

# **CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)**

**Thursday, June 12, 2025, at 5:00 PM  
Vincent E. Griego Chambers**

**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

**Members Present:**

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

**Members Absent:**

**Others Present In-Person:**

Diane McDermott, CPOA  
Ali Abbasi, CPOA  
Katrina Sigala, CPOA  
Valerie Barela, CPOA  
Kelly Mensah, CPOA  
Robert Kidd, Independent Counsel  
Chris Sylvan, City Council  
Cmdr. Scott Norris, APD  
Cmdr. Kenneth Johnston, APD  
Sgt. Manuel Solis, APD Academy  
Jeffery Bustamante, ACS

**Others Present via Zoom:**

Dr. Ty Olubiyi, CCO  
Douglas Feierman, CPOA

## **Meeting Minutes**

- I. Welcome, 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. Members Bolyanatz, Budanauro, Calderon, and Wymark were present.
- II. Pledge of Allegiance.** Chair Bolyanatz led the Pledge of Allegiance.
- III. Approval of the Agenda**
  - a. Motion.** A motion was made by Chair Bolyanatz to approve the agenda as written. Member Budanauro 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:

**a. May 7, 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 May 7, 2025.
2. **Motion.** A motion was made by Chair Bolyanatz to approve the minutes as written. Vice-Chair Calderon seconded the motion. The motion was carried by a unanimous vote.

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

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

- a. Brick Jonesy
- b. Letz Otvo

**VI. Reports from City Departments:**

**a. APD**

**1. Legislative Bills Related to Law Enforcement–** *Xochitl Campos-Biggs, APD Policy & Intergovernmental Relations*

- i. APD Chief Policy Advisor Xochitl Campos-Biggs gave a verbal update on the 2025 legislative session, emphasizing initiatives led by APD Officers and the bills that were passed or are still in the works.

**2. Internal Affairs Professional Standards (IAPS)–** *Commander Kenneth Johnston*

- i. A document titled *APD Internal Affairs Professional Standards (IAPS) Division Monthly Report, May 2025*, was distributed to CPOA Board members electronically.
- ii. Commander Kenneth Johnston provided a verbal report on open and completed cases in May 2025, mentioning that the average completion time was 55 days and highlighting the highest policy violations.

**3. Internal Affairs Force Division (IAFD)–** *Commander Scott Norris*

- i. The APD Monthly Use of Force Report for May 2025 was distributed electronically to CPOA Board members.
- ii. Commander Scott Norris provided a verbal report detailing the number of use-of-force cases categorized by area command and noting that the

highest area commands for Use of Force. He also reported decreased use-of-force incidents from April 2025 to May 2025. Additionally, he discussed the demographics related to calls for service that contributed to the use of force incidents in May 2025, highlighting that zero uses of force were out of policy for May 2025.

- iii. Commander Norris informed the Board that the number of use-of-force incidents will decrease next month because incidents related to shows of force will no longer be counted as use-of-force. He also noted that a department order will be drafted.
- iv. Chair Bolyanatz inquired about data collection regarding alcohol and narcotic substances related to the Use of Force. Vice-Chair Calderon requested that the Board receive a separate report on shows of force. Commander Norris will follow up with APD Data Analytics on the reporting and look into the shows of force reporting after the process is in order.

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

- 1. ACS Deputy Director for Policy and Administration Jeffrey Bustamante provided a verbal report on calls for service, the ACS Safety Center location, the summer of non-violence events, a drive-in movie event at Balloon Fiesta Park, and social media outreach for teenagers. He mentioned that the University of Cambridge, Massachusetts, visited ACS to discuss their program.

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

- 1. Executive Director McDermott provided a verbal brief on behalf of Lindsey Rosebrough, noting that the Judge dismissed the Court Approved Settlement Agreement (CASA) on May 12, 2025.

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

- 1. Chris Sylvan provided an update on the vacant board member position, city legislation related to the APD Gas Card Pilot program for NW and SW area commands, and outreach efforts to recruit Civilian Police Oversight Advisory Board members utilizing the City Council's PIO.

**e. CPC- Kelly Mensah, Community Engagement Manager**

1. Kelly Mensah, Community Engagement Manager, reported on CPC's meeting, attendees, and CPC outreach efforts.

**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. Executive Director Diane McDermott verbally reported on CPOA complaint intakes, case assignments, APD commendations, CASA settlement agreement, MOU between the CPOA and APOA, staffing updates, and the mediation program.
2. **CPC 323-24 Non-Concurrence.** 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 323-24 non-concurrence from APD, noting that the CPOA disagreed with the non-concurrence.

**3. Mediation Program**

- i. Ms. McDermott gave a verbal overview of the new CPOA mediation program, including its eligibility and non-eligibility criteria, as well as the Police Oversight Board ordinance requirements.

**VII. Serious Use of Force Case:** [Standing Item]

- a. Chair Bolyanatz noted the Board did not have any Serious Use of Force Cases for review this month.

**VIII. Officer-Involved Shooting Case:**

**a. APD Case #23-0092642 – Eduardo Budanauro**

1. Member Budanauro gave a verbal overview of Officer-Involved Shooting (OIS) Case #23-0092642, noting that an Internal Affairs Force Division (IAFD) investigation determined uses of force in policy, and a mandatory training request was initiated.
2. Deputy Director Ali Abbasi provided during the CPOA's review of OIS Case #23-0092642, noting a potential operational risk and a training referral that is not conclusive as to the completion of the training.

3. Chair Bolyanatz facilitated feedback from Board members, and the Board had no policy recommendations for OIS Case 23-0092642.
4. **Motion.** Chair Bolyanatz made a motion that the Civilian Police Oversight Advisory Board agree with IAFD Investigation for APD Case #23-0092642. The motion was seconded by Member Wymark. The motion was carried by a unanimous vote.

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

**b. APD Case #23-0098642 – Aaron Calderon**

1. Vice Chair Calderon gave a verbal overview of Officer-Involved Shooting (OIS) Case #23-0098642, noting that an Internal Affairs Force Division (IAFD) investigation revealed no policy violations were identified.
2. Deputy Director Ali Abbasi provided his comprehensive review of OIS Case #23-0098642 and identified concerns with the response strategy.
3. Commander Norris clarified the dynamics related to the incident that led to APD's non-tactical activation response strategy.
4. Chair Bolyanatz facilitated feedback from Board members, and the Board had no policy recommendations for Case #23-0098642.
5. **Motion.** A motion was made by Chair Bolyanatz that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAFD Investigation for APD Case #23-0092642. The motion was seconded by Vice Chair Calderon. The motion was carried by a unanimous vote.

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

**\*\*\*A dinner break began at 6:41 pm and the Board meeting reconvened at approximately 7:15 p.m.\*\*\***

**c. APD Case #23-0105287 – Rowan Wymark**

1. Member Wymark gave a verbal overview of Officer-Involved Shooting (OIS) Case #23-0105287, noting that an Internal Affairs Force Division (IAFD) investigation found that the uses of force were in policy.
2. Deputy Director Ali Abbasi provided his comprehensive review of OIS Case #23-0105287, noting that the CPOA agreed with IAFD findings.

3. Commander Norris provided more context related to potential policy violation related to medical attention.
4. Chair Bolyanatz facilitated feedback from Board members, and the Board had no policy recommendations for Case #23-0105287.
5. **Motion.** A motion was made by Chair Bolyanatz that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAFD Investigation for APD Case #23-0105287. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

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

**d. APD Case #24-0006800 – Zander Bolyanatz**

1. Chair Bolyanatz gave a verbal overview of Officer-Involved Shooting (OIS) Case #24-0006800, noting that training concerns were identified with the Real Time Crime Center (RTCC).
2. Deputy Director Ali Abbasi provided his comprehensive review of OIS Case #24-0006800, noting that the CPOA agreed with IAFD findings.
3. Chair Bolyanatz facilitated feedback from Board members, and the Board had no policy recommendations for Case #23-0006800.
4. **Motion.** A motion was made by Chair Bolyanatz that the Civilian Police Oversight Advisory Board affirms and upholds the findings of APD IAFD Investigation for APD Case #24-0006800. The motion was seconded by Member Budanauro. The motion was carried by a unanimous vote.

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

**IX. Appeal [Standing item]**

**X. Report from CPOAB Subcommittees:**

**a. Policy and Procedure Review Subcommittee – Aaron Calderon, Chair**

1. The meeting was held on June 5, 2025, at 3 p.m.
2. Report from Subcommittee
3. The next meeting is on July 3, 2025, at 3 p.m.

- i. Chair of the Policy and Procedure Review Subcommittee Aaron Calderon reported that the Subcommittee meeting was held on June 5, 2025 noting that the next meeting is on July 3, 2025

**b. Ad hoc Audit Committee – Zander Bolyanatz**

1. The first meeting was held on May 13, 2025, at 3 p.m.
2. Report from Subcommittee
3. The next meeting is TBD
  - i. Member Bolyanatz reported that the Ad Hoc Subcommittee held its first meeting on May 13, 2025, and the committee is still conducting its audit and will schedule a meeting once the audit is complete.
  - ii. The Executive Director verbally provided the elements the audit committee will use in the process.

**XI. Discussion and Possible Action:**

**a. APD Policy**

**1. Recommendation(s):**

**A. SOP 1-1 Personnel Code of Conduct**

**i.** Executive Director McDermott verbally presented policy recommendations for SOP 1-1 subsection 1-1-3-c (2-3) (*See attached*)

**ii. Motion.** A motion was made by Chair Bolyanatz to approve the recommendation for policy SOP 1-1 subsection 1-1-3-c (2-3). The motion was seconded by Vice Chair Calderon. The motion was carried by a unanimous vote.

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

**iii.** Executive Director McDermott verbally presented policy recommendations for SOP 1-1 subsection 1-1-5-A-5 (*See attached*)

**iv. Motion.** A motion was made by Chair Bolyanatz to approve the recommendation for SOP 1-1 Personal Code of Conduct subsection 1-1-5-A-5. The motion was seconded by Vice Chair Calderon. The motion was carried by a unanimous vote.

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

v. Executive Director McDermott verbally presented policy recommendations for SOP 1-1 subsection 1-1-3-c (2-3) (*See attached*)

vi. The Board agreed to hold off on any recommendations at this time related to subsection 1-1-3-c (2-3).

B. SOP 2-47 Crashes Involving Department-Issued Vehicles

i. Executive Director McDermott presented policy recommendations for SOP 2-47. (*See attached*)

ii. **Motion.** A motion was made by Chair Bolyanatz to approve the recommendation for Policy SOP 2-47 subsection for 2-47-4A-1-e. The motion was seconded by member Budanauro. The motion was carried by a unanimous vote.

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

C. SOP 2-71 (Formerly 2-17) Search and Seizure Without a Warrant

i. Executive Director McDermott presented policy recommendations for SOP 2-71 addressing License Plate Confiscation, Subsection 2-71-4-G-1-d and 2-71-4-F, noting that the Agency had submitted the recommendations due to the deadline for submission to APD (*See attached*)

ii. Chair Bolyanatz made a motion that the Board agreed with the recommendations and recommendation submissions for SOP 2-71, addressing License Plate Confiscation, Subsections 2-71-4-G-1-d, and 2-71-4-F. Vice Chair Calderon seconded the motion. The motion was carried by a unanimous vote.

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

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

A. SOP 1-10 Peer Support

i. There were no policy recommendations for SOP 1-10.

B. SOP 1-50 Gun Violence Reduction Unit (GVRU)

i. There were no policy recommendations for SOP 1-50.

C. SOP 1-61 Internal Affairs Force Division (IAFD)



- i. There were no policy recommendations for SOP 1-61.
- D. SOP 1-91 Tactical Emergency Medical Support (TEMS)
  - i. There were no policy recommendations for SOP 1-91.
- E. SOP 1-94 (Formerly 6-1) Training Division
  - i. There were no policy recommendations for SOP 1-94.
- F. SOP 2-4 Use of Respirators
  - i. There were no policy recommendations for SOP 2-4.
- G. SOP 2-14 Use of Cell-Site Simulator Technology
  - i. There were no policy recommendations for SOP 2-14.
- H. SOP 2-25 (Formerly 1-28) Bomb Threats and Bomb Emergencies
  - i. There were no policy recommendations for SOP 2-25.
- I. SOP 2-37 Meal Breaks
  - i. There were no policy recommendations for SOP 2-37.
- J. SOP 2-60 Preliminary and Follow-Up Criminal Investigations
  - i. There were no policy recommendations for SOP 2-60.
- K. SOP 2-73 Collection, Submission, and Disposition of Evidence and Property
  - i. There were no policy recommendations for SOP 2-73.
- L. SOP 2-76 Court
  - i. There were no policy recommendations for SOP 2-76.
- M. SOP 2-108 Electronic Communications Privacy Act Procedures
  - i. There were no policy recommendations for SOP 2-108.
- N. SOP 2-113 Custom Notification Gun Buy-Back (CNGBB) Program
  - i. There were no policy recommendations for SOP 2-113.
- O. SOP 3-25 Bid Process
  - i. There were no policy recommendations for SOP 3-25.
- P. SOP 3-34 Training Committee
  - i. There were no policy recommendations for SOP 3-34.

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

- A. Deputy Director updated the Board on responses received from APD for SOP 1-46, SOP 2-78, and SOP 1-92. (*See attached*)

- B. APD Academy Sergeant Manuel Solis provided training elements related to SOP 1-92 about using Unmanned Aircraft Systems (SUAS). The Board requested that the Academy provide the Board with a presentation on focusing SWAT drone communications. Executive Director McDermott will reach out to the Academy.

**4. Use of Cell-Site Simulator Technology Presentation Request –**

*Aaron Calderon – Vice Chair*

- A. Vice-Chair Calderon noted that the Policy and Review Subcommittee reviewed this policy and is requesting a presentation on the use of Cell-Site Simulator Technology. The Board asked APD to provide a presentation focusing on their technology, how it is collected, how it is used, and compliance with federal regulations regarding data storage. Executive Director McDermott will contact APD to schedule the presentation.

**XII. Other Business**

- a. None.


**XIII. Adjournment.**

- a. **Motion.** A motion was made by Chair Bolyanatz to adjourn the meeting 8:31 p.m. 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 8:31 p.m.

APPROVED:

  
Zander Bolyanatz, Chair  
Civilian Police Oversight Advisory Board

  
Date

CC: Isaac Padilla, City Council Staff  
Ethan Watson, City Clerk  
Brook Bassan, City Council President (via email)

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

## **ATTACHMENTS**



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

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

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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**

**83**

Investigations opened by  
Internal Affairs Professional Standards

**Total Cases Completed**

**107**

Investigations completed by  
Internal Affairs Professional Standards

**Cases Opened**

[By Area Commands]

**45**

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

**Cases Completed**

[By Area Commands]

**63**

Investigations completed by  
the Area Commands

**Pending Cases**

**118**

Investigations pending completion

**Average Days to Completion**

**55**

Average days to completion for  
investigations completed during  
the month

## Completed Cases with Sustained Findings

Total Cases: 74

69% 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
I2024...	2.76. Court	Letter of Reprimand
I2024...	1.1. Personnel Code of Conduct	Suspension
	3.41. Complaints Involving Department Personnel	Letter of Reprimand
	2.45. Pursuit by Motor Vehicle	Letter of Reprimand
	2.5. Department Vehicle	Letter of Reprimand
	2.8. Use of on-Body Recording Devices	Suspension
I2024...	1.1. Personnel Code of Conduct	Suspension
	2.56. Use of Force: Reporting by Department Personnel	Suspension
I2024...	2.8. Use of on-Body Recording Devices	Suspension
I2024...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2025...	1.1. Personnel Code of Conduct	Suspension
	1.1. Personnel Code of Conduct	Terminated
	1.1. Personnel Code of Conduct	Terminated
	1.1. Personnel Code of Conduct	Terminated
I2025...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
	2.83. Hospital Procedures and Rules	Letter of Reprimand
	3.41. Complaints Involving Department Personnel	Letter of Reprimand
I2025...	1.1. Personnel Code of Conduct	Letter of Reprimand
I2025...	2.57. Use of Force: Review and Investigation by Department Personnel	Letter of Reprimand
I2025...	2.5. Department Vehicle	Letter of Reprimand
	3.41. Complaints Involving Department Personnel	Letter of Reprimand
I2025...	2.45. Pursuit by Motor Vehicle	Suspension
	2.10. Use of Emergency Communications	Letter of Reprimand
I2025...	2.56. Use of Force: Reporting by Department Personnel	Letter of Reprimand
	2.56. Use of Force: Reporting by Department Personnel	Letter of Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
	2.56. Use of Force: Reporting by Department Personnel	Letter of Reprimand
	2.56. Use of Force: Reporting by Department Personnel	Letter of Reprimand
	2.56. Use of Force: Reporting by Department Personnel	Letter of Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Verbal Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Verbal Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2025...	2.8. Use of on-Body Recording Devices	NDCA
I2025...	3.41. Complaints Involving Department Personnel	Letter of Reprimand



## 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...	2.76. Court	Verbal Reprimand
I2025...	2.76. Court	Verbal Reprimand
I2025...	3.20. Overtime, Compensatory Time, and Work Shift Designation	Letter of Reprimand
I2025...	3.25. Bid Process	Verbal Reprimand
I2025...	3.25. Bid Process	Verbal Reprimand
I2025...	3.25. Bid Process	Letter of Reprimand
I2025...	3.25. Bid Process	Letter of Reprimand
I2025...	3.25. Bid Process	NDCA
I2025...	3.25. Bid Process	NDCA
I2025...	1.1. Personnel Code of Conduct	Letter of Reprimand
I2025...	1.1. Personnel Code of Conduct	Verbal Reprimand
I2025...	1.61. Internal Affairs Force Division	Letter of Reprimand
I2025...	1.1. Personnel Code of Conduct	NDCA
I2025...	3.25. Bid Process	Verbal Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Verbal Reprimand
I2025...	2.76. Court	Suspension
I2025...	2.8. Use of on-Body Recording Devices	Verbal Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Verbal Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2025...	2.76. Court	Letter of Reprimand
I2025...	2.76. Court	NDCA
I2025...	3.21. Scheduled and Unscheduled Leave	Verbal Reprimand
I2025...	3.41. Complaints Involving Department Personnel	Verbal Reprimand
I2025...	3.21. Scheduled and Unscheduled Leave	Verbal Reprimand
I2025...	3.32. Performance Evaluations	NDCA
I2025...	3.32. Performance Evaluations	NDCA
I2025...	3.32. Performance Evaluations	NDCA
I2025...	2.76. Court	Verbal Reprimand
I2025...	3.32. Performance Evaluations	NDCA
I2025...	3.32. Performance Evaluations	Verbal Reprimand
I2025...	1.1. Personnel Code of Conduct	Letter of Reprimand
I2025...	1.1. Personnel Code of Conduct	Verbal Reprimand
I2025...	3.21. Scheduled and Unscheduled Leave	Verbal Reprimand
I2025...	2.76. Court	Letter of Reprimand
I2025...	2.5. Department Vehicle	Verbal Reprimand





## 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...	2.5. Department Vehicle	Verbal Reprimand
I2025...	2.76. Court	NDCA
I2025...	2.57. Use of Force: Review and Investigation by Department Personnel	Verbal Reprimand
I2025...	2.5. Department Vehicle	Letter of Reprimand
I2025...	2.5. Department Vehicle	NDCA
I2025...	2.8. Use of on-Body Recording Devices	Verbal Reprimand
I2025...	2.16. Reports	Letter of Reprimand
	2.16. Reports	Letter of Reprimand
I2025...	2.5. Department Vehicle	Verbal Reprimand
	2.5. Department Vehicle	Verbal Reprimand
I2025...	2.5. Department Vehicle	NDCA
I2025...	2.5. Department Vehicle	NDCA
I2025...	3.21. Scheduled and Unscheduled Leave	Verbal Reprimand
I2025...	3.21. Scheduled and Unscheduled Leave	Verbal Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2025...	2.76. Court	Verbal Reprimand
I2025...	2.76. Court	Verbal Reprimand
I2025...	2.76. Court	Verbal Reprimand
I2025...	2.8. Use of on-Body Recording Devices	Letter of Reprimand
I2025...	2.5. Department Vehicle	Verbal Reprimand
I2025...	2.76. Court	Verbal Reprimand
I2025...	2.5. Department Vehicle	Letter of Reprimand



### Standard Operating Procedures Reviewed in Completed Investigations

Directives and SOPs	Count
1.1. Personnel Code of Conduct	40
2.76. Court	20
2.8. Use of on-Body Recording Devices	18
2.5. Department Vehicle	15
3.25. Bid Process	10
3.32. Performance Evaluations	6
1.62. Internal Affairs Professional Standards (IAPS Division)	16
2.56. Use of Force: Reporting by Department Personnel	9
3.21. Scheduled and Unscheduled Leave	6
1.5. Harassment/Sexual Harassment in the Workplace	2
2.45. Pursuit by Motor Vehicle	2
2.16. Reports	2
2.57. Use of Force: Review and Investigation by Department Personnel	5
3.30. Line Inspection Process	1
3.41. Complaints Involving Department Personnel	7
1.4. Uncommon SOP	2
1.61. Internal Affairs Force Division	2
1.80. Prisoner Transport Unit	2
2.10. Emergency Communications Center (ECC) Division	1
2.10. Use of Emergency Communications	1
2.83. Hospital Procedures and Rules	1
3.20. Overtime, Compensatory Time, and Work Shift Designation	1

### TOP 5 Standard Operating Procedures with Sustained Findings

Directives and SOPs	Count
2.8. Use of on-Body Recording Devices	20
2.76. Court	13
1.1. Personnel Code of Conduct	13
2.5. Department Vehicle	12
3.21. Scheduled and Unscheduled Leave	5

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

Directives and SOPs	Directive	Count
1.1. Personnel Code of Conduct	1.1.4.A.2.b	1
	1.1.4.B	1
	1.1.5.A.1	1
	1.1.5.A.5	2
	1.1.5.D.1	1
	1.1.6.A.1.a	1
	1.1.6.A.1.b	1
	1.1.6.A.3.a	1
	1.1.6.C.1	2
	1.1.6.C.3	1
	1.1.6.H.1	1
	<b>Total</b>	<b>13</b>

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

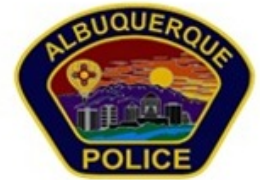
**May 2025**



**Prepared by:**

**Data Analytics Unit  
June 6, 2025**

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 - May 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, minimal, and proportional 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.

