H. Indoor Marijuana Grow Site**

A marijuana grow with one (1) or more plants that uses equipment to grow marijuana or has over twenty (20) mature marijuana plants in a structure.

**I. Mature Marijuana Plant**

A marijuana plant that is harvestable and is flowering or budding.



J. Medical Marijuana Grow Site

A site that is licensed by the State of New Mexico and is in compliance with the conditions to grow medical cannabis.

K. Personal Protective Equipment (PPE)

A Tychem or Tyvek suit and breathing protection that includes either an air purifying respirator (APR) or a self-contained breathing apparatus (SCBA).

L. Site Safety Officer

A certified Clandestine Drug Laboratory Investigator who has completed the OSHA approved Site Safety Officer/Supervisor course and will act as the Incident Commander (IC) at the scene of a clandestine drug laboratory investigation.

**6** 2-96-4 **Clandestine Drug Laboratory Investigations**

A. Securing the Scene

1. When Department personnel locate or suspect they have located a clandestine drug laboratory, they shall:

- a. Secure the location;
- b. Establish a perimeter at a safe location at a minimum of five-hundred (500) to one thousand (1,000) feet away from the laboratory;
  - i. Sworn personnel shall adjust the size of the perimeter as they receive new information on hazardous materials.
- c. Evacuate anyone within one-thousand (1,000) feet of the laboratory to a safe distance;
- d. Notify their on-duty supervisor, who shall be responsible for notifying the on-call Narcotics Section Detective; and
- e. Obtain information and identification from individuals suspected of criminal activity and from witnesses.

**5** 2. Department personnel shall not enter a known functioning clandestine drug laboratory without the appropriate Level B PPE, including:

- a. Positive pressure air respirator with emergency SCBA that has been approved by the National Institute for Occupational Safety and Health (NIOSH);
- b. Chemical-resistant gloves that are double-layered;
- c. Clothing that is resistant to chemicals; and
- d. Chemical-resistant steel-toed boots.
  - i. The boot shank, or the supportive structure between the insole and outsole, shall be steel.



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**CPOAB Draft 12/18/2025**

3. Upon their arrival, the Narcotics Section Detective shall assume control of the investigation and scene and shall determine whether the on-call Clandestine Drug Laboratory Team shall be called out.

**B. Chemical Exposure**

1. If Department personnel are exposed to a chemical exposure at a clandestine drug laboratory, they shall immediately report the exposure to the Site Safety Officer and their on-duty supervisor.
2. The on-duty on-scene supervisor or the Site Safety Officer shall be responsible for ensuring the exposed person(s) obtain medical attention as directed by the Site Safety Officer.

**C. Case Agent and Site Safety Officer Responsibilities**

1. The Case Agent and the Site Safety Officer or their designee shall ensure that any exposure is thoroughly documented in a Uniform Incident Report or Supplemental Report and shall ensure that the officer completes an Exposure Report Form before they leave the scene unless a medical emergency requires an employee's immediate transport to a medical facility.
  - a. When the officer is unable to complete the Exposure Report Form, the exposed officer's supervisor shall provide an Exposure Report Form to the Case Agent or the Site Safety Officer.

**D. Case Agent Responsibilities**

1. The Case Agent shall complete the investigation and consult with the Site Safety Officer regarding charges.
2. The Case Agent shall forward the case to the District Attorney's (DA) Office for review and consideration for prosecution.
3. The Case Agent shall never be the Site Safety Officer.

**E. Reporting Requirements**

1. The Case Agent and the Site Safety Officer shall generate a Uniform Incident Report on all clandestine drug laboratory investigations.
2. All assisting Department personnel shall complete a Supplemental Report detailing their observations and activity.
  - a. Assisting Department personnel shall forward their Supplemental Report to the Case Agent before leaving the scene.



3. The Case Agent and the Site Safety Officer shall be responsible for ensuring the investigation is tracked in the EPIC National Clandestine Laboratory Seizure Report.

**6 2-96-5 Indoor Marijuana Grow Site Investigations**

A. General Procedures

1. When Department personnel discover an indoor marijuana grow site that exceeds legal limits for cultivation, they shall secure the location and evacuate all persons.
2. Sworn personnel shall notify the on-duty supervisor and contact the on-call Narcotics Section Detective.
3. The on-call Narcotics Section Detective shall determine whether the marijuana grow site fits the criteria of an Indoor Marijuana Grow Site and call out other detectives if needed.
  - a. If other detectives are needed, the on-call clandestine drug laboratory detectives shall respond first to the scene.
4. If the site is verified as being an Indoor Marijuana Grow Site, the on-call Narcotics Section Detective shall:
  - a. Be the Case Agent for the investigation;
  - b. Determine whether a search warrant is needed or whether they must obtain permission to search the site;
  - c. Determine the charges and who shall be charged; and
  - d. Determine which items need to be seized and tagged into evidence, in accordance with SOP Collection, Submission, and Disposition of Evidence and Property, and which items need to be seized for destruction.
    - i. When evidence is seized for destruction and cannot be handled or accepted by Criminalistics Laboratory personnel, the Case Agent shall contact the City of Albuquerque Solid Waste Department to request a vehicle to be sent to the location.
    - ii. Items to be destroyed will be taken to a landfill for destruction and disposal.
5. Sworn personnel shall accompany the items to the landfill and oversee the destruction and disposal of the items.
  - a. The officer shall note the destruction of the items in their Uniform Incident Report.

N/A

**6 2-96-6 Juveniles and Vulnerable Adults Present at Clandestine Drug Laboratories or Indoor Marijuana Grow Sites**



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- A. If juveniles and/or vulnerable adults are present at a clandestine drug laboratory or an indoor marijuana grow site that exceeds legal limits for cultivation, the following steps shall be implemented:
1. The responding officer shall request for emergency medical services personnel to respond to the scene to evaluate the juveniles' or vulnerable adults' welfare;
  2. The Case Agent shall be responsible for notifying New Mexico Children, Youth and Families Department (CYFD) or Adult Protective Services personnel to assist in removing the juvenile or vulnerable adult from the environment;
  3. The Case Agent shall be responsible for collecting appropriate documentation, evidence, and witness interviews to substantiate abuse charges; and
  4. Prior to releasing them from the scene, the Site Safety Officer shall decontaminate juveniles and vulnerable adults and shall provide them with new clothing.

REDLINED



**2-96 CLANDESTINE DRUG LABORATORY AND INDOOR MARIJUANA GROW SITE INVESTIGATIONS**

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

A. Related SOP(s)

2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

B. Form(s)

Exposure Report Form

C. Other Resource(s)

NMSA 1978, §§ 26-2C-1 to 26-2C-42 Cannabis Regulation Act

D. Active Special Order(s)

None

D.E. Rescinded Special Order(s)

None

**2-96-1 Purpose**

The purpose of this policy is to outline procedures for Albuquerque Police Department (Department) personnel when investigating and handling clandestine drug laboratories and indoor marijuana grow sites.