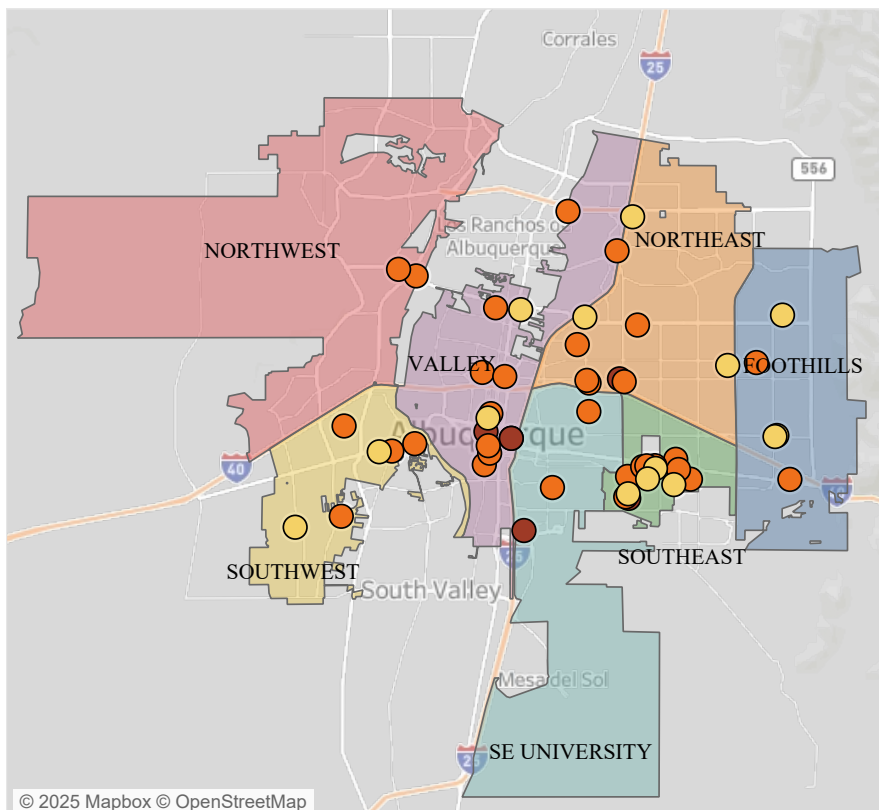
APD's jurisdiction includes the City of Albuquerque which is divided into six Area Commands. In the map below, Southeast Area Command is split into "SE University" and "Southeast". University Area Command is combined with Southeast Area Command in this report until updates to department databases are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

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

	Force Level			Grand Total
	Level 1	Level 2	Level 3	
Foothills	3	2	0	5
Northeast	3	5	1	9
Northwest	0	2	0	2
Southeast	4	10	2	16
Southwest	2	4	0	6
Valley	2	8	2	12
Out of Area	0	1	0	1
Grand Total	14	32	5	51

### 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.

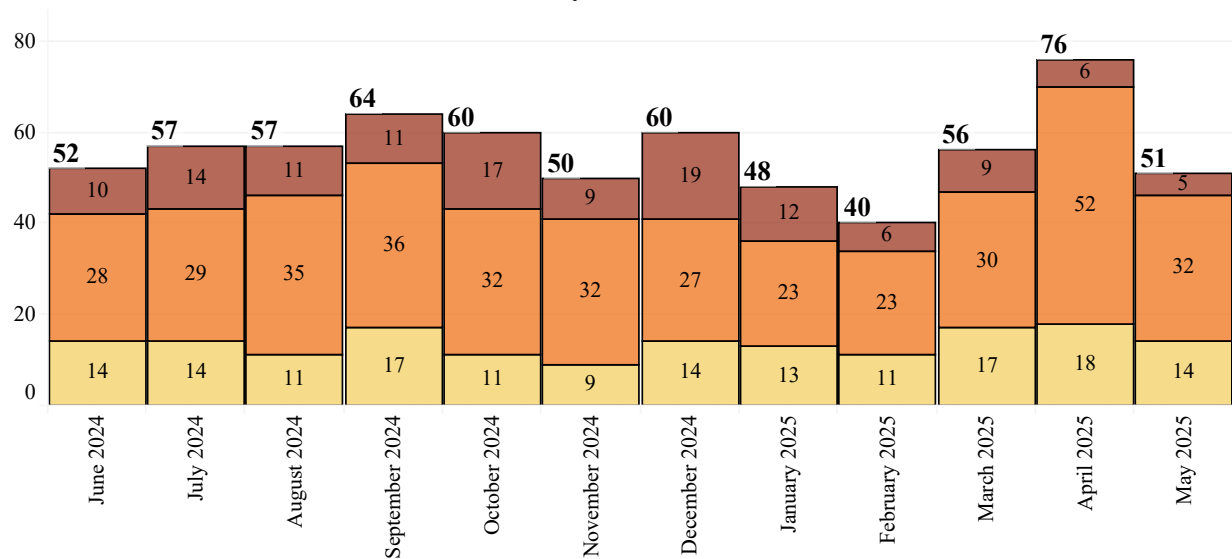
Force Level

Level 3

Level 2

Level 1

Total Uses of Force by Month and Level of Force



Total Uses of Force by Month and Area Command

		June 2024	July 2024	August 2024	September 2024	October 2024	November 2024	December 2024	January 2025	February 2025	March 2025	April 2025	May 2025	Grand Total
Foothills	Level 1	3	1	1	4	0	0	0	3	1	4	2	3	22
	Level 2	2	3	2	1	1	3	1	0	5	4	3	2	27
	Level 3	0	1	1	0	1	2	3	1	2	1	1	0	13
Northeast	Level 1	1	2	1	0	0	0	4	4	3	2	3	3	23
	Level 2	6	3	9	8	4	6	2	4	6	9	10	5	72
	Level 3	2	1	3	3	4	1	7	1	3	0	1	1	27
Northwest	Level 1	1	1	0	1	0	2	2	0	0	1	1	0	9
	Level 2	2	3	2	1	6	2	3	0	4	3	1	2	29
	Level 3	1	0	1	1	0	0	1	0	0	1	1	0	6
Southeast	Level 1	6	3	7	1	1	3	3	1	2	7	6	4	44
	Level 2	6	11	9	16	10	8	11	12	3	7	21	10	124
	Level 3	1	3	3	2	10	0	4	3	0	3	1	2	32
Southwest	Level 1	1	2	1	2	2	2	1	1	2	0	0	2	16
	Level 2	4	1	3	2	3	6	4	3	2	3	6	4	41
	Level 3	3	1	0	2	0	2	3	1	1	2	0	0	15
Valley	Level 1	2	5	1	9	7	2	4	4	2	2	6	2	46
	Level 2	7	8	10	7	7	7	6	4	3	4	9	8	80
	Level 3	3	7	3	3	2	4	1	5	0	2	2	2	34
Out of Area	Level 1	0	0	0	0	1	0	0	0	1	1	0	0	3
	Level 2	1	0	0	1	1	0	0	0	0	0	2	1	6
	Level 3	0	1	0	0	0	0	0	1	0	0	0	0	2
Grand Total		52	57	57	64	60	50	60	48	40	56	76	51	671



# Use of Force Benchmarked Against Calls For Service and Arrests - May 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 2023 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

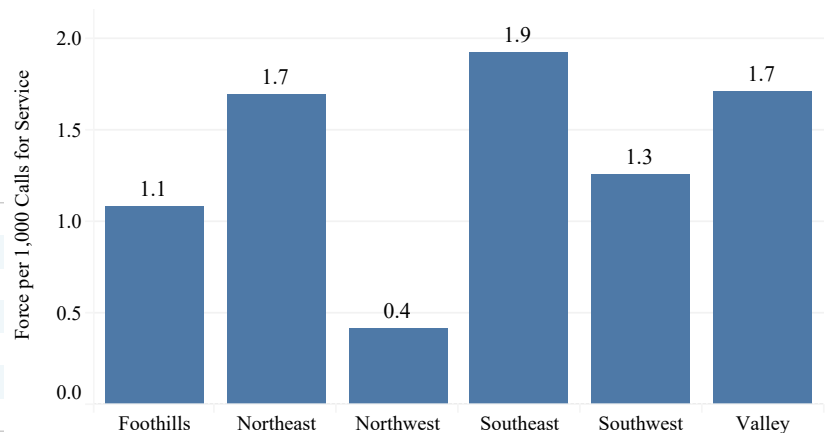
### Total Calls for Service for Area Commands

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, May 2025

Area Command	Total Force Cases	Total CAD Calls	Force per 1,000 Calls
Foothills	5	4,607	1.1
Northeast	9	5,317	1.7
Northwest	2	4,777	0.4
Southeast	16	8,316	1.9
Southwest	6	4,772	1.3
Valley	13	7,597	1.7
Out of Area	1		

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



## Arrests

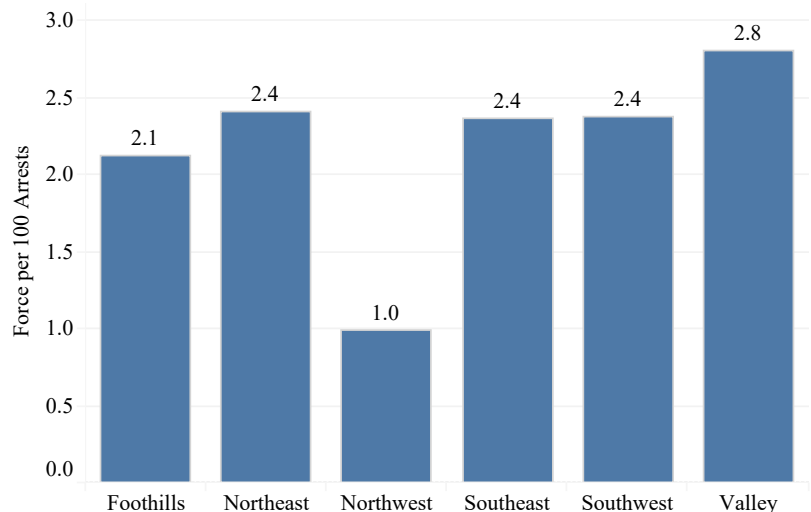
### Total Arrests for Area Commands

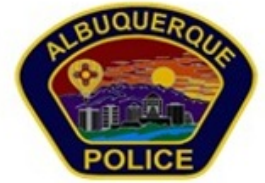
Arrests include custodial arrests and summonses.

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

Area Command	Total Force Cases	Total Arrests	Force Per 100 Arrests
Foothills	5	235	2.1
Northeast	9	374	2.4
Northwest	2	203	1.0
Southeast	16	675	2.4
Southwest	6	253	2.4
Valley	13	463	2.8
Unknown	0	46	0.0
Out of Area	1	37	2.7

### Force Rate per 100 Arrests



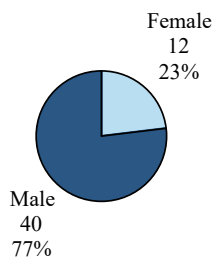


## Demographics of Individuals Involved in Force - May 2025

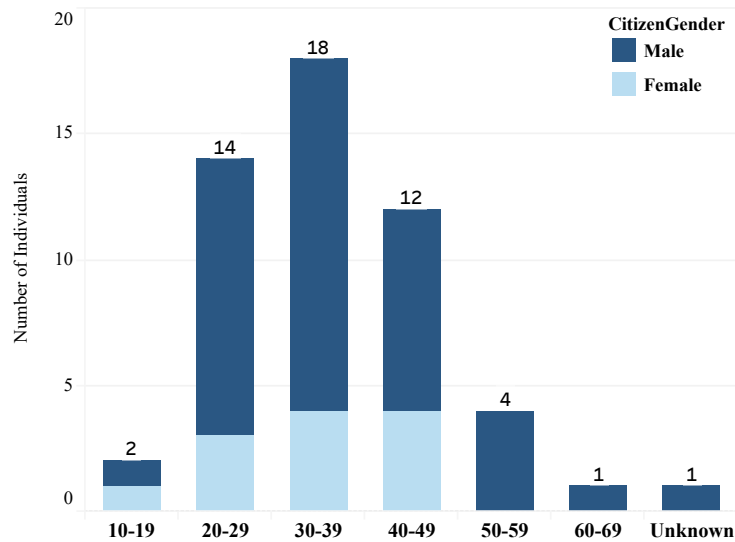
APD records information about individuals involved in use of force incidents. Citizen information is based on what the individual reported or, if not reported by the individual, on the investigators observations on scene and through review of body-worn camera video. Information may change as investigations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

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

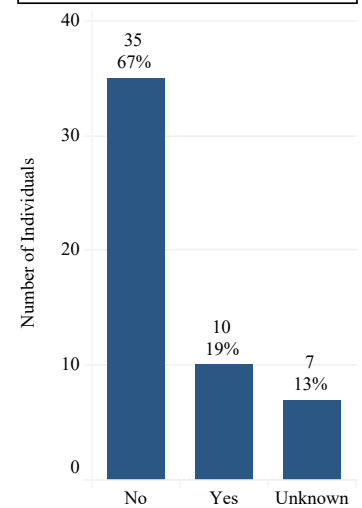
### Gender



### Age (Range 15-62)

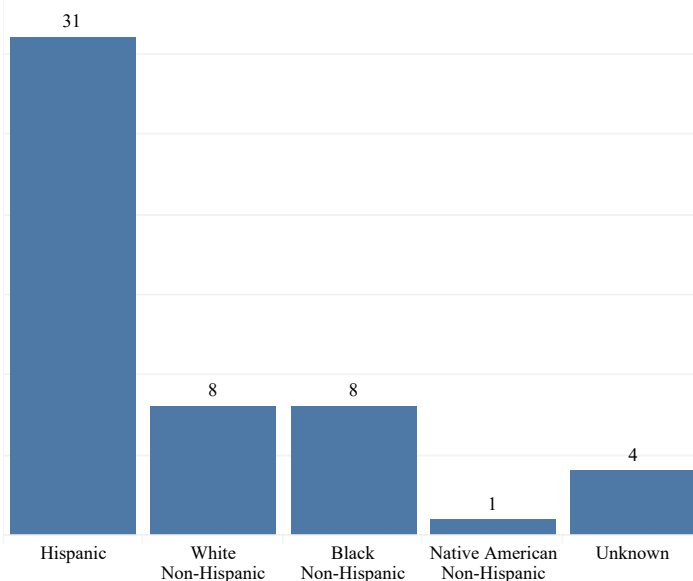


### Behavioral Health Involved



## Race and Ethnicity

### Individuals Involved in Force



### Force Rate per 100 Arrests, May 2025

Race/Ethnicity	Total Force	Total Arrests	Force Rate per 100 Arrests
Hispanic	31	932	3.3
White Non-Hispanic	8	791	1.0
Black Non-Hispanic	8	173	4.6
Native American Non-Hispanic	1	211	0.5
Asian Pacific Islander Non-Hispanic	0	18	0.0
Unknown	4	161	2.5

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 - May 2025

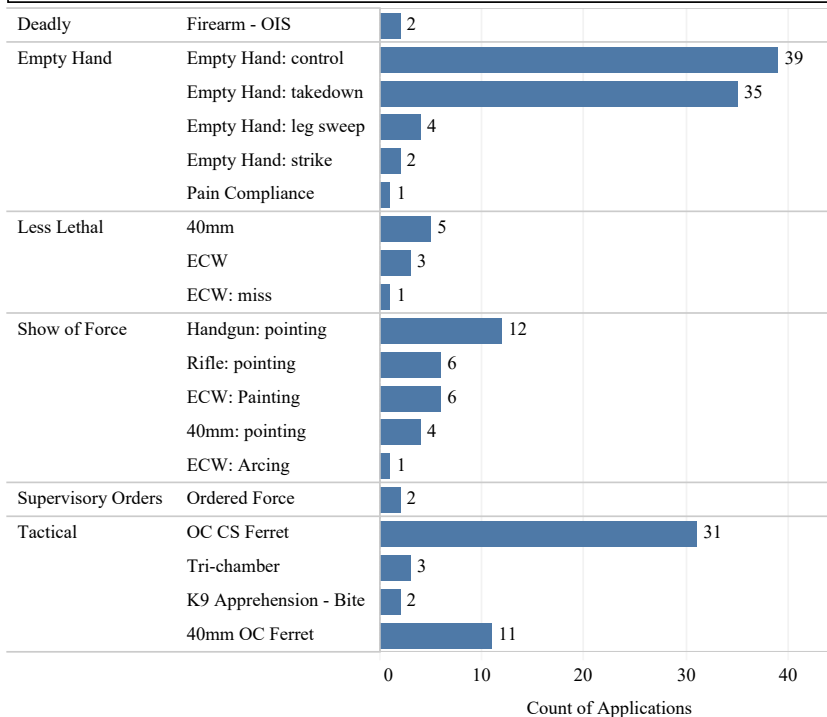
Officers are dispatched to calls for service and the original and final type of call for service are tracked. The table on the right shows the final call types for all calls involving force during the month.

Below, the total number of force applications for each type of force is shown. In any single force case, multiple officers are usually involved and each time a force technique is used, it is counted. For instance, if three officers were involved in a takedown technique with one person, that would be counted as three applications of an "Empty Hand: takedown".