**2-96-2 Policy**

It is the policy of the Department to investigate, dismantle, and render safe clandestine drug laboratories and indoor marijuana grow sites, with consideration given to the safety of Department personnel and the community. The risk posed by illegal laboratories and grow sites requires the Department to have a safe and effective way to address them.

**N/A 2-96-3 Definitions**

A. Cannabis

A tall plant containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, with a stiff upright stem, divided serrated leaves, and glandular hairs. It is used to produce hemp fiber and as a drug.



B. Case Agent

The detective responsible for investigating and presenting the criminal case for prosecution. The Case Agent should be a certified clandestine drug laboratory investigator.

C. Certified Clandestine Drug Laboratory Investigator

A sworn officer who has completed an Occupational Safety and Health Administration (OSHA)-approved training course and has been issued the proper certification. The certified sworn officer is authorized to enter, evaluate, and dismantle a clandestine drug laboratory.

D. Chemical Exposure

Any contact, including inhalation, between an individual's person and any potentially hazardous chemical, resulting in the possibility of an adverse reaction to the hazardous chemical.

E. Clandestine Drug Laboratory

A location where there are sufficient chemicals and/or equipment to manufacture a controlled substance or demonstrate the intent to manufacture a controlled substance. A clandestine drug laboratory may also be known as a "clan lab", "meth lab", "drug lab", or "lab".

F. Clandestine Drug Laboratory Team

A team consisting of certified Clandestine Drug Laboratory Investigators to safely process and dismantle a clandestine drug laboratory. The team will be a minimum of three (3) people, which will include a Site Safety Officer and two (2) additional certified Clandestine Drug Laboratory Investigators.

G. Grow Equipment

Items that are used to enhance the growth of marijuana plants, including grow lights, fertilizer, pots, enhanced soil, or atmosphere enhancement equipment.

H. Indoor Marijuana Grow Site

A marijuana grow with one (1) or more plants that uses equipment to grow marijuana or has over twenty (20) mature marijuana plants in a structure.

I. Mature Marijuana Plant

A marijuana plant that is harvestable and is flowering or budding.



J. Medical Marijuana Grow Site

A site that is licensed by the State of New Mexico and is in compliance with the conditions to grow medical cannabis.

K. Personal Protective Equipment (PPE)

A Tychem or Tyvek suit and breathing protection that includes either an air purifying respirator (APR) or a self-contained breathing apparatus (SCBA).

L. Site Safety Officer

A certified Clandestine Drug Laboratory Investigator who has completed the Occupational Safety and Health Administration (OSHA) approved Site Safety Officer/Supervisor course and will act as the Incident Commander (IC) at the scene of a clandestine drug laboratory investigation.

**6** 2-96-4 Clandestine Drug Laboratory Investigations

A. Securing the Scene

1. When Department personnel locate or suspect they have located a clandestine drug laboratory, they shall:

- a. Secure the location;
- b. Establish a perimeter at a safe location at a minimum of five-hundred (500) to one thousand (1,000) feet away from the laboratory;
  - i. Sworn personnel shall adjust the size of the perimeter as they receive new information on hazardous materials.
- c. Evacuate anyone within one-thousand (1,000) feet of the laboratory to a safe distance;
- d. Notify their on-duty supervisor, who shall be responsible for notifying the on-call Narcotics Section Detective; and
- e. Obtain information and identification from individuals suspected of criminal activity and from witnesses.

**5** 2. Department personnel shall not enter a known functioning clandestine drug laboratory without the appropriate Level B PPE, including:

- a. Positive pressure air respirator with emergency ~~self-contained breathing apparatus (SCBA)~~ that has been approved by the National Institute for Occupational Safety and Health (NIOSH);
- b. Chemical-resistant gloves that are ~~double-layered~~ double-layered;
- c. Clothing that is resistant to chemicals; and
- d. ~~Chemical resistant~~ Chemical-resistant steel-toed boots.
  - i. The boot shank, or the supportive structure between the insole and outsole, shall be steel.



3. Upon their arrival, the Narcotics Section Detective shall assume control of the investigation and scene and shall determine whether the on-call Clandestine Drug Laboratory Team shall be called out.

B. Chemical Exposure

1. If Department personnel are exposed to a chemical exposure at a clandestine drug laboratory, they shall immediately report the exposure to the Site Safety Officer and their on-duty supervisor.
2. The on-duty on-scene supervisor or the Site Safety Officer shall be responsible for ensuring the exposed person(s) obtain medical attention as directed by the Site Safety Officer.

C. Case Agent and Site Safety Officer Responsibilities

1. The Case Agent and the Site Safety Officer or their ~~designee's~~ designee shall ensure that any exposure is thoroughly documented in a Uniform Incident Report or Supplemental Report and shall ensure that the officer completes an Exposure Report Form before they leave the scene unless a medical emergency requires an employee's immediate transport to a medical facility.
  - a. When the officer is unable to complete the Exposure Report Form, the exposed officer's supervisor shall provide an Exposure Report Form to the Case Agent or the Site Safety Officer.

D. Case Agent Responsibilities

1. The Case Agent shall complete the investigation and consult with the Site Safety Officer regarding charges.
2. The Case Agent shall forward the case to the District Attorney's (DA) Office for review and consideration for prosecution.
3. The Case Agent shall never be the Site Safety Officer.

E. Reporting Requirements

1. The Case Agent and the Site Safety Officer shall generate a Uniform Incident Report on all clandestine drug laboratory investigations.
2. All assisting Department personnel shall complete a Supplemental Report detailing their observations and activity.
  - a. Assisting Department personnel shall forward their Supplemental Report to the Case Agent before leaving the scene.



3. The Case Agent and the Site Safety Officer shall be responsible for ensuring the investigation is tracked in the EPIC National Clandestine Laboratory Seizure Report.

**6** 2-96-5 **Indoor Marijuana Grow Site Investigations**

A. General Procedures

1. When Department personnel discover an indoor marijuana grow site that exceeds legal limits for cultivation, they shall secure the location and evacuate all persons.
2. Sworn personnel shall notify the on-duty supervisor and contact the on-call Narcotics Section Detective.
3. The on-call Narcotics Section Detective shall determine whether the marijuana grow site fits the criteria of an Indoor Marijuana Grow Site and call out other detectives if needed.
  - a. If other detectives are needed, the on-call clandestine drug laboratory detectives shall respond first to the scene.
4. If the site is verified as being an Indoor Marijuana Grow Site, the on-call Narcotics Section Detective shall:
  - a. Be the Case Agent for the investigation;
  - b. Determine whether a search warrant is needed or whether they must obtain permission to search the site;
  - c. Determine the charges and who shall be charged; and
  - d. Determine which items need to be seized and tagged into evidence, in accordance consistent with SOP Collection, Submission, and Disposition of Evidence and Property, and which items need to be seized for destruction.
    - i. When evidence is seized for destruction and cannot be handled or accepted by Criminalistics Laboratory personnel, the Case Agent shall contact the City of Albuquerque Solid Waste Department to request a vehicle to be sent to the location.
    - ii. Items to be destroyed will be taken to a landfill for destruction and disposal.
5. Sworn personnel shall accompany the items to the landfill and oversee the destruction and disposal of the items.
  - a. The officer shall note the destruction of the items in their Uniform Incident Report.

N/A

**6** 2-96-6 **Juveniles and Vulnerable Adults Present at Clandestine Drug Laboratories or Indoor Marijuana Grow Sites**



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- A. If juveniles and/or vulnerable adults are present at a clandestine drug laboratory or an indoor marijuana grow site that exceeds legal limits for cultivation, the following steps shall be implemented:
1. The responding officer shall request for emergency medical services personnel to respond to the scene to evaluate the ~~juveniles~~ juveniles' or vulnerable ~~adult's~~ adults' welfare;
  2. The Case Agent shall be responsible for notifying New Mexico Children, Youth and Families Department (CYFD) or Adult Protective Services personnel to assist in removing the juvenile or vulnerable adult from the environment;
  3. The Case Agent shall be responsible for collecting appropriate documentation, evidence, and witness interviews to substantiate abuse charges; and
  4. Prior to releasing them from the scene, the Site Safety Officer shall decontaminate juveniles and vulnerable adults and shall provide them with new clothing.



## **3-17 DUTY ASSIGNMENTS AND TRANSFERS**

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

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 3-21 Scheduled and Unscheduled Leave (Formerly 3-72)

B. Form(s)

- PD 2034 Transfer Request Form
- [City of Albuquerque Supervisor's Injury Investigation Report Form](#)

C. Other Resource(s)

- Affirmative Action Program
- City of Albuquerque Personnel Rules and Regulations (2001)
- City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)
- NMSA 1978, Chapter 52, Article 1 Workers' Compensation Act
- ROA 1994, Article X Merit System

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

### **3-17-1 Purpose**

The purpose of this policy is to provide Department personnel with a structured process for duty assignments and transfers.

### **3-17-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to adhere to the processes provided to assign or transfer Department personnel to the various areas within the Department.

### **N/A 3-17-3 Definitions**

A. Essential Function

The basic job duties that an employee must be able to perform, with or without



reasonable accommodation.

**B. Maximum Medical Improvement (MMI)**

Further recovery from or lasting improvement to an injury that can no longer be reasonably anticipated based on reasonable medical probability, consistent with the Workers' Compensation Act.

**C. Restricted Duty Assignment**

A productive assignment during the period of time sworn personnel are classified as being on restricted duty, which does not exceed restrictions placed on the person by an authorized licensed physician. The assignment shall be determined by Operations Review Section personnel.

**D. Restricted Duty Status**

The work classification designating those sworn personnel who are on a restricted duty assignment due to a physical and/or mental health condition and/or limitation.

**E. Restricted Personnel**

**1. Sworn personnel who:**

- a. Sustained an injury while on-duty or off-duty to the extent that they are restricted from performing all the essential functions of the job;
- b. Have a physical or psychological health condition diagnosed by an Employee Health Center licensed physician, which restricts them from performing the essential functions of the job; or
- c. Are pregnant, therefore, are restricted from performing the essential functions of the job.

**3-17-4 General Rules and Responsibilities**

**N/A**

**A. Chief of Police**

- 1. The Chief of Police retains the right to assign Department personnel to a duty assignment within the Department based on the needs of the Department.
- 2. The Chief of Police has assigned the responsibility of overseeing all duty assignments, including vacancies and transfers, to the Human Resources Division Administrator.
- 3. When a vacancy for a sworn position has been announced, and no one makes a request to fill the position, the Chief of Police shall be asked to fill the position from among those who meet the minimum qualifications for the position.



**6** B. Affirmative Action Program

The Human Resources Division Administrator shall maintain a system to monitor actions by Department personnel related to training, promotions, transfers, recruiting, and assignments in order to identify any inequities in the hiring process, consistent with the Affirmative Action Program.

**N/A** C. Union Contracts and Memorandums of Understanding (MOU)

1. Union contracts and/or applicable MOUs control the following:
  - a. Assignment(s) to patrol shifts;
  - b. Change of work hours/days;
  - c. Determination of days off; and
  - d. Seniority.

**7** **3-17-5** **Duty Assignment Vacancies**

A. Vacancies for all duty assignments shall be filled according to the City of Albuquerque's Merit Ordinance System, City Personnel Rules and Regulations, and the employee's current union contract.

B. Department Personnel Circulars

1. Human Resources Division personnel shall:
  - a. Compose and distribute Department personnel circulars to announce the anticipated filling of vacant or newly created assignments for Department personnel. Each circular shall contain:
    - i. The opening date for submitting transfer requests;
    - ii. The closing date, which is ten (10) calendar days from the opening date, or five (5) calendar days after the Albuquerque Police Officers' Association's (APOA) approval;
      1. The Chief of Police retains the right to alter the ten (10) calendar day advertisement for a vacancy.
      2. The Human Resources Division Administrator shall notify the Albuquerque Police Officers' Association (APOA), consistent with the current CBA.
    - iii. Minimum qualifications;
      1. Human Resources Division personnel shall standardize and base qualifications on Department-approved job descriptions.
    - iv. The amount and type of any additional training required following assignment to the position;
    - v. A short synopsis of the essential functions of the position; and
    - vi. The working conditions such as days off, odd shifts, and shift hours, etc.

C. Job Descriptions and Qualifications



1. Department supervisors shall review job descriptions and qualifications for all vacant positions and request them to be filled. If updates are needed, the supervisor should notify the Operations Review Section Staffing Detective and Human Resources Division personnel of necessary changes.
2. Human Resources Division personnel shall maintain the master copy for each job description that identifies the qualifications and post the required assignment training, if any.

N/A

D. Selection Committee

1. Composition
  - a. The Selection Committee shall be composed of personnel who hold a rank that is equal to or greater than that of the assignment being considered.
    - i. For any non-exempt sworn assignment below the rank of commander, the Selection Committee shall be composed of three (3) to five (5) members.
2. Responsibilities
  - a. The Selection Committee shall:
    - i. Develop and administer a test to each qualified applicant;
    - ii. Rank the applicant's answers according to the highest test result; and
    - iii. Submit the test results to the Human Resources Division upon completion.
  - b. The Selection Committee may record interviews.
    - i. Human Resources Division personnel shall retain the recordings and the permanent file for three (3) years.
  - c. If two (2) candidates are found to be equally qualified for the assignment, the Selection Committee shall select the candidate with seniority.
3. Selection and Ranking of Candidate
  - a. A candidate with a passing score of seventy percent (70%) and above shall be listed in rank order according to the test results. This list shall be effective for ninety (90) calendar days from the date of publication, with no exceptions.
  - b. The Operations Review Section Staffing Detective shall complete the transfer of the selected candidate within ninety (90) calendar days.
    - i. Command staff shall not prevent the selected candidate from being transferred within the ninety (90) calendar days.
  - c. A candidate who does not maintain the original published qualifications shall be automatically removed from the list.
  - d. In the event a candidate has qualified for multiple duty assignments, they shall be automatically removed from the remaining lists once transferred to a specialized unit.