## Final Call Types Associated with Force Events

Aggravated Assault/Battery	9
Armed Robbery Individual	1
Auto/Car Jacking	1
Automated License Plate Reader	1
Behavioral Health	1
Disturbance	6
Drunk Driver	2
Family Dispute	6
Fire Call	1
Shoplifting	1
Suicide	1
Suspicious Person(s)/Vehicle(s)	12
SWAT	5
Traffic Accident Injuries	1
Traffic Stop	1
Unknown	1
Wanted Person	1
Grand Total	51

## Total Force Applications for Each Type of Force Used



During May 2025, there were 51 Force Cases with a total of 170 Force Applications.





## Completed Force Investigations - May 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. **Three completed investigations IAFD (Level 2) and one completed investigation (Level 3) below had approved extensions to 120 days.**

Level 1 Unit		IAFD (Level 2 and Level 3)	
Total Completed Investigations		Total Completed Investigations	
16		35	
Average Days to Completion		Average Days to Completion	
14.9		84.3	
Minimum Days to Completion	Maximum Days to Completion	Minimum Days to Completion	Maximum Days to Completion
9	24	67	117

### 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 May 2025

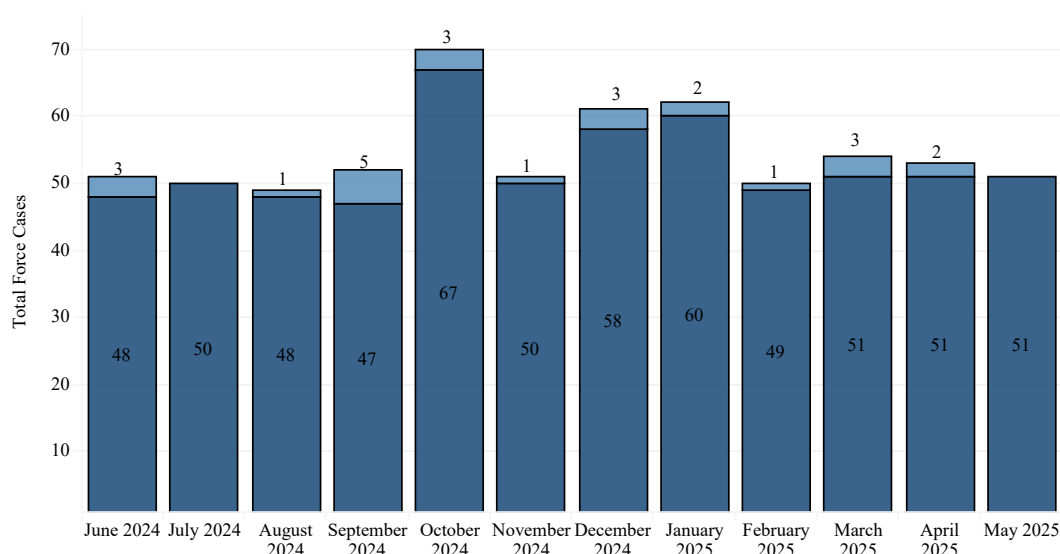
	Total Force Cases
In Policy	51
<b>Grand Total</b>	<b>51</b>

Out of Policy Force Cases by Area Command

### Case Disposition

- Out of Policy
- In Policy

### Policy Outcomes Prior 12 Months





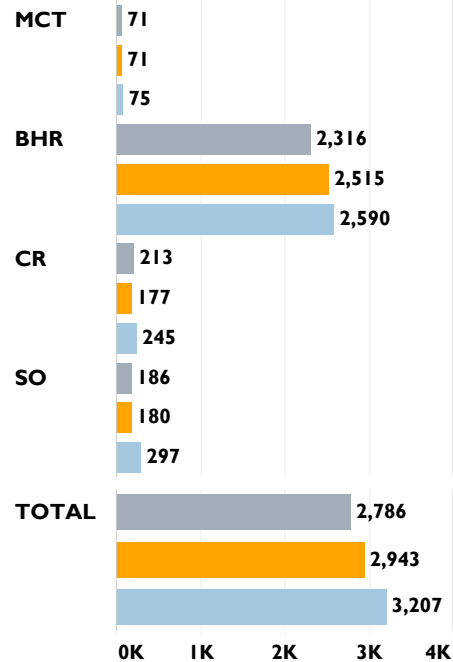
# ALBUQUERQUE COMMUNITY SAFETY

## MONTHLY INFORMATIONAL REPORT

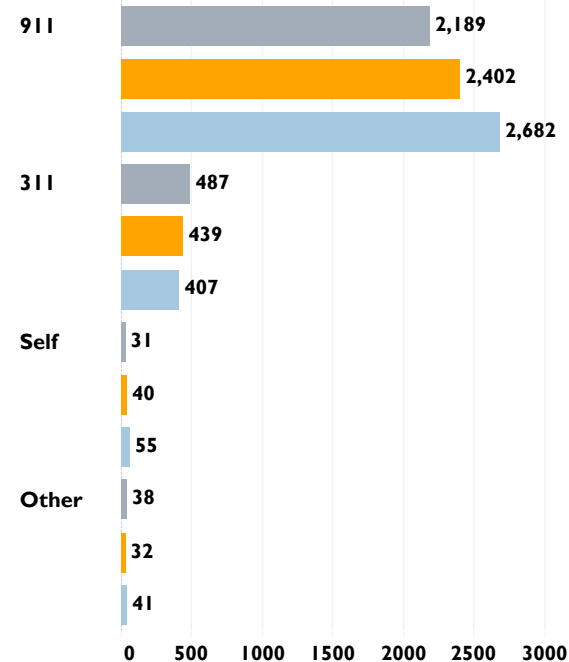
April 2025



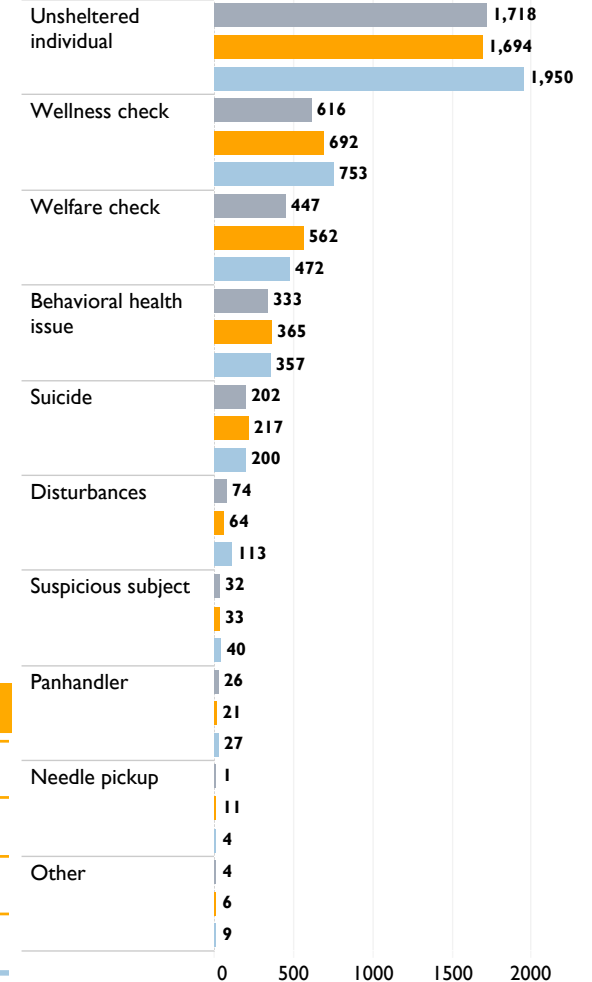
### CFS BY PROGRAM



### CFS BY REFERRAL SOURCE\*



### CFS BY CALL TYPE\*



### FISCAL YEAR TO DATE CALLS FOR SERVICE

Mobile Crisis Team 918

Behavioral Health Response 24,923

Community Response 1,588

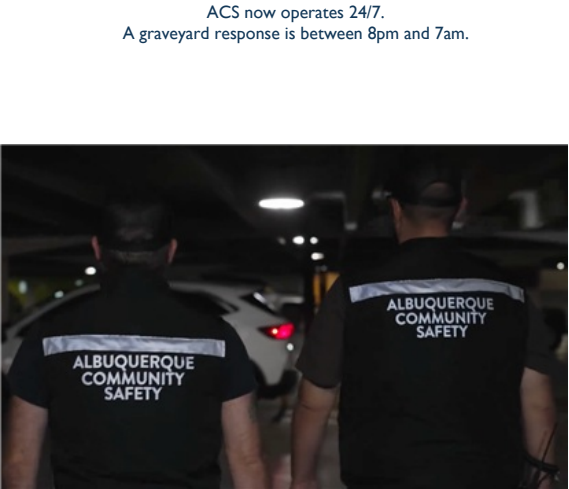
Street Outreach Response 2,983

**TOTAL CFS 30,412**

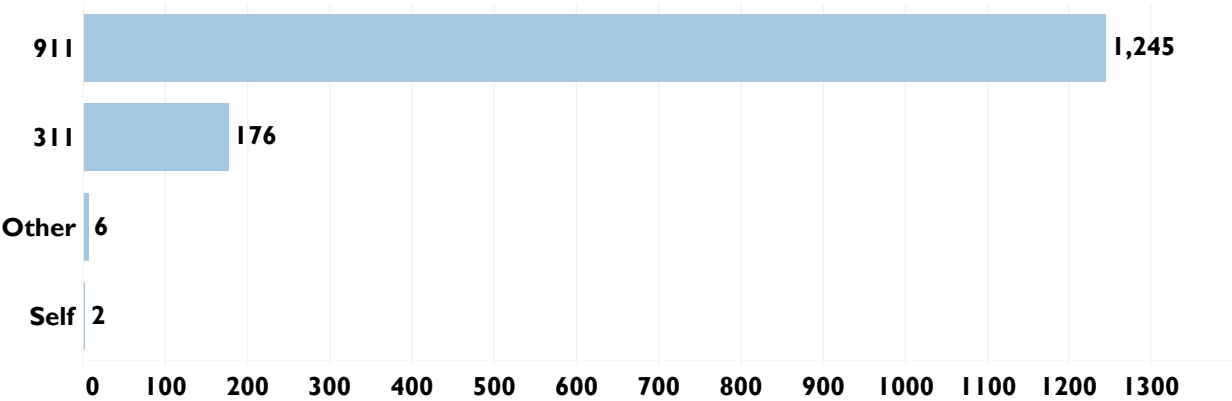
\*Does not include MCT data, which is currently tracked by APD



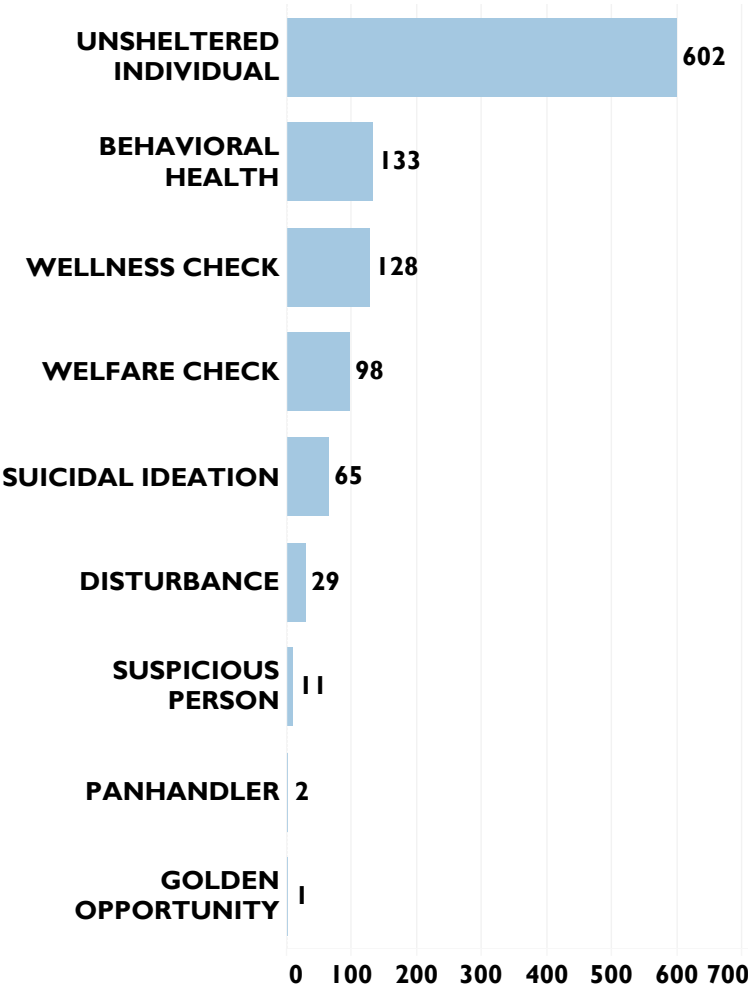
GRAVEYARD SHIFT REPORT



REFERRAL SOURCE

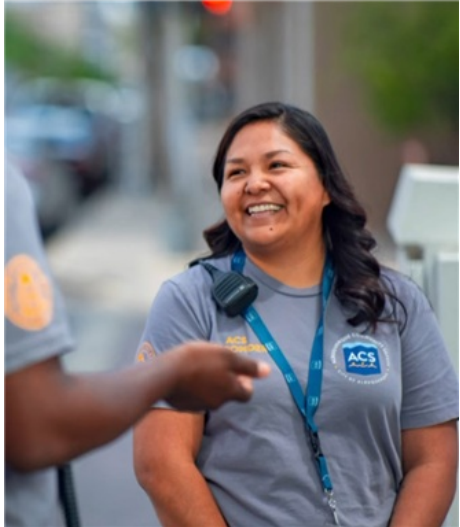


CFS BY CALL TYPE

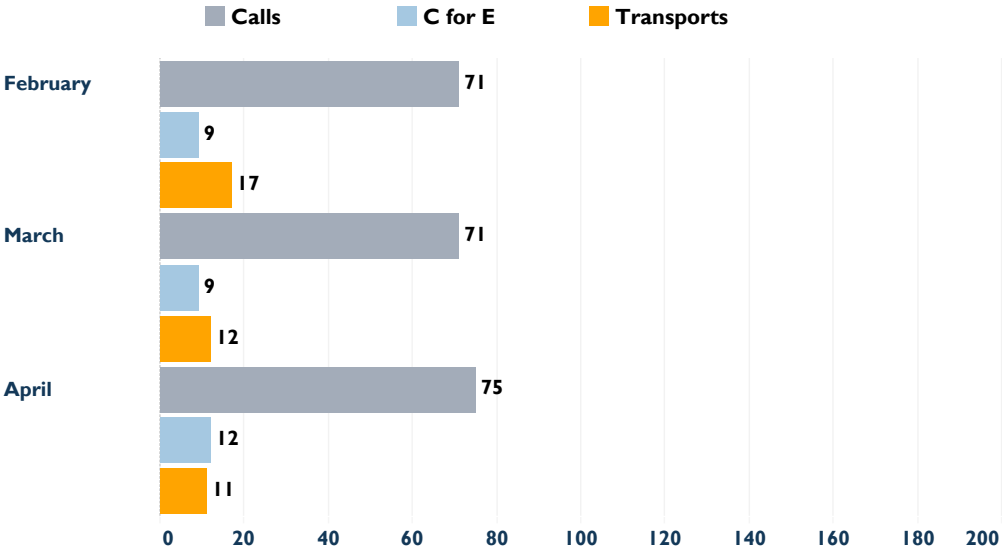


BHR RESPONSE TIMES (Calls with Priorities of 2, 3,4, and 5)

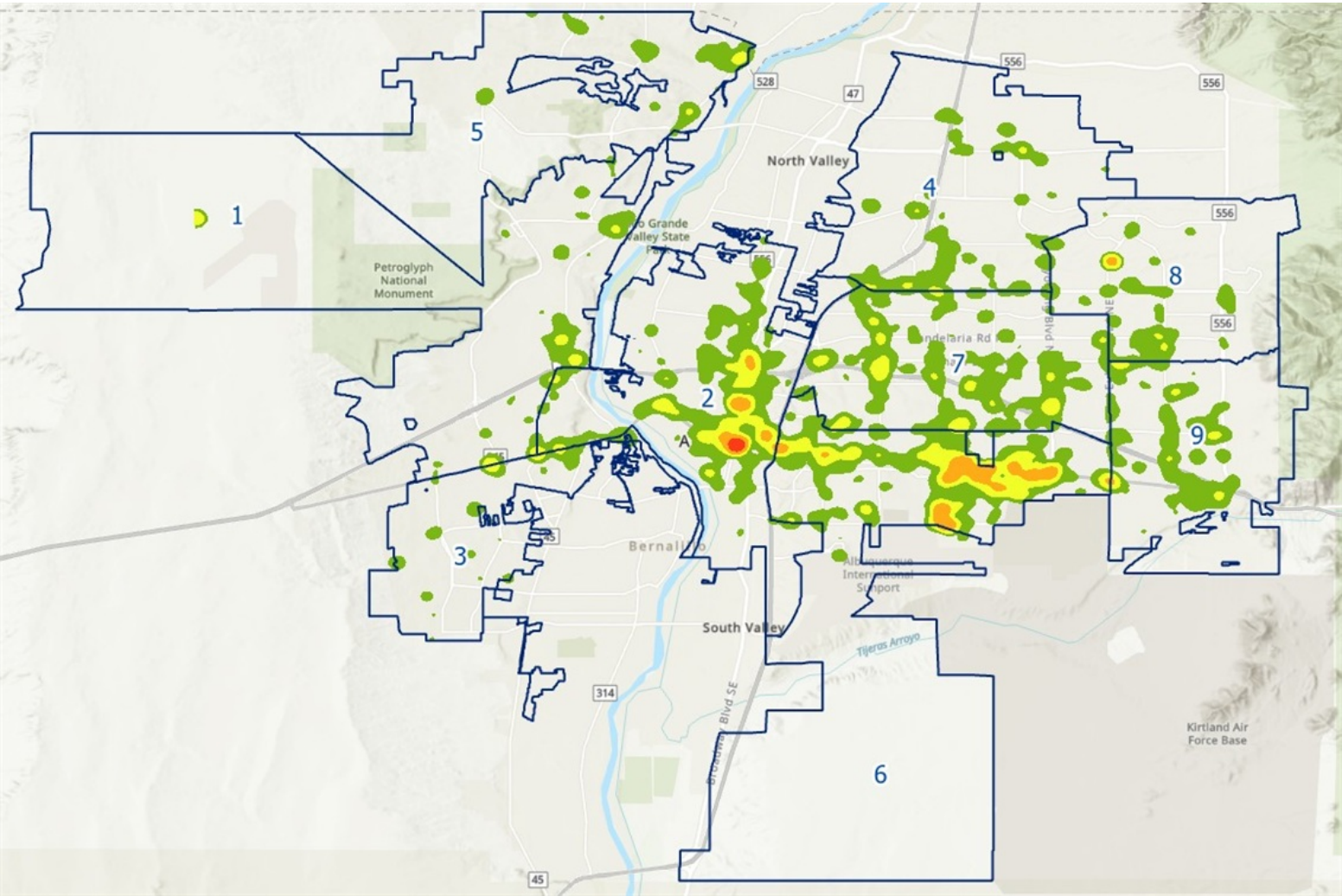
	FEB	MAR	APR	FYTD
Entry to Dispatch (in the queue)	02:59:23	03:21:07	03:31:20	03:16:55
Dispatch to On-Scene (travel time)	00:21:38	00:26:32	00:23:55	00:23:55
On-scene to Clear (time on the call)	00:22:47	00:22:44	00:21:48	00:22:37
Create to Clear (total time to address call)	03:45:35	04:11:22	04:20:12	04:05:03



MCT CALLS, CERTIFICATES FOR EVALUATION, AND TRANSPORTS



ACS CALLS FOR SERVICE BY COUNCIL DISTRICT



Council District	
1-Sanchez	200
2-Baca	717
3-Peña	92
4-Bassan	217
5-Lewis	117
6-Rogers	948
7-Fiebelkorn	485
8-Champine	155
9-Grout	241

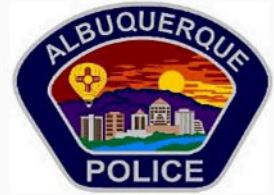




**Timothy M. Keller**  
Mayor

# City of Albuquerque

## Albuquerque Police Department



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

May 8, 2025

### Interoffice Memorandum

---

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

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

**Subject:** Non-Concurrence of Finding re: CPC-323-2024

This memorandum serves to convey the articulation for APD's points of non-concurrence in the above captioned administrative investigation conducted by the Civilian Police Oversight Agency.