- e. When applicable, a candidate who decides not to accept a transfer shall be removed from the affected list. The transfer shall then be offered to the next qualified candidate.
- f. A member of the chain of command for the new duty assignment shall inform the candidate of their acceptance or rejection.
- g. Human Resources Division personnel shall issue a Department Personnel Order announcing who was accepted for the duty assignment.

7 3-17-6

### Duty Assignments

N/A

- A. Commander, Deputy Commander, and Lieutenant duty assignments are exempt from time limitations. Their length of assignment shall be conditional and based on the needs of the Department.
- B. Trial Period
  - 1. All duty assignments for specialized units shall include a one (1) year trial period. During which time the employee's performance in the new duty assignment is evaluated by the specialized unit supervisor on a continual basis.
    - a. In the event the employee's performance standards are not met, they shall be reassigned to the Field Services Bureau (FSB).
    - b. Reassignments are ineligible for grievance and may occur at any time during the one (1) year trial period.
- C. Temporary Duty (TDY) Assignments
  - 1. All sworn personnel are eligible for TDY assignments on an as-needed basis.
  - 2. The selection of a Department employee to fill a TDY assignment shall be based on the level of skill and knowledge necessary to accomplish the goals and objectives of the duty assignment.
  - 3. The length of a TDY assignment shall not exceed the time limits outlined in the Department employee's current union contract. The immediate supervisor of the TDY assignment shall review the assignment on a weekly basis to determine whether it should be continued and/or be made into a permanent position.
  - 4. An area commander/division head shall have the discretion to determine the manner in which personnel are selected to fill a TDY assignment.
  - 5. All TDY assignments shall be approved through the chain of command on a Department Interoffice Memorandum.
    - a. If requesting TDY, sworn personnel shall use a blank TDY form.
    - b. The requestor's direct supervisor shall upload the approved Department Interoffice Memorandum in the TDY area of the Department's SharePoint site.



c. A copy of the TDY memorandum shall be emailed to Operations

D. Restricted Duty Assignment and Restricted Personnel

1. The Operations Review Section Staffing Detective, the Department Human Resources Administrator, and the Office of the Chief shall place the officer on a restricted duty temporary assignment for reasons that may include, but are not limited to:

- a. A reasonable accommodation;
- b. For a medical condition;
- c. Pregnancy; or
- d. Injured light duty (ILD).

6

2. Restricted Duty Status Limitations

a. Sworn personnel shall:

- i. Receive hazardous duty compensation if their previous assignment qualifies for hazardous duty pay, for no more than forty-five (45) days, after being placed in a restricted duty assignment;
- ii. Comply with policies regarding range qualification and training and the carrying of firearms;
- iii. Only carry their firearm or badge in a concealed fashion.
- iv. Obtain the authorization to carry a firearm while in a restricted duty status from their Bureau Deputy Chief;
- v. Receive shift differential pay for no more than forty-five (45) days when the restricted duty assignment necessitates a change from a swing/graveyard shift to dayshift;
- vi. Immediately make arrangements with Operations Review Section personnel to turn in their authorized emergency vehicle. Assignment of an unmarked vehicle shall be determined by Operations Review Section personnel and is dependent upon availability; and
- vii. Ensure their On-Body Recording Device (OBRD) remains in a docking station until they return to regular duty, at which time they will dock their OBRD in accordance with SOP On-Body Recording Devices.
- viii. Conduct a Taser function check before returning to regular duty.

N/A

b. Sworn personnel may be restricted from working any outside employment, as determined by the Chief of Police.

c. Sworn personnel shall not:

- i. Be permitted to sign up for or work Chief's Overtime (COT);
- ii. Wear their duty uniform but shall dress in appropriate attire based on their assigned unit's Standard Operating Procedures (SOP);
- iii. Be allowed to participate in the Department physical fitness assessment or any other sanctioned activity which conflicts with the medical reason for which the employee is on restricted duty;
- iv. Be assigned to hazardous duty positions; or



- 5 v. Display or present their badge or gun in an enforcement capacity while on-duty or off-duty unless it is a deadly force situation that requires immediate action.

E. FSB Bid for Sworn Personnel on Non-full Duty Status

1. In order to participate in the FSB bid, sworn personnel who are on non-full duty status shall be able to return to full-duty status on or before thirty (30) calendar days after the bid takes effect.
2. If sworn personnel were permitted to bid but are then unable to return to full-duty status within thirty (30) calendar days after the bid takes effect, the affected personnel shall lose their right to the assignment they bid for and shall be subject to assignment by their Bureau Deputy Chief upon return to full-duty.
3. The FSB Deputy Chief shall have the discretion to place sworn personnel who cannot, or do not comply with the subsections in this SOP once they return to full-duty status.

6 3-17-7 **Transfers**

A. Human Resources Division personnel shall:

1. Be responsible for the coordination and maintenance of all circulars and Transfer Request Forms, as necessary, for use by the Chief of Police and the Affirmative Action Program Coordinator; and
  - a. Human Resources Division personnel shall place the originals in a file to be retained for three (3) years after the Selection Committee has made a decision.
2. Send completed transfer requests to the Testing Unit designee to determine a candidate's eligibility based on the circular requirements.
  - a. The finalized list shall be forwarded to the affected division lieutenant to assist with the testing process.

7 B. Notification to the Human Resources Division

1. All transfers within area commands and divisions that affect duty assignments, days off, and/or specialty pay shall be consistent with the employee's current union contract. This does not relieve personnel of their responsibility to notify Human Resources Division personnel when they are receiving pay to which they are not entitled.
2. Department personnel who want to apply for an announced assignment shall submit a completed copy of the Transfer Request Form and/or any other requested



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documentation to the Human Resources Division. The original request shall be submitted through the applicant's chain of command.

a. When completing the Transfer Request Form, the employee shall address each of the qualifications required and may submit any additional relevant information in the space provided.

3. Information about the number or identification of applicants for a particular assignment is considered confidential and not for general publication. However, the affected commander shall be given access to this particular information.

a. Seniority does not apply to transfers back to FSB in between bids. Available openings are based on the needs of the Department at the time of the transfer.

**N/A** C. Seniority Bidding Transfers

1. The process outlined in this SOP shall not apply to transfers made by seniority bidding.

**N/A** D. Hardship Transfers

1. The process outlined in this SOP does not apply when severe hardship, injury, disability, or humanitarian reasons require consideration in specific cases.