Policy	CPOA Finding	APD Finding
1-1-6-A-1-c	Sustained	Exonerated

#### **Rationale for non-concurrence of action for 1-1-6-A-1c:**

Regarding the violation where Officer C stated in the essential remarks section of the traffic citation that the driver advised him that he was not paying attention, I am struggling to see how that would negatively affect the department's effective operation. Mr. Fisher points out that the essential remarks section assists the officer in prosecuting a traffic violation when appearing before a judge. There is no requirement in policy for officers to put anything in that section. In other words, they can choose to leave that section blank. Additionally, it becomes the officer's responsibility to testify before the judge about the reason for the stop.

I agree with the statement of the CPOA investigator, who said accurate documentation is essential to department operation. However, there is no other articulation or evidence how Officer C created an ineffective operation by misstating something on a traffic citation. I also agree with the CPOA's decision to avoid charging Officer C with a class one violation for knowingly making a false statement because it is more likely that he interpreted the driver's response as not paying attention than attempting to falsify information on a citation.

Officer C stated in his PDH that he did nothing to prepare for the CPOA interview, but after reviewing his video before the PDH, he realized he had misspoken in the initial interview and corrected the information during the PDH.

It was either the wrong policy, or there was not enough explanation for me to support the conclusion that this affected the Department's operations. Therefore, I have concluded that this violation should be exonerated.

**Conclusion:**

I have recommended that the finding be changed to exonerated and that no action be taken against Officer C. Superintendent Garcia reviewed these circumstances and concurred.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Collins', with a long horizontal stroke extending to the right.

Major Jimmy Collins,  
Deputy Superintendent of Reform  
Albuquerque Police Department

Cc: Eric Garcia, Superintendent of Police Reform

APD Policy  
Recommendation(s)





## **1-1 PERSONNEL CODE OF CONDUCT**

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

#### **A. Related SOP(s)**

- 1-4 Bias-Based Policing and/or Profiling (Formerly 1-03)
- 1-5 Harassment/Sexual Harassment in the Workplace (Formerly 1-12)
- 1-10 Peer Support Program
- 1-20 Behavioral Sciences Section (Formerly 1-11 and 1-14)
- 2-2 Department Property (Formerly 3-75)
- 2-5 Department Vehicles (Formerly 1-19)
- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-9 Use of Computer Systems (Formerly 1-37)
- 2-16 Reports (Formerly 1-05)
- 2-81 Off-Duty Conduct: Power of Arrest (Formerly 2-15)
- 3-31 Physical Fitness Assessment (Formerly 3-83)
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)

#### **B. Form(s)**

PD 2058 Department Personnel Gift Reporting Form  
Department of Technology and Innovation Mobile Device Policy and Procedures  
Employee Self Service Portal Outside Employment Form  
Employee Self Service Portal Personal Information

#### **C. Other Resource(s)**

Agreement Between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO  
Albuquerque, N.M., Administrative Instructions  
Albuquerque, N.M., Administrative Instruction No. 7-18 Harassment/Sexual Harassment Policy  
Albuquerque, N.M., Administrative Instruction No. 7-19 Political Activities of City Employees and Use of City Property for Political Activities  
City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees (AFSCME, Local 2962, AFL-CIO, CLC)  
City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement  
City of Albuquerque Personnel Rules and Regulations (2001)  
N.M. Const.  
NMSA 1978, §§ 10-16-1 to 10-16-18 Governmental Conduct  
NMSA 1978, §§ 24-16-1 to 24-16-20 Dee Johnson Clean Indoor Air Act  
NMSA 1978, §§ 30-23-1 to 30-23-7 Misconduct by Officials  
NMSA 1978, §§ 30-25-1 to 30-25-2 Perjury and False Affirmations  
NMSA 1978, §§ 30-26-1 to 30-26-2 Interference with Public Records



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

NMSA 1978, §§ 40-13-1 to 40-13-13 Family Violence Protection  
NMSA 1978, § 32A-1-1 to 32A-1-4 Children's Code  
ROA 1994, § 3-3-5 Conflict of Interest; Employees  
ROA 1994, Article X Merit System  
U.S. Const.  
*United States of America v. City of Albuquerque*, No. 1:14-cv-01025 – Document 465  
(D.N.M. 2019)

**D. Rescinded Special Order(s)**

SO 23-60 Reporting Respondent of a Restraining Order  
SO 24-180 Amendment to SOP 1-1 Personnel Code of Conduct  
SO 25-44 Amendment to SOP 1-1 Personnel Code of Conduct

**1-1-1 Purpose**

It is the purpose of this policy to articulate the mission statement of the Albuquerque Police Department (Department) and to provide sworn and non-sworn personnel with clear expectations for professional standards of conduct on- and off-duty.

**1-1-2 Policy**

It is the policy of the Department to achieve its vision statement, which is an Albuquerque where the community and the Department work together through mutual trust to build a thriving community. It is also the policy of the Department to uphold its mission statement, which is to build relationships through community policing that will lead to reduced crime and increased safety.

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

**A. Civil Rights**

The individual rights of personal liberty are guaranteed by the laws and constitutions of the United States, State of New Mexico, and City of Albuquerque. Civil rights include but are not limited to the rights against unlawful searches, seizures, uses of force, and discrimination based on a protected class or activity.

**B. Conflict of Interest**

A conflict of interest exists when employee's personal interest or relationship in a transaction, business dealing, or an obligation conflicts with the employee's duties to the Department or City of Albuquerque.

**C. Insubordination**

Intentional disobedience of a lawful and objectively reasonable directive by a supervisor or disrespectful conduct directed towards any Department superior.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

D. Order of Protection

A court order granted for the protection of a victim of domestic abuse as defined in NMSA 1978, §§ 40-13-1 to 40-13-13.

E. Prohibited Personal Relationship

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

F. Relative

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

G. Retaliation

Conduct or action designed to serve as retribution against another, including any deliberate, purposeful actions or failures to act that cause or could reasonably be expected to cause physical harm, property damage, significant emotional stress, or some other serious negative outcome.

H. Smoke

To inhale, exhale, burn, or carry any lighted or heated cigar, cigarette, or pipe, or to use an electronic smoking or vaping device.

I. Supervisor

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

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

A. Department personnel shall obey:

1. The United States Constitution and the Constitution of the State of New Mexico. Violations of the U.S. and New Mexico Constitutions include but are not limited to:

- 1**
  - a. Criminal charges resulting from a violation of the U.S. or New Mexico Constitution; and
  - 2-3** b. Civil violations of the U.S. or New Mexico Constitution.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

2. The criminal codes of the United States, State of New Mexico, City of Albuquerque, and all governing jurisdictions. Violations of criminal codes include but are not limited to:

- 1
- 1-3
- 2-4
- 5-7
- 5-7
- a. Felony crimes;
  - b. Misdemeanor crimes;
  - c. Petty misdemeanor crimes;
  - d. Traffic code violations, including non-arrest violations; and
  - e. Summoned criminal violations from outside jurisdictions that may be civil violations within the City of Albuquerque.

- 5-7
3. The City of Albuquerque Code of Ordinances, City's Administrative Instructions, and the City's Personnel Rules and Regulations.

- 1
- B. All sworn personnel shall maintain an active, unrestricted state certification issued by the New Mexico Law Enforcement Academy (NMLEA). Provisional/temporary revocation of certification shall be *prima facie* evidence of a violation of this policy. Upon receiving notification that the sworn personnel's certification has been suspended or revoked by the NMLEA, sworn personnel whose certification has been suspended or revoked shall notify the appropriate Deputy Chief in writing, through their chain of command, within twenty-four (24) hours of receipt of notification.

6 1-1-5 **General Conduct and Responsibilities**

A. Public Welfare

- 5
- 3
- 3
- N/A
- 1. Department personnel shall treat the public with respect, courtesy, and professionalism at all times.
  - 2. Sworn personnel shall not discriminate against any person based on their race, color, religion, sex, national origin, age and/or disability, consistent with the City's Human Rights Ordinance (ROA 1994, § 11-3-1), nor based on their veteran status, sexual orientation, and/or gender identity, consistent with SOP Bias-Based Policing and/or Profiling.
  - 3. All sworn personnel shall intervene to stop or prevent another officer from committing a civil rights violation. This duty arises when a violation is occurring or when sworn personnel are objectively able to determine a violation will occur, and when sworn personnel have an objectively reasonable belief, based on the facts known to them at that time, that the other officer's actions constitute a civil rights violation.
    - a. Any civil rights violation shall be reported, consistent with SOP Complaints Involving Department Personnel.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

4. Department personnel shall obtain information from the public in a professional, prompt, and courteous manner, and they shall then act upon it in a proper and judicious manner within the scope of their duties.
5. Any time personnel represent the Department or identify themselves as police officers or Department employees, they shall not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.

**B. Violation of Laws and Regulations**

**3**

1. Department personnel shall inform their immediate supervisor within twenty-four (24) hours regarding their arrest, receipt of a criminal summons or criminal citation, or the suspension or revocation of their driver's licenses.
2. Department personnel shall inform their immediate supervisor the next business day regarding the following:
  - a. Traffic ticket(s); or
  - b. Parking citation(s).

**5**

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

**1-3**

4. Upon the return of an indictment, or filing of criminal information, complaint of other formal criminal charge for the violation of any federal, state, or local felony or misdemeanor, the Department after conducting a complete and thorough investigation of the matter may impose discipline up to and including termination.

**C. Misconduct**

**N/A**

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

**4**

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

**D. Reporting for Duty**

**5**

1. All Department personnel, including supervisors and command staff, shall report for duty at the time and place required by assignment or order.
2. Department personnel shall report for duty in possession of all required Department-issued equipment.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

3. All sworn personnel, Prisoner Transport Unit (PTU) Officers, and Metro Court Officers shall carry, display, and use weapons in a careful, prudent manner, consistent with the laws of the State of New Mexico and Department SOP(s).
  - a. When on-duty, sworn personnel shall carry their firearm, badge, on-body recording device (OBRD), and Department-issued identification card on their person, consistent with Department SOP(s).
    - i. Department recruit officers may be issued a temporary identification card to carry on their person until they are issued a permanent one. The temporary identification card shall include the recruit's full name, current title/position, the Department logo, and a signature signed off by the Chief of Police.
  - b. When off-duty, sworn personnel shall, if armed, carry on their person their Department-issued identification card and badge.

4. Department personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department or the City as to the condition of their health.
5. Department personnel shall obtain approval from their supervisor or, if not available, another on-duty supervisor in their command prior to leaving any assignment for any reason.

**E. Department-Issued Property**

5. Department personnel shall not lend or offer their Department-issued identification card or badge to anyone.
2. Department personnel shall be responsible for safeguarding, using, and properly maintaining all Department-issued property. All authorized equipment shall be used only for its intended purpose, consistent with Department SOP(s).
3. Department personnel shall not photograph or video record any crime scene or police-related investigation outside of their job duties.
4. 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.
5. Department personnel shall ensure that all law enforcement facilities are secure, including verifying that security doors are closed and locked.
6. Department personnel shall not permit anyone into a secured area without proper identification.
7. For security purposes, when not in uniform at any law enforcement facility other





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

than training facilities, Department personnel shall wear their Department-issued identification card or badge so that it is visible on the outer garment. Department personnel shall inquire of anyone who is not wearing a Department-issued identification card or badge or a visitor's pass whether they are authorized to be in the Department facility. If the individual is not authorized to be in the Department facility, or if personnel cannot determine whether the individual should be in the Department facility, personnel should alert the Emergency Communications Center (ECC) or the City's Security Services. Sworn personnel may, when consistent with the Fourth Amendment, escort unauthorized individuals from the Department facility.

7

8. Use of Department-Issued Cell Phones

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

F. Personnel Contact Information

1. Department personnel shall have an operating telephone in their residence(s), either a landline or a cell phone.
2. Department personnel shall report any changes to telephone numbers or addresses to their supervisor and to the Personnel Management Division within two (2) working days of the change.
3. On an annual basis, personnel shall update their emergency contact information through the Personal Information Summary Link found in the City's Employee Self Service Portal. Supervisors with rights to this information may access their employee's contact information at any time.

G. Physical Fitness and Mental Well-Being

1. Department personnel shall maintain sufficient physical and mental competency to properly perform their duties and to assume the responsibilities of their positions.
2. Department sworn personnel are encouraged to uphold minimum fitness standards consistent with SOP Physical Fitness Assessment.

N/A

N/A



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

3. Department sworn and professional staff personnel shall have access to the mental health services offered by the Behavioral Sciences Section, consistent with SOP Behavioral Sciences Section.

**N/A**

4. The Department shall provide both sworn and professional staff personnel the opportunity to give and receive support to overcome stressful personal and professional experiences, consistent with SOP Peer Support Program.

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

**A. General Conduct**

**5**

1. All Department personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that:
  - a. May cast doubt on their integrity or honesty;
  - b. Brings discredit to the Department; or
  - c. Impairs the Department's efficient and effective operation.
2. Department personnel shall clearly provide their name, rank, duty assignment, and employee number verbally or in writing to any person requesting such information while on-duty or while they are acting in an official capacity, with the following exceptions:
  - a. When the immediate disclosure could interfere with the performance and completion of the duties of sworn personnel, the employee may withhold such information until it is reasonable and safe to provide the information. Once it is safe to do so, sworn personnel shall provide the requested information; and
  - b. When repeated requests are made that information shall be provided in writing when safe to do so.

**1**

3. Department personnel shall truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the Department.
  - a. Sworn personnel who are a subject of or a witness to a matter under investigation shall answer truthfully all questions directed to them, consistent with the current Collective Bargaining Agreement (CBA) between the City of Albuquerque and the Albuquerque Police Officers' Association (APOA).

**5**

4. Department personnel shall avoid regular or continuous association or activity with people whom they know or should know are under active criminal investigation or indictment. Department personnel shall also avoid associating or engaging in activities with people who have a reputation in the community or the Department for current involvement in felonious or criminal behavior, except as necessary in the performance of official duties or where unavoidable because of other personal relationships.





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

**5** 5. Department personnel shall not knowingly visit, enter, or frequent a house of prostitution or knowingly visit, enter, or frequent an illegal gambling house, except in the performance of official Department business.

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

- a. Reports;
- b. Citations;
- c. Public records or documents;
- d. Public vouchers;
- e. Payroll, to include overtime slips;
- f. Leave requests;
- g. Personnel records; or
- h. Affidavits.
- i. In addition to disciplinary action up to and including termination, a violation of this section may result in prosecution for violating federal and/or state laws, including but not limited to Misconduct by Officials (NMSA 1978, §§ 30-23-1 to 30-23-7), Perjury and False Affirmations (NMSA 1978, §§ 30-25-1 to 30-25-2), or Interference with Public Records (NMSA 1978, §§ 30-26-1 to 30-26-2).

**4** 7. Department personnel who are the respondent of a protection order or restraining order shall provide a copy through the chain of command to the respective Deputy Chief within twenty-four (24) hours of receipt.

**6** a. The receiving supervisor shall report the protection order or restraining order to the Internal Affairs Professional Standards (IAPS) Division via the Internal Affairs Database Management System within twenty-four (24) hours of receipt.

**5** 8. Department personnel shall not knowingly commence or engage in social or romantic relationships with confidential informants, victims, suspects, or witnesses involved with active investigations when Department personnel have involvement in the investigation or case.

**2** 9. At no time shall sworn personnel engage in a sexual and/or romantic relationship with a minor child who is less than eighteen (18) years old. (NMSA 1978, § 32A-1-4).

**3** B. Confidentiality

1. Department personnel shall always treat the official business of the Department as confidential. Information regarding official business shall be disseminated



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

only to those for whom it is intended, consistent with Department SOP(s).

2. Confidential information is not intended nor suitable for release to the general public. Department personnel shall maintain the confidential and private nature of this information.
3. Consistent with the City's Personnel Rules and Regulations, Section 311.7, confidential, privileged information, whether verbal, written, video/audio, or machine-readable, which is accessible to Department personnel through their course of employment with the Department, is for use only in the course of their official duties and shall not be disclosed for personal gain or profit.
- 5 4. Department personnel shall not release any police documents or OBRD video for use in any hearing or use by any court unless a subpoena or court order was issued or the release of information was approved by the City Attorney, the Chief of Police, or through appropriate Department processes.

C. Obey All Department and Supervisory Orders

1. While on-duty, Department personnel shall meet the roles and responsibilities as required by their position in order to maintain the Department's functions, objectives, and standards of efficiency.
2. In addition to adherence to all federal, state, and local laws, Department personnel shall perform any act required by the Department's directives and orders, including SOPs and Special Orders.
- 4 3. Department personnel shall promptly obey all lawful written or verbal orders given by a supervisor. This includes orders relayed from a supervisor to the individual by other personnel of the same or lesser rank.
  - a. Department personnel who are given an otherwise proper order that conflicts with a previously given order shall respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the supervisor's most recent order stands.
    - i. Upon receiving notice of a prior conflicting order, the supervisor bears the responsibility for resolving any such conflict.
  - b. Department personnel, however, shall not obey any order that they know or should know would require them to violate any federal, state, or local law or Department or City policy.
  - c. If in doubt as to the legality of an order, personnel shall request that the issuing supervisor clarify the order, or personnel may confer with higher-ranking authority.

- 4 4. Insubordination by any member of the Department is prohibited.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

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

**1**

**D. Retaliation**

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

**7**

**E. Political Activity**

1. Department personnel shall be guided by New Mexico laws, the City's Personnel Rules and Regulations, Section 311.3, and City Administrative Instruction No. 7-19. Department personnel shall be guided by the following examples of prohibited political activities while on-duty, while in uniform, or while otherwise serving as a representative of the Department. Prohibited political activities include the following:
  - a. Placing, affixing, or distributing any campaign literature on City- or County-owned property;
  - b. Soliciting political funds from any Department employee or another governmental agency in this jurisdiction;
  - c. Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
  - d. Using official authority to interfere with any election or interfere with the political actions of other Department personnel or members of the public;
  - e. Favoring or discriminating against any person seeking employment because



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

- of political opinions or affiliations; and  
f. Using Department-issued equipment to engage in political activity.

**F. Substance Use and Abuse**

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

**G. Controlled Substances**

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

**1**



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

4. Department personnel shall not possess any illegal controlled substances, consistent with federal and state laws. Any illegal possession shall result in termination of employment.

1 5. Department personnel shall not consume any controlled substance unless prescribed by a licensed medical professional, consistent with the City's Personnel Rules and Regulations, Chapter Substance Abuse Policy. Please refer to Part 1, Section 10.A regarding the use of controlled substances without a prescription and refer to Part 1, Section 14.B.2.b regarding the exception for first time use of anabolic androgenic agents for eligibility in the Second Chance Program.

5 6. Department personnel shall notify their immediate supervisor when using prescription medications that may impair their mental and/or physical performance. The employee shall advise the supervisor of the known side effects of such medication and the prescribed period of use.

a. Department personnel may be temporarily reassigned to other duties during the time they are required to take the prescribed medication.

7. Department personnel shall not consume any prescribed or over-the-counter medication in amounts beyond the recommended dosage.

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

6 H. Tobacco and Vaping Products

1. Department personnel shall not smoke or use smokeless tobacco products within any City building or structure or within thirty (30) feet of the entrance to any structure located on City property.

2. Department personnel shall not smoke or use smokeless tobacco products within thirty (30) feet of a City-issued vehicle.