## **3-17 DUTY ASSIGNMENTS AND TRANSFERS**

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

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 3-21 Scheduled and Unscheduled Leave (Formerly 3-72)

B. Form(s)

- PD 2034 Transfer Request Form
- [City of Albuquerque Supervisor's Injury Investigation Report Form](#)

C. Other Resource(s)

- Affirmative Action Program
- City of Albuquerque Personnel Rules and Regulations (2001)
- City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)
- NMSA 1978, Chapter 52, Article 1 Workers' Compensation Act
- ROA 1994, Article X Merit System

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

### **3-17-1 Purpose**

The purpose of this policy is to provide Department personnel with a structured process for duty assignments and transfers.

### **3-17-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to adhere to the processes provided to assign or transfer Department personnel to the various areas within the Department.

### **N/A 3-17-3 Definitions**

A. Essential Function

The basic job duties that an employee must be able to perform, with or without



reasonable accommodation.

**B. Maximum Medical Improvement (MMI)**

Further recovery from or lasting improvement to an injury that can no longer be reasonably anticipated based on reasonable medical probability, consistent with the Workers' Compensation Act.

**C. Restricted Duty Assignment**

A productive assignment during the period of time sworn personnel are classified as being on restricted duty, which does not exceed restrictions placed on the person by an authorized licensed physician. The assignment shall be determined by Operations Review Section personnel.

**D. Restricted Duty Status**

The work classification designating those sworn personnel who are on a restricted duty assignment due to a physical and/or mental health condition and/or limitation.

**E. Restricted Personnel**

**1. Sworn personnel who:**

- a. Sustained an injury while on-duty or off-duty to the extent that they are restricted from performing all the essential functions of the job;
- b. Have a physical or psychological health condition diagnosed by an Employee Health Center licensed physician, which restricts them from performing the essential functions of the job; or
- c. Are pregnant, therefore, are restricted from performing the essential functions of the job.

**3-17-4 General Rules and Responsibilities**

**N/A**

**A. Chief of Police**

- 1. The Chief of Police retains the right to assign Department personnel to a duty assignment within the Department based on the needs of the Department.
- 2. The Chief of Police has assigned the responsibility of overseeing all duty assignments, including vacancies and transfers, to the Human Resources Division Administrator.
- 3. When a vacancy for a sworn position has been announced, and no one makes a request to fill the position, the Chief of Police shall be asked to fill the position from among those who meet the minimum qualifications for the position.



6

B. Affirmative Action Program

The Human Resources Division Administrator shall maintain a system to monitor actions by Department personnel related to training, promotions, transfers, recruiting, and assignments in order to identify any inequities in the hiring process, consistent with the Affirmative Action Program.

N/A

C. Union Contracts and Memorandums of Understanding (MOU)

1. Union contracts and/or applicable MOUs control the following:

- a. Assignment(s) to patrol shifts;
- b. Change of work hours/days;
- c. Determination of days off; and
- d. Seniority.

7

**3-17-5 Duty Assignment Vacancies**

A. Vacancies for all duty assignments shall be filled according to the City of Albuquerque's Merit Ordinance System, City Personnel Rules and Regulations, and the employee's current union contract.

B. Department Personnel Circulars

1. Human Resources Division personnel shall:

- a. Compose and distribute Department personnel circulars to announce the anticipated filling of vacant or newly created assignments for Department personnel. Each circular shall contain:
  - i. The opening date for submitting transfer requests;
  - ii. The closing date, which is ten (10) calendar days from the opening date, or five (5) calendar days after the Albuquerque Police Officers' Association's (APOA) approval;
    1. The Chief of Police retains the right to alter the ten (10) calendar day advertisement for a vacancy.
    2. The Human Resources Division Administrator shall notify the Albuquerque Police Officers' Association (APOA), consistent with the current CBA.
  - iii. Minimum qualifications;
    1. Human Resources Division personnel shall standardize and base qualifications on Department-approved job descriptions.
  - iv. The amount and type of any additional training required following assignment to the position;
  - v. A short synopsis of the essential functions of the position; and
  - vi. The working conditions such as days off, odd shifts, and shift hours, etc.

C. Job Descriptions and Qualifications



1. Department supervisors shall review job descriptions and qualifications for all vacant positions and request them to be filled. If updates are needed, the supervisor should notify the Operations Review Section Staffing Detective and Human Resources Division personnel of necessary changes.
2. Human Resources Division personnel shall maintain the master copy for each job description that identifies the qualifications and post the required assignment training, if any.

N/A

D. Selection Committee

1. Composition
  - a. The Selection Committee shall be composed of personnel who hold a rank that is equal to or greater than that of the assignment being considered.
    - i. For any non-exempt sworn assignment below the rank of commander, the Selection Committee shall be composed of three (3) to five (5) members.
2. Responsibilities
  - a. The Selection Committee shall:
    - i. Develop and administer a test to each qualified applicant;
    - ii. Rank the applicant's answers according to the highest test result; and
    - iii. Submit the test results to the Human Resources Division upon completion.
  - b. The Selection Committee may record interviews.
    - i. Human Resources Division personnel shall retain the recordings and the permanent file for three (3) years.
  - c. If two (2) candidates are found to be equally qualified for the assignment, the Selection Committee shall select the candidate with seniority.
3. Selection and Ranking of Candidate
  - a. A candidate with a passing score of seventy percent (70%) and above shall be listed in rank order according to the test results. This list shall be effective for ninety (90) calendar days from the date of publication, with no exceptions.
  - b. The Operations Review Section Staffing Detective shall complete the transfer of the selected candidate within ninety (90) calendar days.
    - i. Command staff shall not prevent the selected candidate from being transferred within the ninety (90) calendar days.
  - c. A candidate who does not maintain the original published qualifications shall be automatically removed from the list.
  - d. In the event a candidate has qualified for multiple duty assignments, they shall be automatically removed from the remaining lists once transferred to a specialized unit.



- e. When applicable, a candidate who decides not to accept a transfer shall be removed from the affected list. The transfer shall then be offered to the next qualified candidate.
- f. A member of the chain of command for the new duty assignment shall inform the candidate of their acceptance or rejection.
- g. Human Resources Division personnel shall issue a Department Personnel Order announcing who was accepted for the duty assignment.

7 3-17-6

### Duty Assignments

N/A

- A. Commander, Deputy Commander, and Lieutenant duty assignments are exempt from time limitations. Their length of assignment shall be conditional and based on the needs of the Department.
- B. Trial Period
  - 1. All duty assignments for specialized units shall include a one (1) year trial period. During which time the employee's performance in the new duty assignment is evaluated by the specialized unit supervisor on a continual basis.
    - a. In the event the employee's performance standards are not met, they shall be reassigned to the Field Services Bureau (FSB).
    - b. Reassignments are ineligible for grievance and may occur at any time during the one (1) year trial period.
- C. Temporary Duty (TDY) Assignments
  - 1. All sworn personnel are eligible for TDY assignments on an as-needed basis.
  - 2. The selection of a Department employee to fill a TDY assignment shall be based on the level of skill and knowledge necessary to accomplish the goals and objectives of the duty assignment.
  - 3. The length of a TDY assignment shall not exceed the time limits outlined in the Department employee's current union contract. The immediate supervisor of the TDY assignment shall review the assignment on a weekly basis to determine whether it should be continued and/or be made into a permanent position.
  - 4. An area commander/division head shall have the discretion to determine the manner in which personnel are selected to fill a TDY assignment.
  - 5. All TDY assignments shall be approved through the chain of command on a Department Interoffice Memorandum.
    - a. If requesting TDY, sworn personnel shall use a blank TDY form.
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c. A copy of the TDY memorandum shall be emailed to Operations

D. Restricted Duty Assignment and Restricted Personnel

1. The Operations Review Section Staffing Detective, the Department Human Resources Administrator, and the Office of the Chief shall place the officer on a restricted duty temporary assignment for reasons that may include, but are not limited to:

- a. A reasonable accommodation;
- b. For a medical condition;
- c. Pregnancy; or
- d. Injured light duty (ILD).