3. Department personnel shall not use any tobacco product while in contact with the public.

3-6 1-1-7 **Conflict of Interest**

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





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

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

**B. Business Relationships and Business Contracts**

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

**C. Outside Employment**

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



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

4. Department personnel who are enlisted or who are commissioned in the Armed Forces of the United States, including the National Guard and Reserves, shall notify the Department of their membership status and Armed Forces obligations.
5. Department personnel shall provide their military orders to the Department's Payroll Section upon joining the service.
6. Department personnel whose military status changes shall submit their updated military orders to Payroll Section personnel when the status change becomes effective.
7. Department personnel shall provide their supervisor and the Payroll Section with an annual monthly training schedule and any notice of unscheduled military service.

**5** D. Personal Relationships and Relatives

1. Not all conduct between Department personnel and their subordinates and superiors is prohibited; however, the following actions are viewed as unbecoming and are directly prohibited:
  - a. Any personal relationship that, in reality or appearance, suggests improper influence between two or more Department employees;
  - b. The direct supervision, evaluation, audit, investigation to include discipline of any Department personnel whereby the employee and supervisor are involved in a personal relationship or are related; and
  - c. Engaging in a prohibited personal relationship.
2. Department personnel shall not socialize with, engage the services of, accept services from, or do favors for any person known to be under active criminal investigation, charges, or indictment, except as necessary or unavoidable because of prior existing personal relationships.
3. Department personnel shall only communicate with the spouse or significant other of a person under active criminal investigation, charges, or indictment if the communication is necessary to perform their official duties or unavoidable because of prior existing personal relationships. Personnel shall treat the spouse or significant other of a person under active criminal investigation, charges, or indictment in a professional manner.

- 3**
4. Department personnel shall not knowingly interfere with any criminal or administrative investigations, assigned tasks, or the duty assignments of another employee. Personnel shall not directly or indirectly, by threat, bribe, or other means, attempt to secure the withdrawal or abandonment of an administrative or criminal complaint or charges.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

5. Department personnel shall not conduct any criminal or administrative follow-up investigation outside the scope of their assigned duties without first having previous authorization from the primary investigator or immediate supervisor.
6. Department personnel are expected to follow SOP Harassment/Sexual Harassment in the Workplace and the City's Administrative Instruction No. 7-18 (Albuquerque, N.M., Harassment/Sexual Harassment Policy, 2020) regarding sexual harassment and inappropriate personal relationships between sworn personnel of different ranks and positions within the same chain of command and civilian personnel within the same chain of command.
- 1

 7. Department personnel shall not engage in sexual acts with individuals who are in police custody or who are detained.

5

 E. Special Considerations, Privileges, and Professional Courtesies

1. Department personnel shall not offer special considerations, privileges, or professional courtesies to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any federal, state, or local law, or Department or City policy.
2. Department personnel who are being investigated in connection with an alleged violation of a law or Department or City policy are not permitted to solicit special considerations, privileges, or professional courtesies from other Department personnel or personnel from other law enforcement agencies.
3. Department personnel shall not solicit or accept gifts, gratuities, or compensation either for themselves or for other personnel for services performed in the line of duty other than that which is paid by the City or is allowed by the City's Merit System Ordinance unless:
  - a. Department personnel may accept *de minimus* gifts from members of the public, with a fair market or pecuniary value not to exceed fifty dollars (\$50.00), so long as Department personnel do not allow such gift to influence any official act that could be considered a reciprocal benefit. For a thing of value conveyed to Department personnel to be considered a gift, it cannot have any connection to or be responsive to an official act done by Department personnel;
    - i. Department personnel shall not accept any *de minimus* gift from a single source, the aggregate of which exceeds fifty dollars (\$50.00) over a one (1) year period.
  - b. Department personnel shall not accept any gratuity or compensation from a member of the public as a matter of policy. For a thing to be considered a gratuity, it is in direct response to the performance or completion of an official act performed in the line of duty;
  - c. Department personnel shall complete the Department Personnel Gift





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

Reporting Form when a gift exceeding the *de minimus* amounts stated herein and provide it to the Chief of Police; and

- i. Where the value of the gift or the propriety of acceptance is in question, Department personnel shall not be subject to sanction provided that the gift is reported in good faith and is not otherwise utilized.
- d. Unsolicited monetary gifts of any amount donated to the Department or any Department personnel shall be reported to and turned into the Chief of Police's office where the amount shall be documented.
  - i. Such gifts shall be donated to the Department's Chaplin's fund or another non-profit.
4. Department personnel shall never accept gifts, gratuities, or advantages from any suspect, prisoner, defendant, representative of a defendant, or individual involved in any case, or from any individual of ill repute, a professional bondsman, or a person whose occupation may profit from information obtained from the Department.
5. If any establishment has a policy to provide food, beverages, and/or services at a lesser rate for Department personnel, the establishment shall not receive any official considerations but shall be treated the same as any other establishment.
6. Department personnel shall not use their official positions to gain entry into any event without paying admission, except when assigned to work the event while on-duty or working the event as off-duty employment.
7. Department personnel shall not use their official position, Department-issued identification card, badge, or official Department logo or letterhead to solicit any benefits or gratuities for any personal or financial gain or to obtain privileges not otherwise available to them, or to avoid any consequences of illegal conduct.
- 6 8. Any sworn personnel who plan to receive reduced or free rent shall submit a written request for prior approval to the Chief of Police.
  - a. Each request shall be reviewed on a case-by-case basis.
  - b. Sworn personnel may receive reduced rent as long as the grant of reduced rent does not violate Department SOP(s) regarding gratuities, and the rent is not based on the performance of any official duty that may constitute a conflict of interest.
  - c. The grant of reduced rent shall be reviewed by the Chief of Police to determine if it could be interpreted as influencing the sworn personnel's judgement or if it would appear to be a conflict of interest.



## **1-1 PERSONNEL CODE OF CONDUCT**

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

#### **A. Related SOP(s)**

- 1-4 Bias-Based Policing and/or Profiling (Formerly 1-03)
- 1-5 Harassment/Sexual Harassment in the Workplace (Formerly 1-12)
- 1-10 Peer Support Program
- 1-20 Behavioral Sciences Section (Formerly 1-11 and 1-14)
- 2-2 Department Property (Formerly 3-75)
- 2-5 Department Vehicles (Formerly 1-19)
- 2-8 Use of On-Body Recording Devices (Formerly 1-39)
- 2-9 Use of Computer Systems (Formerly 1-37)
- 2-16 Reports (Formerly 1-05)
- 2-81 Off-Duty Conduct: Power of Arrest (Formerly 2-15)
- 3-31 Physical Fitness Assessment (Formerly 3-83)
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)

#### **B. Form(s)**

##### [PD 2058 Department Personnel Gift Reporting Form](#)

Department of Technology and Innovation Mobile Device Policy and Procedures  
Employee Self Service Portal Outside Employment Form  
Employee Self Service Portal Personal Information

#### **C. Other Resource(s)**

Agreement Between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO  
Albuquerque, N.M., Administrative Instructions  
Albuquerque, N.M., Administrative Instruction No. 7-18 Harassment/Sexual Harassment Policy  
Albuquerque, N.M., Administrative Instruction No. 7-19 Political Activities of City Employees and Use of City Property for Political Activities  
City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees (AFSCME, Local 2962, AFL-CIO, CLC)  
City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement  
City of Albuquerque Personnel Rules and Regulations (2001)  
N.M. Const.  
NMSA 1978, §§ 10-16-1 to 10-16-18 Governmental Conduct  
NMSA 1978, §§ 24-16-1 to 24-16-20 Dee Johnson Clean Indoor Air Act  
NMSA 1978, §§ 30-23-1 to 30-23-7 Misconduct by Officials  
NMSA 1978, §§ 30-25-1 to 30-25-2 Perjury and False Affirmations  
NMSA 1978, §§ 30-26-1 to 30-26-2 Interference with Public Records



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

NMSA 1978, §§ 40-13-1 to 40-13-13 Family Violence Protection  
NMSA 1978, § 32A-1-1 to 32A-1-4 Children's Code  
ROA 1994, § 3-3-5 Conflict of Interest; Employees  
ROA 1994, Article X Merit System  
U.S. Const.  
*United States of America v. City of Albuquerque*, No. 1:14-cv-01025 – Document 465  
(D.N.M. 2019)

**D. Rescinded Special Order(s)**

~~SO 23-153 Amendment to SOP 1-1 Personnel Code of Conduct~~ 60 Reporting  
Respondent of a Restraining Order  
SO 24-180 Amendment to SOP 1-1 Personnel Code of Conduct  
SO 25-44 Amendment to SOP 1-1 Personnel Code of Conduct

**1-1-1 Purpose**

It is the purpose of this policy to articulate the mission statement of the Albuquerque Police Department (Department) and to provide sworn and non-sworn personnel with clear expectations for professional standards of conduct on- and off-duty.

**1-1-2 Policy**

It is the policy of the Department to achieve its vision statement, which is an Albuquerque where the community and the Department work together through mutual trust to build a thriving community. It is also the policy of the Department to uphold its mission statement, which is to build relationships through community policing that will lead to reduced crime and increased safety.

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

**A. Civil Rights**

The individual rights of personal liberty are guaranteed by the laws and constitutions of the United States, State of New Mexico, and City of Albuquerque. Civil rights include but are not limited to the rights against unlawful searches, seizures, uses of force, and discrimination based on a protected class or activity.

**B. Conflict of Interest**

A conflict of interest exists when employee's personal interest or relationship in a transaction, business dealing, or an obligation conflicts with the employee's duties to the Department or City of Albuquerque.

**C. Insubordination**



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

Intentional disobedience of a lawful and objectively reasonable directive by a supervisor or disrespectful conduct directed towards any Department superior.

D. Order of Protection

A court order granted for the protection of a victim of domestic abuse as defined in NMSA 1978, §§ 40-13-1 to 40-13-13.

E. Prohibited Personal Relationship

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

F. Relative

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

G. Retaliation

Conduct or action designed to serve as retribution against another, including any deliberate, purposeful actions or failures to act that cause or could reasonably be expected to cause physical harm, property damage, significant emotional stress, or some other serious negative outcome.

H. Smoke

To inhale, exhale, burn, or carry any lighted or heated cigar, cigarette, or pipe, or to use an electronic smoking or vaping device.

I. Supervisor

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

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

A. Department personnel shall obey:

1. The United States Constitution and the Constitution of the State of New Mexico. Violations of the U.S. and New Mexico Constitutions include but are not limited to:

- a. Criminal charges resulting from a violation of the U.S. or New Mexico Constitution; and

2-3



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

b. Civil violations of the U.S. or New Mexico Constitution.

2. The criminal codes of the United States, State of New Mexico, City of Albuquerque, and all governing jurisdictions. Violations of criminal codes include but are not limited to:

- 1 a. Felony crimes;
- 1-3 b. Misdemeanor crimes;
- 2-4 c. Petty misdemeanor crimes; ~~and~~
- 5-7 d. Traffic code violations, including non-arrest violations; and
- 5-7 ~~d-e.~~ Summoned criminal violations from outside jurisdictions that may be civil violations within the City of Albuquerque.

5-7 3. The City of Albuquerque Code of Ordinances, City's Administrative Instructions, and the City's Personnel Rules and Regulations.

1 B. All sworn personnel shall maintain an active, unrestricted state certification issued by the New Mexico Law Enforcement Academy (NMLEA). Provisional/temporary revocation of certification shall be *prima facie* evidence of a violation of this policy. Upon receiving notification that the sworn personnel's certification has been suspended or revoked by the NMLEA, sworn personnel whose certification has been suspended or revoked shall notify the appropriate Deputy Chief in writing, through their chain of command, within twenty-four (24) hours of receipt of notification.

6 1-1-5 **General Conduct and Responsibilities**

A. Public Welfare

- 5 1. Department personnel shall treat the public with respect, courtesy, and professionalism at all times.
- 3 2. Sworn personnel shall not discriminate against any person based on their race, color, religion, sex, national origin, age and/or disability, consistent with the City's Human Rights Ordinance (ROA 1994, § 11-3-1), nor based on their veteran status, sexual orientation, and/or gender identity, consistent with SOP Bias-Based Policing and/or Profiling.
- 3 3. All sworn personnel shall intervene to stop or prevent another officer from committing a civil rights violation. This duty arises when a violation is occurring or when sworn personnel are objectively able to determine a violation will occur, and when sworn personnel have an objectively reasonable belief, based on the facts known to them at that time, that the other officer's actions constitute a civil rights violation.
- N/A a. Any civil rights violation shall be reported, consistent with SOP Complaints Involving Department Personnel.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

4. Department personnel shall obtain information from the public in a professional, prompt, and courteous manner, and they shall then act upon it in a proper and judicious manner within the scope of their duties.
5. Any time personnel represent the Department or identify themselves as police officers or Department employees, they shall not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.

**B. Violation of Laws and Regulations**

**3**

1. Department personnel shall inform their immediate supervisor within twenty-four (24) hours regarding their arrest, receipt of a criminal summons or criminal citation, or the suspension or revocation of their driver's licenses.
2. Department personnel shall inform their immediate supervisor the next business day regarding the following:
  - a. Traffic ticket(s); or
  - b. Parking citation(s).

**5**

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

**1-3**

- ~~3.~~4. Upon the return of an indictment, or filing of criminal information, complaint of other formal criminal charge for the violation of any federal, state, or local felony or misdemeanor, the Department after conducting a complete and thorough investigation of the matter may impose discipline up to and including termination.

**C. Misconduct**

**N/A**

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

**4**

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

**D. Reporting for Duty**

**5**

1. All Department personnel, including supervisors and command staff, shall report for duty at the time and place required by assignment or order.
2. Department personnel shall report for duty in possession of all required Department-issued equipment.





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

3. All sworn personnel, Prisoner Transport Unit (PTU) Officers, and Metro Court Officers shall carry, display, and use weapons in a careful, prudent manner, consistent with the laws of the State of New Mexico and Department SOP(s).
  - a. When on-duty, sworn personnel shall carry their firearm, badge, on-body recording device (OBRD), and Department-issued identification card on their person, consistent with Department SOP(s).
    - i. Department recruit officers may be issued a temporary identification card to carry on their person until they are issued a permanent one. The temporary identification card shall include the recruit's full name, current title/position, the Department logo, and a signature signed off by the Chief of Police.
  - b. When off-duty, sworn personnel shall, if armed, carry on their person their Department-issued identification card and badge.

4

4. Department personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department or the City as to the condition of their health.
5. Department personnel shall obtain approval from their supervisor or, if not available, another on-duty supervisor in their command prior to leaving any assignment for any reason.

E. Department-Issued Property

5

1. Department personnel shall not lend or offer their Department-issued identification card or badge to anyone.
2. Department personnel shall be responsible for safeguarding, using, and properly maintaining all Department-issued property. All authorized equipment shall be used only for its intended purpose, consistent with Department SOP(s).
3. Department personnel shall not photograph or video record any crime scene or police-related investigation outside of their job duties.
4. 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.
5. Department personnel shall ensure that all law enforcement facilities are secure, including verifying that security doors are closed and locked.
6. Department personnel shall not permit anyone into a secured area without proper identification.
7. For security purposes, when not in uniform at any law enforcement facility other



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

than training facilities, Department personnel shall wear their Department-issued identification card or badge so that it is visible on the outer garment. Department personnel shall inquire of anyone who is not wearing a Department-issued identification card or badge or a visitor's pass whether they are authorized to be in the Department facility. If the individual is not authorized to be in the Department facility, or if personnel cannot determine whether the individual should be in the Department facility, personnel should alert the Emergency Communications Center (ECC) or the City's Security Services. Sworn personnel may, when consistent with the Fourth Amendment, escort unauthorized individuals from the Department facility.

7

8. Use of Department-Issued Cell Phones

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

F. Personnel Contact Information

1. Department personnel shall have an operating telephone in their residence(s), either a landline or a cell phone.
2. Department personnel shall report any changes to telephone numbers or addresses to their supervisor and to the Personnel Management Division within two (2) working days of the change.
3. On an annual basis, personnel shall update their emergency contact information through the Personal Information Summary Link found in the City's Employee Self Service Portal. Supervisors with rights to this information may access their employee's contact information at any time.

G. Physical Fitness and Mental Well-Being

1. Department personnel shall maintain sufficient physical and mental competency to properly perform their duties and to assume the responsibilities of their positions.
2. Department sworn personnel are encouraged to uphold minimum fitness standards consistent with SOP Physical Fitness Assessment.

N/A

N/A





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

3. Department sworn and ~~non-sworn~~ professional staff personnel shall have access to the mental health services offered by the Behavioral Sciences Section, consistent with SOP Behavioral Sciences Section.

N/A

4. The Department shall provide both sworn and ~~non-sworn~~ professional staff personnel the opportunity to give and receive support to overcome stressful personal and professional experiences, consistent with SOP Peer Support Program.

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

A. General Conduct

5

1. All Department personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that:
- a. May cast doubt on their integrity or honesty;
  - b. Brings discredit to the Department; or
  - c. Impairs the Department's efficient and effective operation.
2. Department personnel shall clearly provide their name, rank, duty assignment, and employee number verbally or in writing to any person requesting such information while on-duty or while they are acting in an official capacity, with the following exceptions:
- a. When the immediate disclosure could interfere with the performance and completion of the duties of sworn personnel, the employee may withhold such information until it is reasonable and safe to provide the information. Once it is safe to do so, sworn personnel shall provide the requested information; and
  - ~~a.b.~~ b. When repeated requests are made that information shall be provided in writing when safe to do so.

1

3. Department personnel shall truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the Department.
- a. Sworn personnel who are a subject of or a witness to a matter under investigation shall answer truthfully all questions directed to them, consistent with the current Collective Bargaining Agreement (CBA) between the City of Albuquerque and the Albuquerque Police Officers' Association (APOA).

5

4. Department personnel shall avoid regular or continuous association or activity with people whom they know or should know are under active criminal investigation or indictment. Department personnel shall also avoid associating or engaging in activities with people who have a reputation in the community or the Department for current involvement in felonious or criminal behavior, except as necessary in



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

the performance of official duties or where unavoidable because of other personal relationships.

5. Department personnel shall not knowingly visit, enter, or frequent a house of prostitution or knowingly visit, enter, or frequent an illegal gambling house, except in the performance of official Department business.

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

- a. Reports;
- b. Citations;
- c. Public records or documents;
- d. Public vouchers;
- e. Payroll, to include overtime slips;
- f. Leave requests;
- g. Personnel records; or
- h. Affidavits.
- i. In addition to disciplinary action up to and including termination, a violation of this section may result in prosecution for violating federal and/or state laws, including but not limited to Misconduct by Officials (NMSA 1978, §§ 30-23-1 to 30-23-7), Perjury and False Affirmations (NMSA 1978, §§ 30-25-1 to 30-25-2), or Interference with Public Records (NMSA 1978, §§ 30-26-1 to 30-26-2).

4 7. Department personnel who are ~~the served with a Court Order of Protection~~ respondent of a protection order or restraining order shall provide a copy of the ~~Court Order of Protection~~ through the chain of command to the respective Deputy Chief within twenty-four (24) hours of receipt.

6 ~~7.a.~~ The receiving supervisor shall report the protection order or restraining order to the Internal Affairs Professional Standards (IAPS) Division via the Internal Affairs Database Management System within twenty-four (24) hours of receipt.

5 8. Department personnel shall not knowingly commence or engage in social or romantic relationships with confidential informants, victims, suspects, or witnesses involved with active investigations when Department personnel have involvement in the investigation or case.

2 9. At no time shall sworn personnel engage in a sexual and/or romantic relationship with a minor child who is less than eighteen (18) years old. (NMSA 1978, § 32A-1-4).

3 B. Confidentiality



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

4

4. Insubordination by any member of the Department is prohibited.

5

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

1

D. Retaliation

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

7

E. Political Activity

1. Department personnel shall be guided by New Mexico laws, the City's Personnel Rules and Regulations, Section 311.3, and City Administrative Instruction No. 7-19. Department personnel shall be guided by the following examples of prohibited political activities while on-duty, while in uniform, or while otherwise serving as a representative of the Department. Prohibited political activities include the following:
  - a. Placing, affixing, or distributing any campaign literature on City- or County-owned property;
  - b. Soliciting political funds from any Department employee or another governmental agency in this jurisdiction;
  - c. Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

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

**F. Substance Use and Abuse**

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

**G. Controlled Substances**

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



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

when such substance is prescribed for their use by a licensed medical professional.

- 1
4. Department personnel shall not possess any illegal controlled substances, consistent with federal and state laws. Any illegal possession shall result in termination of employment.

- 1
5. Department personnel shall not consume any controlled substance unless prescribed by a licensed medical professional, consistent with the City's Personnel Rules and Regulations, Chapter Substance Abuse Policy. Please refer to, Part 1, Section 10.A regarding the use of controlled substances without a prescription and refer to Part 1, Section 14.B.2.b regarding the exception for first time use of anabolic androgenic agents for eligibility in the Second Chance Program. ~~Any use of a controlled substance without a prescription shall result in termination of employment.~~

- 5
6. Department personnel shall notify their immediate supervisor when using prescription medications that may impair their mental and/or physical performance. The employee shall advise the supervisor of the known side effects of such medication and the prescribed period of use.
- a. Department personnel may be temporarily reassigned to other duties during the time they are required to take the prescribed medication.

7. Department personnel shall not consume any prescribed or over-the-counter medication in amounts beyond the recommended dosage.

- 5
8. On-duty personnel who unintentionally ingest or are forced to ingest a controlled substance shall immediately report the incident to their immediate supervisor so that appropriate medical steps may be taken to ensure their health and safety.

6 H. Tobacco and Vaping Products

1. Department personnel shall not smoke or use smokeless tobacco products within any City building or structure or within thirty (30) feet of the entrance to any structure located on City property.
2. Department personnel shall not smoke or use smokeless tobacco products within thirty (30) feet of a City-issued vehicle.
3. Department personnel shall not use any tobacco product while in contact with the public.

3- 1-1-7 **Conflict of Interest**



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

A. Department personnel shall not engage in activities, behaviors, and/or practices that may be considered a conflict of interest. This includes, but is not limited to, using one's position as an employee of the Department or City to advance personal or financial gain or advantage based on possessing sensitive information gained during employment. In addition, a conflict of interest can arise when one's personal conduct impacts the Department's official business, reputation, and compliance with official and regulatory obligations. All employees shall at all times comply with all federal, state, and local laws and Department SOP(s) that govern and prohibit conflicts of interest.

B. Business Relationships and Business Contracts

1. Department personnel shall not engage in any activity or conduct any personal business that may cause them to neglect or be inattentive to their official duties. In addition, they may not create an actual or potential conflict of interest that affects their employment with the Department.

6 2. Department personnel shall not recommend or suggest to the Department, Department personnel, or any private member of the public a contracting, employment, procurement, or retention of a particular product, service, or commercial activity. This includes, but is not limited to, recommending or suggesting an attorney, ambulance service, towing service, or bondsman; however, this restriction does not apply to personal transactions involving nonofficial Department business.

6 3. While on-duty, Department personnel shall not possess or distribute personal business cards or any forms of marketing or advertisement promoting a personal business.

4. Department personnel shall not authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, without written approval of the Chief of Police.

6 C. Outside Employment

1. Department personnel may engage in outside employment only after written permission is granted by the Chief of Police, with the concurrence of the City's Human Resources Director. Outside employment shall be consistent with the City's Merit System Ordinance, Section 3-3-10, and Section 310 of the City's Personnel Rules and Regulations. Such permission may be terminated at any time and at the discretion of the Chief of Police.

2. Department personnel engaged in outside employment shall update their employment status annually, at the first of the year, or following any change in employment status by completing the Web-based Outside Employment Form made available through the Employee Self Service Portal, under City Forms, which is kept on file in the Office of the Chief.





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

3. Department personnel who own real estate and act as the property owner may not perform any law enforcement-related duties at that property. Personnel who merely own property for their own personal use are not required to submit the Web-based Outside Employment Form.
4. Department personnel who are enlisted or who are commissioned in the Armed Forces of the United States, including the National Guard and Reserves, shall notify the Department of their membership status and Armed Forces obligations.
5. Department personnel shall provide their military orders to the Department's Payroll Section upon joining the service.
6. Department personnel whose military status changes shall submit their updated military orders to Payroll Section personnel when the status change becomes effective.
7. Department personnel shall provide their supervisor and the Payroll Section with an annual monthly training schedule and any notice of unscheduled military service.

**5** D. Personal Relationships and Relatives

1. Not all conduct between Department personnel and their subordinates and superiors is prohibited; however, the following actions are viewed as unbecoming and are directly prohibited:
  - a. Any personal relationship that, in reality or appearance, suggests improper influence between two or more Department employees;
  - b. The direct supervision, evaluation, audit, investigation to include discipline of any Department personnel whereby the employee and supervisor are involved in a personal relationship or are related; and
  - c. Engaging in a prohibited personal relationship.
2. Department personnel shall not socialize with, engage the services of, accept services from, or do favors for any person known to be under active criminal investigation, charges, or indictment, except as necessary or unavoidable because of prior existing personal relationships.
3. Department personnel shall only communicate with the spouse or significant other of a person under active criminal investigation, charges, or indictment if the communication is necessary to perform their official duties or unavoidable because of prior existing personal relationships. Personnel shall treat the spouse or significant other of a person under active criminal investigation, charges, or indictment in a professional manner.

- 3**
4. Department personnel shall not knowingly interfere with any criminal or administrative investigations, assigned tasks, or the duty assignments of another



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

employee. Personnel shall not directly or indirectly, by threat, bribe, or other means, attempt to secure the withdrawal or abandonment of an administrative or criminal complaint or charges.

5. Department personnel shall not conduct any criminal or administrative follow-up investigation outside the scope of their assigned duties without first having previous authorization from the primary investigator or immediate supervisor.
6. Department personnel are expected to follow SOP Harassment/Sexual Harassment in the Workplace and the City's Administrative Instruction No. 7-18 (Albuquerque, N.M., Harassment/Sexual Harassment Policy, 2020) regarding sexual harassment and inappropriate personal relationships between sworn personnel of different ranks and positions within the same chain of command and civilian personnel within the same chain of command.
- 1 7. Department personnel shall not engage in sexual acts with individuals who are in police custody or who are detained.

5 E. Special Considerations, Privileges, and Professional Courtesies

1. Department personnel shall not offer special considerations, privileges, or professional courtesies to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any federal, state, or local law, or Department or City policy.
2. Department personnel who are being investigated in connection with an alleged violation of a law or Department or City policy are not permitted to solicit special considerations, privileges, or professional courtesies from other Department personnel or personnel from other law enforcement agencies.
3. Department personnel shall not solicit or accept gifts, gratuities, or compensation either for themselves or for other personnel for services performed in the line of duty other than that which is paid by the City or is allowed by the City's Merit System Ordinance unless:

- a. Department personnel may accept *de minimus* gifts from members of the public, with a fair market or pecuniary value not to exceed fifty dollars (\$50.00), so long as Department personnel do not allow such gift to influence any official act that could be considered a reciprocal benefit. For a thing of value conveyed to Department personnel to be considered a gift, it cannot have any connection to or be responsive to an official act done by Department personnel;
  - i. Department personnel shall not accept any *de minimus* gift from a single source, the aggregate of which exceeds fifty dollars (\$50.00) over a one (1) year period.





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

- b. Department personnel shall not accept any gratuity or compensation from a member of the public as a matter of policy. For a thing to be considered a gratuity, it is in direct response to the performance or completion of an official act performed in the line of duty;
- c. Department personnel shall complete the Department Personnel Gift Reporting Form when a gift exceeding the *de minimus* amounts stated herein and provide it to the Chief of Police; and
  - i. Where the value of the gift or the propriety of acceptance is in question, Department personnel shall not be subject to sanction provided that the gift is reported in good faith and is not otherwise utilized.
- d. Unsolicited monetary gifts of any amount donated to the Department or any Department personnel shall be reported to and turned into the Chief of Police's office where the amount shall be documented.
  - i. Such gifts shall be donated to the Department's Chaplin's fund or another non-profit.

3.—

- 4. Department personnel shall never accept gifts, gratuities, or advantages from any suspect, prisoner, defendant, representative of a defendant, or individual involved in any case, or from any individual of ill repute, a professional bondsman, or a person whose occupation may profit from information obtained from the Department.
- 5. If any establishment has a policy to provide food, beverages, and/or services at a lesser rate for Department personnel, the establishment shall not receive any official considerations but shall be treated the same as any other establishment.
- 6. Department personnel shall not use their official positions to gain entry into any event without paying admission, except when assigned to work the event while on-duty or working the event as off-duty employment.
- 7. Department personnel shall not use their official position, Department-issued identification card, badge, or official Department logo or letterhead to solicit any benefits or gratuities for any personal or financial gain or to obtain privileges not otherwise available to them, or to avoid any consequences of illegal conduct.
- 6. Any sworn personnel who plan to receive reduced or free rent shall submit a written request for prior approval to the Chief of Police.
  - a. Each request shall be reviewed on a case-by-case basis.
  - b. Sworn personnel may receive reduced rent as long as the grant of reduced rent does not violate Department SOP(s) regarding gratuities, and the rent is not based on the performance of any official duty that may constitute a conflict of interest.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

- c. The grant of reduced rent shall be reviewed by the Chief of Police to determine if it could be interpreted as influencing the sworn personnel's judgement or if it would appear to be a conflict of interest.

REDLINED



## **2-47 CRASHES INVOLVING DEPARTMENT-ISSUED VEHICLES**

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

#### **A. Related SOP(s)**

- 2-46 Response to Traffic Crashes
- 2-48 Towing Services
- 2-50 Crash Review Board (CRB) (Formerly 3-66)
- 2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

#### **B. Form(s)**

PD 3077 City of Albuquerque Substance Abuse Program Post-Accident Decision Making Form

#### **C. Other Resource(s)**

City of Albuquerque Personnel Rules and Regulations, Substance Abuse Policy Chapter, Part I City-Wide Policy

#### **D. Rescinded Special Order(s)**

None

### **2-47-1 Purpose**

The purpose of this policy is to outline the standards for the investigation and documentation of all crashes involving Albuquerque Police Department (Department) issued vehicles.

### **2-47-2 Policy**

It is the policy of the Department to create and enforce standards for Department personnel who are involved in or are investigating motor vehicle crashes involving Department-issued vehicles.

### **N/A 2-47-3 Definitions**

#### **A. Crash**

An unintended event resulting in injury or damage involving one (1) or more motor vehicles as defined by the National Highway Traffic Safety Administration (NHTSA).

### **7 2-47-4 Procedures**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

A. General Procedures for Crashes that Involve Department-Issued Vehicles

1. Department personnel who are involved in the crash shall:

- a. Request Albuquerque Fire Rescue (AFR) for any injuries;
- b. Secure the scene to prevent further damage;
- c. Preserve evidence;
- d. Request that an on-duty supervisor respond to the scene of the crash;
- e. Request for an available officer, Police Service Aide (PSA), or Transit Safety Officer (TSO) to be dispatched to investigate the crash and to complete a Uniform Crash Report (UCR) to include the vehicle or unit number on the UCR diagram or narrative;
  - i. Involved Department personnel shall not complete the UCR.
- f. The responding officer, PSA, or TSO who completes the UCR shall gather sufficient information concerning the cause of the crash to testify at the Crash Review Board (CRB) Hearing, if necessary; and
- g. Request a supervisor, a Crime Scene Specialist (CSS), or a PSA to photograph the crash.
  - i. Photographs shall include close-ups, mid-ranges, and the overall scene.
  - ii. Photographs shall be tagged into evidence in accordance with SOP Collection, Submission, and Disposition of Evidence and Property (refer to SOP Collection, Submission, and Disposition of Evidence and Property).
  - iii. Supervisors with Axon training may take the photographs for non-injury crash investigations.

2. The investigating supervisor shall:

- a. Determine whether the crash involves serious personal injury, death, or substantial damage to any involved Department personnel or the Department-issued vehicle before clearing the scene of the crash;
- b. Notify the following personnel to respond to the scene of the crash if it involves life-threatening injuries or death;
  - i. Internal Affairs Professional Standards (IAPS) Division investigative personnel;
  - ii. An on-duty CSS; and
  - iii. The on-call Metro Traffic Division Fatal Traffic Team supervisor.
- c. Based on the damage to the Department-issued vehicle and the extent of injuries, determine whether the on-call Metro Traffic Division Fatal Traffic Team will investigate the crash;
- d. Ensure that all crashes involving Department-issued vehicles, no matter how minor, are documented in a UCR;
- e. Create an Internal Affairs (IA) database web application entry for vehicle crashes, which includes copies of the completed UCR and City of Albuquerque Substance Abuse Program Post-Accident Decision Making Form;
- f. Forward the completed IA database web application to the lieutenant or division head within five (5) calendar days;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-1 (Formerly 1-04 and 1-4)**

**CPOAB Draft 05/22/2025**

1. Department personnel shall always treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, consistent with Department SOP(s).
2. Confidential information is not intended nor suitable for release to the general public. Department personnel shall maintain the confidential and private nature of this information.
3. Consistent with the City's Personnel Rules and Regulations, Section 311.7, confidential, privileged information, whether verbal, written, video/audio, or machine-readable, which is accessible to Department personnel through their course of employment with the Department, is for use only in the course of their official duties and shall not be disclosed for personal gain or profit.
- 5 4. Department personnel shall not release any police documents or OBRD video for use in any hearing or use by any court unless a subpoena or court order was issued or the release of information was approved by the City Attorney, the Chief of Police, or through appropriate Department processes.

C. Obey All Department and Supervisory Orders

1. While on-duty, Department personnel shall meet the roles and responsibilities as required by their position in order to maintain the Department's functions, objectives, and standards of efficiency.
2. In addition to adherence to all federal, state, and local laws, Department personnel shall perform any act required by the Department's directives and orders, including SOPs and Special Orders.
- 4 3. Department personnel shall promptly obey all lawful written or verbal orders given by a supervisor. This includes orders relayed from a supervisor to the individual by other personnel of the same or lesser rank.
  - a. Department personnel who are given an otherwise proper order that conflicts with a previously given order shall respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the supervisor's most recent order stands.
    - i. Upon receiving notice of a prior conflicting order, the supervisor bears the responsibility for resolving any such conflict.
  - b. Department personnel, however, shall not obey any order that they know or should know would require them to violate any federal, state, or local law or Department or City policy.
  - c. If in doubt as to the legality of an order, personnel shall request that the issuing supervisor clarify the order, or personnel may confer with higher-ranking authority.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

- g. The lieutenant or division head will review for completion and send to the IA web application database vehicle crash group within five (5) calendar days;
- h. Examine any damage to Department-issued vehicles and physical evidence present to ensure that there is consistency with the reported circumstances; and
- i. Determine whether the Department-issued vehicle is safe enough to remain in service or if the vehicle should be transported to the City of Albuquerque Fleet Management (Pino Yards) at 5501 Pino Ave NE.

**N/A**

- 3. The on-scene supervisor or investigating officer may allow the involved vehicles to be moved if they impede the safe flow of traffic.

**N/A**

- a. The on-scene supervisor or investigating officer may only allow the vehicles to be moved from the scene for non-injury crashes or when moving the vehicles does not significantly impact the investigation.
- 4. IAPS Division personnel shall review the UCR and the IA database web application entry for accuracy and to ensure that all required documents are attached to the IA database web application entry.
- 5. After reviewing the UCR and the IA database web application entry, the IAPS Division Coordinator shall:
  - a. Send the IA database web application entry information to the Metro Traffic Division Administrative Assistant; and
  - b. Forward the UCR to the Operations Review Section Fleet Coordinator.
- 6. The Metro Traffic Division Administrative Assistant shall:
  - a. Maintain copies of all CRB findings;
  - b. Forward the CRB findings to IAPS Division personnel; and
  - c. Provide the UCR to the City of Albuquerque Risk Management Division Safety Officer.
- 7. Metro Traffic Division personnel shall:
  - a. While on duty, respond to all Department-issued vehicle crashes and crashes resulting from a high-speed pursuit to which they are dispatched;
  - b. While on duty, respond to all crashes with injuries that involve Department-issued vehicles, if available, in accordance with SOP Response to Traffic Crashes (refer to SOP Response to Traffic Crashes for sanction classifications and additional duties); and
  - c. While on-call, respond to a crash when directed by the Metro Traffic Division on-call supervisor.

**N/A**

**B. Procedures for a Damaged Tire and/or Rim**





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

1. When Department personnel damage no more than one (1) tire and/or rim, and one (1) spare tire can be used to replace the damaged tire, the incident shall not be considered a crash. Department personnel shall:
  - a. Not obtain an additional tire/rim from other Department personnel if more than one (1) tire/rim gets damaged due to it striking an object;
  - b. Document the incident in a Uniform Incident Report, not a UCR;
  - c. List the vehicle/unit number in the narrative section of the Uniform Incident Report;
  - d. Forward the Uniform Incident Report to the Operations Review Section Fleet Coordinator within five (5) calendar days;
  - e. Take the damaged tire/rim to City of Albuquerque Fleet Management (Pino Yards) as soon as possible but no more than five (5) calendar days in order to get a replacement; and
  - f. If the City's mechanic finds any additional damage, and it can be determined that the damage occurred from the same incident, submit a completed UCR through the IA database web application.
    - i. The Crash Review Board (CRB) shall review the incident, in accordance with SOP Crash Review Board (refer to SOP Crash Review Board for sanction classifications and additional duties).

N/A

2. If Department personnel damage a tire and/or rim due to it striking an object, such as a curb, an on-duty supervisor shall respond to the scene to do a preliminary investigation and ensure that a Uniform Incident Report is completed, not a UCR.

N/A

3. If a tire goes flat due to a nail, screw, or similar object, or road debris, no supervisor response is necessary, and neither a Uniform Incident Report nor UCR is necessary.

**C. Procedures for Crashes that Occurred Outside the Department's Jurisdiction**

1. Involved Department personnel shall:

5

- a. Notify an on-duty supervisor as soon as possible;
  - i. When feasible, an on-duty supervisor shall respond to the scene of the crash.
    1. Supervisors are not expected to respond to a crash outside of the jurisdiction if the local law enforcement agency handles the investigation.
- b. Notify local law enforcement or New Mexico State Police to be dispatched to investigate the crash and complete a UCR;
- c. Request the UCR case number and the responding officer's name and contact information; and
- d. Request a CSS respond when feasible, to the scene to take photographs of the scene, any damage to the involved vehicles, and any other potential evidentiary items.
  - i. The CSS shall tag the items into evidence in accordance with SOP Collection, Submission, and Disposition of Evidence and Property (refer to

N/A





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

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

- ii. The supervisor shall request copies of the photos from the Metropolitan Forensic Science Center (MFSC) Forensic Photo Lab Supervisor through the IA database web application entry.

**6** D. Procedures for Crashes Involving Possible Vehicle Malfunctions

1. The involved Department personnel shall notify the City of Albuquerque Fleet Management (Pino Yards) when they are involved in a crash or incident in their Department-issued vehicle and when a mechanical malfunction may have contributed to the cause of the crash or incident.

- N/A**
2. Fleet Management personnel will remove the vehicle from service until it can be examined.

E. Procedures for Crashes that Involve Cases of Suspected Driving While Under the Influence (DWI)

1. Involved Department personnel shall submit to a post-crash drug/alcohol test when they are involved in a traffic crash, and if one (1) or more of the following exists:
  - a. A fatality occurs;
  - b. There are injuries that cause any person to receive emergency medical treatment away from the scene of the crash;
  - c. One (1) or more vehicles incur disabling damage as a result of the crash and are transported from the scene by a tow truck or another vehicle; or
  - d. The on-scene supervisor has reasonable suspicion to believe the involved Department employee was under the influence of drugs and/or alcohol at the time of the crash.
2. Involved Department personnel must be readily available for testing and notify the on-scene supervisor of their location if they leave the scene before submitting to the test.