6

2. Restricted Duty Status Limitations

a. Sworn personnel shall:

- i. Receive hazardous duty compensation if their previous assignment qualifies for hazardous duty pay, for no more than forty-five (45) days, after being placed in a restricted duty assignment;
- ii. Comply with policies regarding range qualification and training and the carrying of firearms;
- iii. Only carry their firearm or badge in a concealed fashion.
- iv. Obtain the authorization to carry a firearm while in a restricted duty status from their Bureau Deputy Chief;
- v. Receive shift differential pay for no more than forty-five (45) days when the restricted duty assignment necessitates a change from a swing/graveyard shift to dayshift;
- vi. Immediately make arrangements with Operations Review Section personnel to turn in their authorized emergency vehicle. Assignment of an unmarked vehicle shall be determined by Operations Review Section personnel and is dependent upon availability; and
- vii. Ensure their On-Body Recording Device (OBRD) remains in a docking station until they return to regular duty, at which time they will dock their OBRD in accordance with SOP On-Body Recording Devices.
- viii. Conduct a Taser function check before returning to regular duty.

N/A

b. Sworn personnel may be restricted from working any outside employment, as determined by the Chief of Police.

c. Sworn personnel shall not:

- i. Be permitted to sign up for or work Chief's Overtime (COT);
- ii. Wear their duty uniform but shall dress in appropriate attire based on their assigned unit's Standard Operating Procedures (SOP);
- iii. Be allowed to participate in the Department physical fitness assessment or any other sanctioned activity which conflicts with the medical reason for which the employee is on restricted duty;
- iv. Be assigned to hazardous duty positions; or



- 5 v. Display or present their badge or gun in an enforcement capacity while on-duty or off-duty unless it is a deadly force situation that requires immediate action.

E. FSB Bid for Sworn Personnel on Non-full Duty Status

1. In order to participate in the FSB bid, sworn personnel who are on non-full duty status shall be able to return to full-duty status on or before thirty (30) calendar days after the bid takes effect.
2. If sworn personnel were permitted to bid but are then unable to return to full-duty status within thirty (30) calendar days after the bid takes effect, the affected personnel shall lose their right to the assignment they bid for and shall be subject to assignment by their Bureau Deputy Chief upon return to full-duty.
3. The FSB Deputy Chief shall have the discretion to place sworn personnel who cannot, or do not comply with the subsections in this SOP once they return to full-duty status.

6 3-17-7 **Transfers**

A. Human Resources Division personnel shall:

1. Be responsible for the coordination and maintenance of all circulars and Transfer Request Forms, as necessary, for use by the Chief of Police and the Affirmative Action Program Coordinator; and
  - a. Human Resources Division personnel shall place the originals in a file to be retained for three (3) years after the Selection Committee has made a decision.
2. Send completed transfer requests to the Testing Unit designee to determine a candidate's eligibility based on the circular requirements.
  - a. The finalized list shall be forwarded to the affected division lieutenant to assist with the testing process.

7 B. Notification to the Human Resources Division

1. All transfers within area commands and divisions that affect duty assignments, days off, and/or specialty pay shall be consistent with the employee's current union contract. This does not relieve personnel of their responsibility to notify Human Resources Division personnel when they are receiving pay to which they are not entitled.
2. Department personnel who want to apply for an announced assignment shall submit a completed copy of the Transfer Request Form and/or any other requested



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documentation to the Human Resources Division. The original request shall be submitted through the applicant's chain of command.

a. When completing the Transfer Request Form, the employee shall address each of the qualifications required and may submit any additional relevant information in the space provided.

3. Information about the number or identification of applicants for a particular assignment is considered confidential and not for general publication. However, the affected commander shall be given access to this particular information.

a. Seniority does not apply to transfers back to FSB in between bids. Available openings are based on the needs of the Department at the time of the transfer.

**N/A** C. Seniority Bidding Transfers

1. The process outlined in this SOP shall not apply to transfers made by seniority bidding.

**N/A** D. Hardship Transfers

1. The process outlined in this SOP does not apply when severe hardship, injury, disability, or humanitarian reasons require consideration in specific cases.



**3-50 FORMS CONTROL**

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

A. Related SOP(s)

2-65 Language Access Procedure

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

**3-50-1 Purpose**

The purpose of this policy is to outline the requirements for the publication and maintenance of Albuquerque Police Department (Department) forms in the Department's document management system.

**3-50-2 Policy**

It is the policy of the Department to use standardized, Department-Approved Forms for use by Department personnel to establish consistency. To achieve centralized control over Department-Approved Forms, the Standard Operating Procedure (SOP) Liaisons will have the authority to maintain, control, and publish Department-Approved Forms and the responsibility to obtain approval from the Policy and Procedures Review Board (PPRB) for forms used by Department personnel.

**N/A**

**3-50-3 Definitions**

A. Department-Approved Form

An official document, tangible or electronic, that is utilized by Department personnel in recording information that will be referred to, copied, presented, and/or used by more than one Department division, section, or unit. Department-approved Forms are forms



that are approved by the PPRB, and may be referred to in Standard Operating Procedures and/or Department orders.

B. Document Management System

A web-based system that indexes and maintains SOPs, Special Orders (SO), forms, and training materials in a logical manner using a uniform numbering system for ease of reference, which are accessible to all Department personnel in electronic format at all times. The system provides Department personnel, City of Albuquerque personnel, and Civilian Police Oversight Agency Board (CPOAB) members who are involved in the policy development process the opportunity to comment on proposed recommendations to an existing SOP or a new, proposed SOP.

C. Standard Operating Procedure (SOP) Liaison(s)

A full-time professional staff employee assigned to the Policy and Procedure Unit who is responsible for facilitating the policy development process and other duties, and whose responsibilities are related to the review, development, and implementation of the Department's SOPs.