- 1**
- a. If a supervisor is not notified when the involved Department employee leaves the scene, they may be found to have refused to submit to the test.
  - b. Nothing in this section shall be construed to prohibit or delay involved Department personnel from receiving emergency care.

3. Involved Department personnel shall be placed on administrative leave with pay only if they are selected for a reasonable suspicion test until the test results are available. Results shall be available within twenty-four (24) hours.

- 1**
- a. Refusal to submit to a drug and/or alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

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b. If the involved Department employee submits a sample for a post-accident drug and/or alcohol test that is determined to be a verified positive test result, they shall be terminated.

N/A

c. Administrative test results are confidential and cannot be used against the involved Department employee if criminal charges are filed.

5

4. The on-scene supervisor shall:

a. Complete the City of Albuquerque Substance Abuse Program Post-Accident Decision Making Form;

b. Conduct post-accident drug/alcohol testing in accordance with the City's Substance Abuse Policy, Section 1100, of the City of Albuquerque Personnel Rules and Regulations, in addition to standard DWI testing, if applicable;

c. For post-accident testing requirements:

i. Ensure that the involved Department employee is tested for drugs and/or alcohol, within two (2) hours of the accident. If this cannot be completed, the on-scene supervisor shall document this in the City of Albuquerque Substance Abuse Program APD Post-Accident Decision Making Form and shall have the involved Department employee tested within eight (8) hours of the accident.

1. Drug testing may be completed up to thirty-two (32) hours of the accident, after which time, a post-accident drug/alcohol test is no longer feasible.

2. Consistent with the City's Personnel Rules and Regulations, Part I, Section 1100, alcohol testing shall be performed as soon as practicable and within eight (8) hours of the accident, after which time a post-accident drug/alcohol test is no longer feasible.

6

d. Notify the on-call IAPS Division investigator if an accident results in serious injuries requiring medical attention and/or a fatality.

F. Repairs of Department-Issued Police Vehicles that have been involved in a crash

1. Involved Department personnel shall take their Department-issued vehicle to the City of Albuquerque Fleet Management (Pino Yards) for inspection.

a. The on-scene supervisor shall ensure that this is done as soon as practical following the incident or crash.

2. If it is necessary to hold the vehicle for an extended period of time, the involved Department employee shall remove all personal property.

3. The Operations Review Section Fleet Coordinator shall assign Department personnel whose Department-issued vehicle is being repaired at the City of Albuquerque Fleet Management (Pino Yards) another vehicle, if available.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

**N/A**

4. Involved Department personnel shall not remove any vehicle from the City of Albuquerque Fleet Management (Pino Yards) until they are notified that repairs have been completed.
5. Involved Department personnel shall use a Department-contracted wrecker to tow Department-issued vehicles only when necessary, in accordance with SOP Towing Services (refer to SOP Towing Services for sanction classifications and additional duties).

REDLINED



## **2-47 CRASHES INVOLVING DEPARTMENT-ISSUED VEHICLES**

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

#### **A. Related SOP(s)**

- 2-46 Response to Traffic Crashes
- 2-48 Towing Services
- 2-50 Crash Review Board (CRB) (Formerly 3-66)
- 2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

#### **B. Form(s)**

PD 3077 City of Albuquerque Substance Abuse Program Post-Accident Decision Making Form

#### **C. Other Resource(s)**

City of Albuquerque Personnel Rules and Regulations, Substance Abuse Policy Chapter, Part I City-Wide Policy

#### **D. Rescinded Special Order(s)**

None

### **2-47-1 Purpose**

The purpose of this policy is to outline the standards for the investigation and documentation of all crashes involving Albuquerque Police Department (Department) issued vehicles.

### **2-47-2 Policy**

It is the policy of the Department to create and enforce standards for Department personnel who are involved in or are investigating motor vehicle crashes involving Department-issued vehicles.

### **N/A 2-47-3 Definitions**

#### **A. Crash**

An unintended event resulting in injury or damage involving one (1) or more motor vehicles as defined by the National Highway Traffic Safety Administration (NHTSA).

### **7 2-47-4 Procedures**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-47 (Formerly 1-18)

CPOAB Draft 05/29/2025

A. General Procedures for Crashes that Involve Department-Issued Vehicles

1. Department personnel who are involved in the crash shall:

- a. Request Albuquerque Fire Rescue (AFR) for any injuries;
- b. Secure the scene to prevent further damage;
- c. Preserve evidence;
- d. Request that an on-duty supervisor respond to the scene of the crash;
- e. Request for an available officer, ~~or~~ Police Service Aide (PSA), or Transit Safety Officer (TSO) to be dispatched to investigate the crash and to complete a Uniform Crash Report (UCR) to include the vehicle or unit number on the UCR diagram or narrative;
  - i. Involved Department personnel shall not complete the UCR.
- f. The responding officer, ~~or~~ PSA, or TSO who completes the UCR shall gather sufficient information concerning the cause of the crash to testify at the Crash Review Board (CRB) Hearing, if necessary; and
- g. Request a supervisor, a Crime Scene Specialist (CSS), or a ~~Police Service Aide (PSA)~~ to photograph the crash.
  - i. Photographs shall include close-ups, mid-ranges, and the overall scene.
  - ii. Photographs shall be tagged into evidence ~~as outlined in~~ in accordance with SOP Collection, Submission, and Disposition of Evidence and Property (refer to SOP Collection, Submission, and Disposition of Evidence and Property).
  - iii. Supervisors with Axon training may take the photographs for non-injury crash investigations.

2. The investigating supervisor shall:

- a. Determine whether the crash involves serious personal injury, death, or substantial damage to any involved Department personnel or the Department-issued vehicle before clearing the scene of the crash;
- b. Notify the following personnel to respond to the scene of the crash if it involves life-threatening injuries or death;
  - i. Internal Affairs Professional Standards (IAPS) Division investigative personnel;
  - ii. An on-duty CSS; and
  - iii. The on-call Metro Traffic Division Fatal Traffic Team supervisor.
- c. Based on the damage to the Department-issued vehicle and the extent of injuries, determine whether the on-call Metro Traffic Division Fatal Traffic Team will investigate the crash;
- d. Ensure that all crashes involving Department-issued vehicles, no matter how minor, are documented in a UCR;
- e. Create ~~Submit~~ an Internal Affairs (IA) database web application entry for vehicle crashes, which includes copies of the completed UCR and City of Albuquerque Substance Abuse Program Post-Accident Decision Making Form;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-47 (Formerly 1-18)

CPOAB Draft 05/29/2025

~~f. Forward the completed IA database web application UCR and the City of Albuquerque Substance Abuse Program Post Accident Decision Making Forms to the lieutenant or division head within five (5) calendar days;~~

~~f.~~

g. The lieutenant or division head will review for completion and send to the IA web application database vehicle crash group PS and APD Operations Review personnel within five (5) calendar days;

h. Examine any damage to Department-issued vehicles and physical evidence present to ensure that there is consistency with the reported circumstances; and

i. Determine whether the Department-issued vehicle is safe enough to remain in service or if the vehicle should be transported to the City of Albuquerque Fleet Management (Pino Yards) at 5501 Pino Ave NE.

N/A

3. The on-scene supervisor or investigating officer may allow the involved vehicles to be moved if they impede the safe flow of traffic.

N/A

a. The on-scene supervisor or investigating officer may only allow the vehicles to be moved from the scene for non-injury crashes or when moving the vehicles does not significantly impact the investigation.

4. IAPS Division Operations Review Section personnel shall review the UCR and the IA database web application entry for accuracy and to ensure that all required documents are attached to the IA database web application entry.

5. After reviewing the UCR and the IA database web application entry, the IAPS Division ~~Operations Review Section Fleet Coordinator~~ shall:

a. Send the IA database web application entry information to the Metro Traffic Division Administrative Assistant ~~IAPS Division personnel~~; and

b. Forward the UCR to the Operations Review Section Fleet Coordinator ~~Metro Traffic Division Administrative Assistant~~.

6. The Metro Traffic Division Administrative Assistant shall:

a. Maintain copies of all CRB findings ~~the completed UCR and investigation~~;

b. Forward the CRB findings ~~original copy~~ to IAPS Division personnel; and

c. Provide ~~Forward the UCR to and the City of Albuquerque Substance Abuse Program Post Accident Decision Making Form~~ to the City of Albuquerque Risk Management Division and the Safety Officer.

7. Metro Traffic Division personnel shall:

a. While on duty, respond to all Department-issued vehicle crashes and crashes resulting from a high-speed pursuit to which they are dispatched;

b. While on duty, respond to all crashes with injuries that involve Department-issued vehicles, if available, as outlined in accordance with SOP Response

N/A





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

to Traffic Crashes (refer to SOP Response to Traffic Crashes for sanction classifications and additional duties); and

- c. While on-call, respond to a crash when directed by the Metro Traffic Division on-call supervisor.

**B. Procedures for a Damaged Tire and/or Rim**

1. When Department personnel damage no more than one (1) tire and/or rim, and one (1) spare tire can be used to replace the damaged tire, the incident shall not be considered a crash. Department personnel shall:
  - a. Not obtain an additional tire/rim from other Department personnel if more than one (1) tire/rim gets damaged due to it striking an object;
  - b. Document the incident in a Uniform Incident Report, not a UCR;
  - c. List the vehicle/unit number in the narrative section of the Uniform Incident Report;
  - d. Forward the Uniform Incident Report to the Operations Review Section Fleet Coordinator within five (5) calendar days;
  - e. Take the damaged tire/rim to City of Albuquerque Fleet Management (Pino Yards) as soon as possible but no more than five (5) calendar days in order to get a replacement; and
  - f. If the City's mechanic finds any additional damage, and it can be determined that the damage occurred from the same incident, submit a completed UCR through the IA database web application.
    - i. The Crash Review Board (CRB) shall review the incident, ~~consistent with~~ in accordance with SOP Crash Review Board (refer to SOP Crash Review Board for sanction classifications and additional duties).
2. If Department personnel damage a tire and/or rim due to it striking an object, such as a curb, an on-duty supervisor shall respond to the scene to do a preliminary investigation and ensure that a Uniform Incident Report is completed, not a UCR.
3. If a tire goes flat due to a nail, screw, or similar object, or road debris, no supervisor response is necessary, and neither a Uniform Incident Report nor UCR is necessary.

**C. Procedures for Crashes that Occurred Outside the Department's Jurisdiction**

1. Involved Department personnel shall:
  - a. Notify an on-duty supervisor as soon as possible;
    - i. When feasible, an on-duty supervisor shall respond to the scene of the crash.
      1. Supervisors are not expected to respond to a crash outside of the jurisdiction if the local law enforcement agency handles the investigation.
  - b. Notify local law enforcement or New Mexico State Police to be dispatched to investigate the crash and complete a UCR;





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-47 (Formerly 1-18)

CPOAB Draft 05/29/2025

N/A

- c. Request the UCR case number and the responding officer's name and contact information; and
- d. Request a CSS respond when feasible, to the scene to take photographs of the scene, any damage to the involved vehicles, and any other potential evidentiary items.
  - i. The CSS shall tag the items into evidence ~~as outlined in~~ in accordance 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).
  - ii. The supervisor shall request copies of the photos from the Metropolitan Forensic Science Center (MFSC) Forensic Photo Lab Supervisor through the IA database web application entry.

6

D. Procedures for Crashes Involving Possible Vehicle Malfunctions

- 1. The involved Department personnel shall notify the City of Albuquerque Fleet Management (Pino Yards) when they are involved in a crash or incident in their Department-issued vehicle and when a mechanical malfunction may have contributed to the cause of the crash or incident.

N/A

- 2. Fleet Management personnel will remove the vehicle from service until it can be examined.

E. Procedures for Crashes that Involve Cases of Suspected Driving While Under the Influence (DWI)

- 1. Involved Department personnel shall submit to a post-crash drug/alcohol test when they are involved in a traffic crash, and if one (1) or more of the following exists:
  - a. A fatality occurs;
  - b. There are injuries that cause any person to receive emergency medical treatment away from the scene of the crash;
  - c. One (1) or more vehicles incur disabling damage as a result of the crash and are transported from the scene by a tow truck or another vehicle; or
  - d. The on-scene supervisor has reasonable suspicion to believe the involved Department employee was under the influence of drugs and/or alcohol at the time of the crash.
- 2. Involved Department personnel must be readily available for testing and notify the on-scene supervisor of their location if they leave the scene before submitting to the test.

1

- a. If a supervisor is not notified when the involved Department employee leaves the scene, they may be found to have refused to submit to the test.
- b. Nothing in this section shall be construed to prohibit or delay involved Department personnel from receiving emergency care.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

3. Involved Department personnel shall be placed on administrative leave with pay only if they are selected for a reasonable suspicion test until the test results are available. Results shall be available within twenty-four (24) hours.

1

- a. Refusal to submit to a drug and/or alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination.

1

- b. If the involved Department employee submits a sample for a post-accident drug and/or alcohol test that is determined to be a verified positive test result, they shall be terminated.

N/A

- c. Administrative test results are confidential and cannot be used against the involved Department employee if criminal charges are filed.

5

4. The on-scene supervisor shall:

- a. Complete the City of Albuquerque Substance Abuse Program Post-Accident Decision Making Form;

- b. Conduct post-accident drug/alcohol testing in accordance with the City's Substance Abuse Policy, Section 1100, of the City of Albuquerque Personnel Rules and Regulations, in addition to standard DWI testing, if applicable;

- c. For post-accident testing requirements:

- i. Ensure that the involved Department employee is tested for drugs and/or alcohol, within two (2) hours of the accident. If this cannot be completed, the on-scene supervisor shall document this in the City of Albuquerque Substance Abuse Program APD Post-Accident Decision Making Form and shall have the involved Department employee tested within eight (8) hours of the accident.

1. Drug testing may be completed up to thirty-two (32) hours of the accident, after which time, a post-accident drug/alcohol test is no longer feasible.

2. Consistent with the City's Personnel Rules and Regulations, Part I, Section 1100, alcohol testing shall be performed as soon as practicable and within eight (8) hours of the accident, after which time a post-accident drug/alcohol test is no longer feasible.

6

- d. Notify the on-call IAPS Division investigator if an accident results in serious injuries requiring medical attention and/or a fatality.

**F. Repairs of Department-Issued Police Vehicles that have been involved in a crash**

1. Involved Department personnel shall take their Department-issued vehicle to the City of Albuquerque Fleet Management (Pino Yards) for inspection.

- a. The on-scene supervisor shall ensure that this is done as soon as practical following the incident or crash.

2. If it is necessary to hold the vehicle for an extended period of time, the involved Department employee shall remove all personal property.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-47 (Formerly 1-18)**

**CPOAB Draft 05/29/2025**

3. The Operations Review Section Fleet Coordinator shall assign Department personnel whose Department-issued vehicle is being repaired at the City of Albuquerque Fleet Management (Pino Yards) another vehicle, if available.
4. Involved Department personnel shall not remove any vehicle from the City of Albuquerque Fleet Management (Pino Yards) until they are notified that repairs have been completed.

**N/A**

5. Involved Department personnel shall use a Department-contracted wrecker to tow Department-issued vehicles only when necessary, ~~consistent~~ in accordance with SOP Towing Services (refer to SOP Towing Services for sanction classifications and additional duties).

REDLINED



## **2-71 SEARCH AND SEIZURE WITHOUT A WARRANT**

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

#### **A. Related SOP(s)**

- 2-16 Reports (Formerly 1-05)
- 2-43 Roadblocks and Checkpoints
- 2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

#### **B. Form(s)**

Tow-In Report

#### **C. Other Resource(s)**

NMSA 1978, §§ 26-2C-1 through 26-2C-42 Cannabis Regulation Act  
NMSA 1978, § 66-8-102 Driving Under the Influence of Intoxicating Liquor or Drugs; Aggravated Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties  
*State v. Ryon*, 2005-NMSC-005  
*State v. Ramos*, 2017-NMCA-041  
*State v. Ortiz*, 2023-NMSC-026  
*State v. Huerta*, \_\_\_-NMCA-\_\_\_, \_\_\_P.3d\_\_\_, (A-1-CA-41023 Jan. 29, 2025)

#### **D. Rescinded Special Order(s)**

SO 24-42 Amendment to SOP 2-71 Search and Seizure Without a Warrant

### **2-71-1 Purpose**

The purpose of this policy is to provide sworn personnel with duties and responsibilities in regard to a search and seizure without a warrant.

### **2-71-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to provide sworn personnel with guidelines to conduct warrantless searches and seizures that uphold individual civil rights, protect sworn personnel and others, and govern the collection of evidence.

### **N/A 2-71-3 Definitions**

#### **A. Actual Authority**

An individual with access and control over property, such as a residence, a vehicle, or belongings.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

**B. Apparent Authority to Consent**

When an individual appears to have access and control over property but, in fact, does not.

**C. Common Authority**

Mutual use of the property by persons generally having joint access or control for most purposes.

**D. Community Caretaker**

An officer may stop a vehicle without a warrant or reasonable suspicion when the officer has specific articulable safety concerns that an individual might be in physical distress or danger, or that the individual needs assistance. Such encounters must be done in good faith without the intent of coercion or detention.

**E. Consensual Encounter**

An encounter between an officer and a community member in which the community member reasonably believes they are free to leave. Without reasonable suspicion or probable cause, an officer must allow an individual to leave.

**F. Consent**

A voluntary statement, verbal or written, giving sworn personnel permission to search a person, premises, vehicles, or items. Consent may be withdrawn at any time.

**G. Curtilage**

Any land or building immediately adjacent to a dwelling that is directly connected or in close proximity to the dwelling.

**H. Emergency Assistance**

An officer may conduct a warrantless search of a home where the officer has objectively reasonable grounds to believe that there is an emergency and an immediate need for officer assistance for the protection of life or property. The officer's search must not be primarily motivated by an intent to arrest an individual nor to seize evidence. The officer's motivation for the intrusion must be based on a strong sense of an emergency. There must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched.

**I. Exigent Circumstances**

An emergency situation(s) requiring swift action to prevent imminent danger to life, to



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

forestall the imminent escape of an individual, or to prevent the destruction of evidence.

**J. Inventory Search**

A search of an individual or vehicle to protect and safeguard an individual's property, provide for the safety of the officer and others, and protect the Department against claims or lawsuits for loss or destruction of private property.

**K. Pat-Down (Terry Frisk)**

A "frisk" or feeling of the outer garments of an individual with the sole purpose of detecting a weapon, allowing the officer to conduct a brief field interview without the threat of violence. A "frisk" or pat-down may be conducted only if the officer has reasonable suspicion that the individual is armed and dangerous.

**L. Plain-Feel**

The principle that allows an officer to further inspect an object discovered during a lawful pat-down when the officer has reasonable suspicion to believe the object is contraband or the object is a weapon and the individual is dangerous.

If, during a lawful pat down of outer clothing, the officer feels an object that is immediately apparent to be a weapon or contraband, or evidence of a crime, the officer may search for the object and seize it. The plain-feel of the object provides probable cause for the search and seizure.

**M. Probable Cause**

**1. 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.

**2. Probable Cause to Search**

- a. 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 items related to the crime under investigation will be found in the place to be searched.
- b. The refusal of an individual to provide consent to search a person, premises, or items does not establish probable cause or a reasonable suspicion of criminal activity.





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

**N. Protective Sweep**

A quick and limited search for individuals who might pose a threat to sworn personnel, allowed only during the course of an arrest or immediately after an arrest, of the rooms immediately adjoining the area of an arrest. The area searched must be large enough to be capable of harboring a person.

**O. Real Property**

Land or immovable property on land, such as buildings.

**P. Reasonable Suspicion**

An objectively justifiable suspicion that is based on specific facts or circumstances warranting the belief that a particular individual is involved in criminal activity. Reasonable suspicion may justify stopping a person for an investigative, temporary detention.

**Q. Road Block**

Intentional obstruction of traffic for the safety of the community.