D. Vital Document

1. A form that provides essential information for accessing Department services. A vital document contains critical details about an individual's rights, ensures access to a court, or is required by the Department to record and track law enforcement case activities. A vital document may include, but is not limited to:
  - a. Documents and forms that must be provided to persons by law;
  - b. Consent, intake, detention, incarceration, release, or waiver forms;
  - c. Forms or any written material related to individual rights, e.g., *Miranda* warning;
  - d. Letters or notices pertaining to prosecution;
  - e. Notices, I-Speak cards, Language Self-Identification posters, and materials regarding the availability of free language assistance services for Limited English Proficient (LEP) persons;
  - f. Documents or forms relating to accessing emergency services;
  - g. Documents or forms relating to criminal citations, summons, and warrants;
  - h. Documents or forms relating to complaints against the Department or Department personnel;
  - i. Documents indicated as Department case letters or notices that require a response by an LEP person; or
  - j. Other documents that the Chief of Police or their designee recognizes as vital to communicate with the City's population as a whole.

7 3-50-4

**Rules**

A. Approval, Publication, and Maintenance of Department-Approved Forms



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1. Department personnel shall:
  - a. Obtain the PPRB's approval of a new or a revised Department-Approved Form prior to implementing the form to be used by Department personnel;
  - b. Provide the SOP Liaison justification for the new or revised Department-Approved Form, including a general statement about the purpose of the form;
  - c. Submit their new form or revised Department-Approved Form to the SOP Liaison to seek the PPRB's review and approval of the form via email at [opa@cabq.gov](mailto:opa@cabq.gov); and
  - d. Submit obsolete Department-Approved Forms to the SOP Liaison to seek the PPRB's review and approval to remove the form.
2. The SOP Liaison shall email the new or revised Department-Approved Form to the PPRB for their review and approval.
3. The PPRB shall review and approve the new, revised, or obsolete Department-Approved Form emailed to them by the SOP Liaison within one (1) week of receiving the form. The PPRB voting member(s) shall vote on the form using the voting buttons in the email, or by replying with an approve or reject response to the email.
  - a. The PPRB may request additional information from the form owner.
  - b. For an email vote to be valid, at least five (5) voting members must participate in the voting process.
    - i. For a Department-Approved form to be passed by PPRB, there shall be a simple majority vote by at least five (5) voting members.
  - c. If at least five (5) voting members do not vote to approve or reject the form, the SOP Liaison shall send two follow-up emails.
    - i. After the SOP Liaison makes three (3) attempts, they shall request the PPRB Chair to request the PPRB voting members to vote.
    - ii. After the PPRB Chair makes an attempt and five (5) voting members still have not voted, the SOP Liaison will schedule for the Department employee who is responsible for the form to present it to the PPRB during a regularly scheduled PPRB meeting.
  - d. In lieu of the email vote, the PPRB Chair may request a review and vote for approval or denial during a PPRB meeting of a new or revised Department-Approved Form.
4. If the PPRB voting member(s) reject the form, they shall propose changes to the responsible Department employee.
  - a. The Department employee who is responsible for the form shall revise the form.
  - b. The SOP Liaison shall resubmit the revised form to the PPRB for approval as outlined in 3-50-4 A.3.
5. After the PPRB voting member(s) approve the new form or revised Department-Approved Form, the SOP Liaison shall:

N/A



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- a. For a new form, assign a PD number to the Department-Approved Form;
- b. Publish the Department-Approved Form in the Department's document management system;
- c. Archive the obsolete Department-Approved Form in the Department's document management system; and
- d. Keep the approved original Department-Approved Form and updated Department-Approved Form on file.

6. Department personnel shall not utilize any form the PPRB has not approved.

7

B. Translation and Publication of Vital Documents

1. In accordance with SOP Language Access Procedure, a Vital Document is defined as a Department-Approved Form that provides important information about individual rights or Department services (e.g., waiver of rights or the Albuquerque Police Department Civilian Complaint or Commendation Form).

- a. Upon receipt of a new or revised form, the SOP Liaison shall provide the Department-Approved form to the Language Access Coordinator (LAC), who will determine whether it is a Vital Document that needs to be translated.
- b. The LAC shall determine whether the form is a Vital Document. If it is, the LAC shall:
  - i. Translate the Vital Document, consistent with SOP Language Access Procedure;
  - ii. Provide the SOP Liaison justification for the Vital Document, including a general statement about the purpose of the document; and
  - iii. Submit the Vital Document to the SOP Liaison to seek the PPRB's review and approval of the translated Vital Document.
- c. The SOP Liaison shall email the translated Vital Document to the PPRB for their review and approval.

2. The PPRB shall review and approve the Vital Document emailed to them by the SOP Liaison within one (1) week of receiving the Department-Approved Vital Document. The PPRB shall vote on the Vital Document using the voting buttons in the email or by replying with an approve or reject response to the email.

N/A

- a. The PPRB may solicit additional information from the LAC.
- b. If at least five (5) voting members do not vote to approve or reject the Vital Document, the SOP Liaison shall send two follow-up emails.
  - i. After the SOP Liaison makes three (3) attempts, they shall request the PPRB Chair to request the PPRB voting members to vote.
  - ii. After the PPRB Chair makes an attempt and the SOP Liaison does not receive at least five (5) votes, the SOP Liaison shall schedule for the LAC to present the translated Vital Document to the PPRB during a regularly scheduled PPRB meeting.



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3. If the PPRB voting member(s) reject the Vital Document, they shall propose changes to the LAC.
  - a. The LAC shall revise the translated Vital document.
  - b. The SOP Liaison shall resubmit the revised translated Vital Document to the PPRB for approval as outlined in 3-50-4 A.3.
4. After the PPRB approves the translated Vital Document, the SOP Liaison shall:
  - a. Publish the translated Vital Document in the Department's document management system in all languages; and
  - b. Keep the original approved Vital Document and updated Vital Document on file.

C. Forms from Outside Agencies

1. Forms from outside agencies that are used by Department personnel are excluded from the provisions of this SOP. Some examples of these forms include, but are not limited to:
  - a. State of New Mexico Uniform Crash Report;
  - b. State of New Mexico Uniform Crash Report Supplemental Narrative;
  - c. State of New Mexico Uniform Incident Report; and
  - d. State of New Mexico Uniform Traffic Citation.



**3-50 FORMS CONTROL**

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

A. Related SOP(s)

2-65 Language Access Procedure

B. Form(s)

None

C. Other Resource(s)

None

D. Active Special Order(s)

None

D.E. Rescinded Special Order(s)

None

**3-50-1 Purpose**

The purpose of this policy is to outline the requirements for the publication and maintenance of Albuquerque Police Department (Department) forms in the Department's document management system.

**3-50-2 Policy**

It is the policy of the Department to use standardized, Department-Approved Forms for use by Department personnel to establish consistency. To achieve centralized control over Department-Approved Forms, the Standard Operating Procedure (SOP) Liaisons will have the authority to maintain, control, and publish Department-Approved Forms and the responsibility to obtain approval from the Policy and Procedures Review Board (PPRB) for forms used by Department personnel.

N/A

**3-50-3 Definitions**

A. Department-Approved Form

An official document, tangible or electronic, that is utilized by Department personnel in recording information that will be referred to, copied, presented, and/or used by more than one Department division, section, or unit. Department-approved Forms are forms



that are approved by the PPRB, and may be referred to in Standard Operating Procedures and/or Department orders.

B. Document Management System

A web-based system that indexes and maintains SOPs, Special Orders (SO), forms, and training materials in a logical manner using a uniform numbering system for ease of reference, which are accessible to all Department personnel in electronic format at all times. The system provides Department personnel, City of Albuquerque personnel, and Civilian Police Oversight Agency Board (CPOAB) members who are involved in the policy development process the opportunity to comment on proposed recommendations to an existing SOP or a new, proposed SOP.

C. Standard Operating Procedure (SOP) Liaison(s)

A full-time professional staff ~~civilian~~ employee assigned to the Policy and Procedure Unit who is responsible for facilitating the policy development process and other duties, and whose responsibilities are related to the review, development, and implementation of the Department's SOPs.

D. Vital Document

1. A form that provides essential information for accessing Department services. A vital document contains critical details about an individual's rights, ensures access to a court, or is required by the Department to record and track law enforcement case activities. A vital document may include, but is not limited to:
  - a. Documents and forms that must be provided to persons by law;
  - b. Consent, intake, detention, incarceration, release, or waiver forms;
  - c. Forms or any written material related to individual rights, e.g., *Miranda* warning;
  - d. Letters or notices pertaining to prosecution;
  - e. Notices, I-Speak cards, Language Self-Identification posters, and materials regarding the availability of free language assistance services for Limited English Proficient (LEP) persons;
  - f. Documents or forms relating to accessing emergency services;
  - g. Documents or forms relating to criminal citations, summons, and warrants;
  - h. Documents or forms relating to complaints against the Department or Department personnel;
  - i. Documents indicated as Department case letters or notices that require a response by an LEP person; or
  - j. Other documents that the Chief of Police or their designee recognizes as vital to communicate with the City's population as a whole.

7 3-50-4

**Rules**

A. Approval, Publication, and Maintenance of Department-Approved Forms



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1. Department personnel shall:
  - a. Obtain the PPRB's approval of a new or a revised Department-Approved Form prior to implementing the form to be used by Department personnel;
  - b. Provide the SOP Liaison justification for the new or revised Department-Approved Form, including a general statement about the purpose of the form;
  - c. Submit their new form or revised Department-Approved Form to the SOP Liaison to seek the PPRB's review and approval of the form via email at [opa@cabq.gov](mailto:opa@cabq.gov); and
  - d. Submit obsolete Department-Approved Forms to the SOP Liaison to seek the PPRB's review and approval to remove the form.
2. The SOP Liaison shall email the new or revised Department-Approved Form to the PPRB for their review and approval.
3. The PPRB shall review and approve the new, revised, or obsolete Department-Approved Form emailed to them by the SOP Liaison within one (1) week of receiving the form. The PPRB voting member(s) shall vote on the form using the voting buttons in the email, or by replying with an approve or reject response to the email.
  - a. The PPRB may request additional information from the form owner.
  - b. For an email vote to be valid, at least five (5) voting members must participate in the voting process.
    - i. For a Department-Approved form to be passed by PPRB, there shall be a simple majority vote by at least five (5) voting members.
  - c. If at least five (5) voting members do not vote to approve or reject the form, the SOP Liaison shall send two follow-up emails.
    - i. After the SOP Liaison makes three (3) attempts, they shall request the PPRB Chair to request the PPRB voting members to vote.
    - ii. After the PPRB Chair makes an attempt and five (5) voting members still have not voted, the SOP Liaison will schedule for the Department employee who is responsible for the form to present it to the PPRB during a regularly scheduled PPRB meeting.
  - d. In lieu of the email vote, the PPRB Chair may request a review and vote for approval or denial during a PPRB meeting of a new or revised Department-Approved Form.
4. If the PPRB voting member(s) reject the form, they shall propose changes to the responsible Department employee.
  - a. The Department employee who is responsible for the form shall revise the form.
  - b. The SOP Liaison shall resubmit the revised form to the PPRB for approval as outlined in 3-50-4 A.3.
5. After the PPRB voting member(s) approve the new form or revised Department-Approved Form, the SOP Liaison shall:

N/A



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- a. For a new form, assign a PD number to the Department-Approved Form;
- b. Publish the Department-Approved Form in the Department's document management system;
- c. Archive the obsolete Department-Approved Form in the Department's document management system; and
- d. Keep the approved original Department-Approved Form and updated Department-Approved Form on file.

6. Department personnel shall not utilize any form the PPRB has not approved.

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B. Translation and Publication of Vital Documents

1. In accordance ~~Consistent~~ with SOP Language Access Procedure, a Vital Document is defined as a Department-Approved Form that provides important information about individual rights or Department services (e.g., waiver of rights or the Albuquerque Police Department Civilian Complaint or Commendation Form).

- a. Upon receipt of a new or revised form, the SOP Liaison shall provide the Department-Approved form to the Language Access Coordinator (LAC), who will determine whether it is a Vital Document that needs to be translated.
- b. The LAC shall determine whether the form is a Vital Document. If it is, the LAC shall:
  - i. Translate the Vital Document, consistent with SOP Language Access Procedure;
  - ii. Provide the SOP Liaison justification for the Vital Document, including a general statement about the purpose of the document; and
  - iii. Submit the Vital Document to the SOP Liaison to seek the PPRB's review and approval of the translated Vital Document.
- c. The SOP Liaison shall email the translated Vital Document to the PPRB for their review and approval.

2. The PPRB shall review and approve the Vital Document emailed to them by the SOP Liaison within one (1) week of receiving the Department-Approved Vital Document. The PPRB shall vote on the Vital Document using the voting buttons in the email, or by replying with an approve or reject response to the email.

N/A

- a. The PPRB may solicit additional information from the LAC.
- b. If at least five (5) voting members do not vote to approve or reject the Vital Document, the SOP Liaison shall send two follow-up emails.
  - i. After the SOP Liaison makes three (3) attempts, they shall request the PPRB Chair to request the PPRB voting members to vote.
  - ii. After the PPRB Chair makes an attempt and the SOP Liaison does not receive at least five (5) votes, the SOP Liaison shall schedule for the LAC to present the translated Vital Document to the PPRB during a regularly scheduled PPRB meeting.



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3. If the PPRB voting member(s) reject the Vital Document, they shall propose changes to the LAC.
  - a. The LAC shall revise the translated Vital document.
  - b. The SOP Liaison shall resubmit the revised translated Vital Document to the PPRB for approval as outlined in 3-50-4 A.3.
4. After the PPRB approves the translated Vital Document, the SOP Liaison shall:
  - a. Publish the translated Vital Document in the Department's document management system in all languages; and
  - b. Keep the original approved Vital Document and updated Vital Document on file.

C. Forms from Outside Agencies

1. Forms from outside agencies that are used by Department personnel are excluded from the provisions of this SOP. Some examples of these forms include, but are not limited to:
  - a. State of New Mexico Uniform Crash Report;
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