**R. Terry Stop (Field Interview)**

The brief detention of an individual who is on foot or in a vehicle that is based on reasonable suspicion that a violation of law has occurred or is occurring. A Terry Stop is for the limited purpose of determining the individual's identity and confirming or dispelling an officer's suspicions.

**6 2-71-4 Procedures**

**5 A. Authority to Make an Arrest, Search, or Seizure**

1. Sworn personnel shall only make arrests, searches, and seizures, which they know or should know, are lawful and do so in accordance with related Department Standard Operating Procedures (SOP).
  - a. Warrantless searches and seizures are presumed to be unreasonable unless an exception applies. Sworn personnel must establish that an exception applies to justify any warrantless search or seizure. If no exception applies, a warrant must be obtained before any search or seizure is conducted. Justification for warrantless searches or seizures shall be documented on a Uniform Incident Report.
2. Examples of exceptions to the warrant requirement are in following subsection of this SOP.



**B. Approach and Consensual Encounter**

1. An officer may approach an individual without a warrant or reasonable suspicion provided that:
  - a. The approach occurs in public or a place where the officer has a right to be;
  - b. The individual is not violating the law at the time;
  - c. The officer approaches in a non-threatening manner; and
  - d. The individual approached is free to leave or remain silent with no threat of coercion or detention from the officer.
2. An approach as described in this SOP is not to be made for the purposes of running a warrant check, attempting to develop a basis for a Terry Stop, or instigating an event that would create the basis for an arrest, including those instances where an individual appears to be homeless, or to be experiencing symptoms of a mental disorder.
  - a. This does not prevent an officer from assisting such an individual in obtaining medical treatment of that individual's choosing or from otherwise rendering aid to that individual.

**C. Stop and Frisk (Terry Stop)**

1. A Terry Stop consists of a brief investigative detention or field interview if there is reasonable suspicion to believe that a crime has occurred or is occurring.
2. No single factor may be sufficient to establish reasonable suspicion for a Terry Stop. The test to be applied is whether all facts under the totality of the circumstances amount to reasonable suspicion.
3. Factors to consider when determining whether there is reasonable suspicion for a Terry Stop include, but are not limited to:
  - a. The appearance or demeanor of an individual suggests that they are part of a criminal enterprise or are engaged in a criminal act;
  - b. The hour of day or night is inappropriate for the individual's presence in the area;
  - c. The individual's presence in a location is inappropriate;
  - d. The individual is carrying a suspicious object;
  - e. The individual's clothing bulges in a manner that suggests they are carrying a weapon;
  - f. The individual is located near the place and time of an alleged crime; or
  - g. The officer has knowledge of the individual's prior criminal record or involvement in criminal activity.
4. A Terry Frisk or a pat-down may be conducted if there is reasonable suspicion to believe that the individual is armed and dangerous.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

5. A Terry Frisk consists of a pat-down of an individual's outer garments if, based on the officer's training and experience, the individual detained poses an immediate danger to the safety of sworn personnel or others. It is no more extensive than what is necessary to remove the immediate danger.
  - a. No single factor may be sufficient to establish reasonable suspicion for a Terry Frisk. The test to be applied is whether all facts under the totality of the circumstances amount to reasonable suspicion.
  - b. Factors to consider when determining whether there is reasonable suspicion to believe that an individual is armed and dangerous for a pat-down may include the following but are not limited to:
    - i. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved;
    - ii. The appearance and demeanor of the individual, such as nervousness, shaking, failure to make eye contact, or other behaviors that are not cultural;
    - iii. Visual indications that suggest the individual is carrying a firearm or other weapon;
    - iv. When a single officer must handle more than one individual;
    - v. The hour of the day and the location or neighborhood where the stop takes place;
    - vi. Prior knowledge of the individual's past use of force and/or a propensity to carry a firearm or other weapons;
    - vii. The age and gender of the individual. Whenever feasible and requested, pat-down searches should be performed by sworn personnel of the same sex; and
    - viii. For crimes that have been recognized by the courts to be inherently dangerous and have been supported by case law (refer to *State v. Almanzar* and *State v. Cobbs*).
  - c. Sworn personnel shall document their reasonable suspicion in the Computer-Aided Dispatch (CAD) system or a Uniform Incident Report.
6. Sworn personnel may request a voluntary statement, verbal or written, giving the officer permission to search the individual and the vehicle consistent with this SOP.

**N/A**

**D. Road Block**

Sworn personnel shall refer to SOP Roadblocks and Checkpoints for sanction classifications and additional duties regarding road blocks.

**E. Vehicle Inventory Search**

1. When Department personnel request that a vehicle be towed under state law or City ordinance, an inventory search of the vehicle shall be conducted to protect an individual's property, the officer, and others from potential danger as well as the Department from claims of lost or damaged property resulting from the seizure of



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

the vehicle or items. Sworn personnel shall use the following criteria when an inventory search is conducted:

- a. The vehicle(s) must be in lawful police custody;
- b. The tow must be reasonable and conducted in good faith;
- c. The inventory search shall be conducted by sworn personnel or Police Service Aides (PSA) consistent with their training and Department SOP(s);
- d. Inventory searches shall be conducted at or near the time the vehicle was lawfully placed within police custody;
- e. Inventory searches shall include the entire passenger compartment, glove box, trunk, and open containers without damaging the property. Any closed, locked, or sealed containers in which an officer's view of the content is obstructed shall not be searched pursuant to an inventory search;
- f. Any closed, locked, or sealed containers in a vehicle that are not searched may not be tagged at the Crime Lab in accordance with SOP Collection, Submission, and Disposition of Evidence and Property, as the contents are unknown, and thus must stay with the vehicle at the time of tow. If sworn personnel observe illegal contraband in plain view that is in a transparent container they shall not manipulate the item in any way and will cease the inventory search and contact the appropriate investigative unit to obtain a search warrant; and
- g. An inventory search shall be documented and become part of the Uniform Incident Report.
  - i. If the vehicle is towed, an inventory search shall be conducted and shall be documented on the Tow-In Report.
  - ii. Sworn personnel shall document on both the Uniform Incident Report and Tow-In Report which items were searched and which items were not searched per policy.
  - iii. If any closed, locked, or sealed containers are not searched and remain with the vehicle at the time of tow, this will be documented on the Uniform Incident Report.

**F. Inventory Searches of Closed Containers Being Held for Safekeeping**

1. Sworn personnel may conduct an inventory search of a closed container found on or with an individual to be tagged for safekeeping at the Crime Lab if:
  - a. It is in lawful police custody; and
  - b. It is done in furtherance of protecting the arrestee's property while it remains in Department custody, to protect the Department against claims or disputes over lost or stolen property, and/or to protect officers and Crime Lab personnel from potential danger.
2. Closed containers may include any closed, sealed, or locked bags, backpacks, purses, suitcases, or any other containers

**G. Vehicle Searches Under the Automobile Exception**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

1. Warrantless search of a vehicle under the automobile exception requires:
  - a. An articulable legal justification for stopping the vehicle;
  - b. There be a reasonable basis for believing an automobile will be moved or its search will be compromised by delay in getting a warrant. Otherwise, a warrant is required before searching the vehicle;
  - c. Probable cause to believe that the vehicle contains contraband or evidence of a crime;
  - d. The officer can articulate exigent circumstances requiring action to prevent immediate loss or destruction of evidence;
  - e. The scope of a warrantless search shall be limited to the areas where there is probable cause to believe the evidence could be located;
    - i. If probable cause exists that the vehicle is being used to harbor an individual, the officer cannot search anywhere within the vehicle that an individual could not hide, i.e., under the seat, within the glove box, etc.
    - ii. If probable cause exists that a weapon that poses an immediate danger to sworn personnel or others is within the vehicle, and the weapon may be accessible to the occupants, including removed occupants of the vehicle, the officer may search any area where the weapon may be obtained by the individuals and seize the weapon for the duration of the encounter.
  - f. After a lawful stop of a vehicle, an officer may conduct a plain view inspection of the vehicle without entering it to rule out any exigent circumstances or request a voluntary statement, verbal or written, giving the officer permission to search the vehicle consistent with this SOP; and
  - g. If an officer can remove individuals and seal the vehicle for a subsequent search warrant, there is no exigency permitting a warrantless search.

**H. Search Incident to Lawful Arrest**

1. A warrantless search shall be conducted pursuant to a lawful arrest. Such a search shall be conducted during or very near the time and place of the arrest and shall be limited in scope to:
  - a. Searching the arrested individual and any items/containers in their immediate control or discovered on their person, including containers concealed under or within their clothing;
  - b. Searching the immediate area within the individual's immediate control and from which the individual could gain possession of a weapon or evidence;
  - c. Searching the interior of the vehicle, excluding the trunk, glove box, or any containers found in the vehicle, if an individual is removed from a vehicle and placed under arrest; and
  - d. A search of any container within an arrestee's immediate control must be justified and documented in a Uniform Incident Report. Documentation must articulate what gave rise to the belief that the item contained a weapon or evidence and that the item was in the immediate control of the arrestee, including, but not limited to, whether the arrestee was secured, and, if secured,



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

how the arrestee was secured such that they would be able to access the item; and the distance of the item from the arrestee. Items that can be removed from an arrestee's immediate control, such as a purse or backpack, may not be searched without a warrant unless an exception to the warrant rule applies.

**I. Other Situations Involving Search and Seizure without a Warrant**

**1. Plain View**

- a. Under the plain view exception to the warrant requirement, items may be seized without a warrant if sworn personnel were lawfully positioned when the evidence was observed, and the incriminating nature of the evidence was immediately apparent, such that sworn personnel have probable cause to believe that the article seized was evidence of a crime.
  - i. If sworn personnel observe evidence of a crime or contraband from outside of an area protected by an expectation of privacy, such as a residence or vehicle, sworn personnel should obtain a warrant to search the area and seize the contraband or evidence.
  - ii. If sworn personnel are lawfully inside a residence when they observe contraband or evidence of a crime, sworn personnel may seize the contraband or evidence.
  - iii. Sworn personnel must be able to see the evidence or contraband without moving items.
  - iv. The incriminating nature of the evidence must be apparent from its outward appearance.

**2. Abandonment**

- a. An individual who abandons property does not retain an expectation of privacy of that property as long as the abandonment was voluntary and not coerced by an illegal search or seizure.
  - i. When an individual sees an officer and discards contraband or evidence, sworn personnel may seize it.
  - ii. When an individual claims an item is not theirs and no owner is apparent, it is abandoned and may be seized and searched.

**3. Open Fields and Curtilage**

- a. Open fields surrounding a residence are not constitutionally protected from a warrantless search or seizure.
- b. The curtilage surrounding a residence is constitutionally protected from a warrantless search and seizure.
- c. Factors to consider when determining whether a specific location is within the curtilage of a residence:
  - i. The proximity of the location to the residence;
  - ii. Whether the same enclosure surrounding the residence also encloses the location;





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

- iii. The uses of the location; and
- iv. The steps taken to protect the location from observation by passersby.

**4. Hot Pursuit**

- a. The hot pursuit doctrine permits warrantless entries of premises when individuals have fled the officer. Sworn personnel must have probable cause to believe the individual they are pursuing has committed an act of domestic violence or a felony, and they have reasonable grounds to believe that:
  - i. The individual sought is on the premises they wish to enter;
  - ii. The individual sought will escape or harm someone, or destroy evidence unless a warrantless entry is made; and
  - iii. The pursuit must be immediate and continuous from the time of the crime or the time the known felon is spotted in plain view outside the premises.

**5. Consent**

- a. Sworn personnel may request an individual's consent to search that individual.
- b. Sworn personnel may request an individual's consent to search property provided that the individual has the authority to give consent.
  - i. An individual has actual authority to consent to search property when the individual has access to the property, and when the individual exercises control over the property.
  - ii. An individual cannot consent to a search of an area if they do not have access and control over that area. Common examples of people who may not consent to a search include:
    - 1. A motel operator who has rented a room for the night;
    - 2. A landlord who does not have permission to use the tenant's property;
    - 3. A parent of an adult child who does not have access and control of the adult child's room; and
    - 4. An overnight guest in a house that belongs to someone else.
  - iii. If multiple people have common authority over property, and one objects, then sworn personnel shall not conduct a search based on consent.
  - iv. Consent to search may apply to real property, containers, and personal property, such as a backpack, a briefcase, or a purse.
- c. Sworn personnel shall verify that the individual who consents has actual authority over the property to be searched by determining the consenting individual's relationship to the property to be searched.
  - i. Sworn personnel shall ask questions to determine whether the consenting individual has access and control over the property to be searched.
- d. Sworn personnel shall not assume the consenting individual has the authority to consent to a search.
- e. When requesting consent, sworn personnel shall only state that they will obtain a search warrant if they have probable cause to support an affidavit for a search warrant.
- f. If an individual grants consent to search, sworn personnel shall:
  - i. State exactly what they intend to search;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

**N/A**

- ii. Confirm the individual consents;
- iii. Only search what the individual agreed to; and
- iv. Discontinue the search if the individual withdraws consent.
- g. Sworn personnel shall document the factual circumstances of the consent given in their Uniform Incident Report in accordance with SOP Reports (refer to SOP Reports for sanction classifications and additional duties).

**J. Protective Sweep for Individuals**

1. The courts allow a protective sweep based on concerns for officer safety following an arrest. A protective sweep is a very limited search. Its purpose is to protect the safety of sworn personnel and others, and it is narrowly confined to a cursory visual inspection of those places where an individual might be hiding.
2. The following requirements shall be met to conduct a protective sweep:
  - a. A protective sweep is only allowed after an arrest;
  - b. The protective sweep is only of areas and rooms immediately adjoining the space in which the arrest occurred;
    - i. In a building, this means the rooms and closets that share walls with the room where the arrest occurred.
  - c. The sweep is cursory, meaning quick and limited; and
    - i. The sweep must be no longer than is necessary to dispel the reasonable suspicion of danger, and no longer than it takes to complete the arrest and depart the premises.
  - d. The sweep is limited to areas in which an individual could be hiding.
3. Sworn personnel shall request verbal consent to perform a sweep for their safety and others.
4. A protective sweep may be expanded beyond immediately adjoining spaces where there is reasonable suspicion to believe the area to be swept harbors an individual posing a danger to those on-scene. There must be reasonable suspicion that:
  - a. The area harbors an individual; and
  - b. That individual poses a danger to sworn personnel.
5. The requirement to obtain verbal consent does not prevent sworn personnel from conducting a protective sweep during the course of an investigation if they feel they or others might be in danger.



## **2-71 SEARCH AND SEIZURE WITHOUT A WARRANT**

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

#### **A. Related SOP(s)**

2-16 Reports (Formerly 1-05)

2-43 Roadblocks and Checkpoints

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

#### **B. Form(s)**

Tow-In Report

#### **C. Other Resource(s)**

NMSA 1978, §§ 26-2C-1 through 26-2C-42 Cannabis Regulation Act

NMSA 1978, § 66-8-102 Driving Under the Influence of Intoxicating Liquor or Drugs;

Aggravated Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties

State v. Ryon, 2005-NMSC-005

State v. Ramos, 2017-NMCA-041

State v. Ryon, 137 N.M. 174 (2005)

State v. Ortiz, 2023-NMSC-026

State v. Huerta, \_\_\_\_-NMCA-\_\_\_\_, P.3d \_\_\_\_, (A-1-CA-41023 Jan. 29, 2025)

State v. Ramos, 394 P.3d 968 (2017)

#### **D. Rescinded Special Order(s)**

SO 24-42 Amendment to SOP 2-71 Search and Seizure Without a Warrant None

### **2-71-1 Purpose**

The purpose of this policy is to provide sworn personnel with duties and responsibilities in regard to a search and seizure without a warrant.

### **2-71-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to provide sworn personnel with guidelines to conduct warrantless searches and seizures that uphold individual civil rights, protect sworn personnel and others, and govern the collection of evidence.

### **N/A 2-71-3 Definitions**

#### **A. Actual Authority**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

An individual with access and control over property, such as a residence, a vehicle, or belongings.

**B. Apparent Authority to Consent**

When an individual appears to have access and control over property, but, in fact, does not.

**C. Common Authority**

Mutual use of the property by persons generally having joint access or control for most purposes.

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**E. Consensual Encounter**

An encounter between an officer and a community member in which the community member reasonably believes they are free to leave. Without reasonable suspicion or probable cause, an officer must allow an individual to leave.

**F. Consent**

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ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

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The principle that allows an officer to further inspect an object discovered during a lawful pat-down when the officer has reasonable suspicion to believe the object is contraband or the object is a weapon and the individual is dangerous.

If, during a lawful pat down of outer clothing, the officer feels an object that is immediately apparent to be a weapon or contraband, or evidence of a crime, the officer may search for the object and seize it. The plain-feel of the object provides probable cause for the search and seizure.

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1. Probable Cause to Arrest (Seize)

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2. Probable Cause to Search

- a. 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 items related to the crime under investigation will be found in the place to be searched.
- b. The refusal of an individual to provide consent to search a person, premises, or items does not establish probable cause or a reasonable suspicion of criminal



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

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**Q. Road Block**

Intentional obstruction of traffic for the safety of the community.

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The brief detention of an individual who is on foot or in a vehicle that is based on reasonable suspicion that a violation of law has occurred or is occurring. A Terry Stop is for the limited purpose of determining the individual's identity and confirming or dispelling an officer's suspicions.

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**5 A. Authority to Make an Arrest, Search, or Seizure**

1. Sworn personnel shall only make arrests, searches, and seizures, which they know or should know, are lawful and do so in accordance with related Department Standard Operating Procedures (SOP).

a. Warrantless searches and seizures are presumed to be unreasonable unless an exception applies. Sworn personnel must establish that an exception applies to justify any warrantless search or seizure. If no exception applies, a warrant must be obtained before any search or seizure is conducted. Justification for warrantless searches or seizures shall be documented on a Uniform Incident Report.





2. Examples of exceptions to the warrant requirement are in following subsection of this SOP.

~~4.~~

**B. Approach and Consensual Encounter**

1. An officer may approach an individual without a warrant or reasonable suspicion provided that:
  - a. The approach occurs in public or a place where the officer has a right to be;
  - b. The individual is not violating the law at the time;
  - c. The officer approaches in a non-threatening manner; and
  - d. The individual approached is free to leave or remain silent with no threat of coercion or detention from the officer.
2. An approach as described in this ~~Standard Operating Procedure (SOP)~~ is not to be made for the purposes of running a warrant check, attempting to develop a basis for a Terry Stop, or instigating an event that would create the basis for an arrest, including those instances where an individual appears to be homeless, or to be experiencing symptoms of a mental disorder.
  - a. This does not prevent an officer from assisting such an individual in obtaining medical treatment of that individual's choosing or from otherwise rendering aid to that individual.

**C. Stop and Frisk (Terry Stop)**

1. A Terry Stop consists of a brief investigative detention or field interview if there is reasonable suspicion to believe that a crime has occurred or is occurring.
2. No single factor may be sufficient to establish reasonable suspicion for a Terry Stop. The test to be applied is whether all facts under the totality of the circumstances amount to reasonable suspicion.
3. Factors to consider when determining whether there is reasonable suspicion for a Terry Stop include, but are not limited to:
  - a. The appearance or demeanor of an individual suggests that they are part of a criminal enterprise or are engaged in a criminal act;
  - b. The hour of day or night is inappropriate for the individual's presence in the area;
  - c. The individual's presence in a location is inappropriate;
  - d. The individual is carrying a suspicious object;
  - e. The individual's clothing bulges in a manner that suggests they are carrying a weapon;
  - f. The individual is located near the place and time of an alleged crime; ~~and~~ or



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

- g. The officer has knowledge of the individual's prior criminal record or involvement in criminal activity.
- 4. A Terry Frisk or a pat-down may be conducted if there is reasonable suspicion to believe that the individual is armed and dangerous.
- 5. A Terry Frisk consists of a pat-down of an individual's outer garments if, based on the officer's training and experience, the individual detained poses an immediate danger to the safety of sworn personnel or others. It is no more extensive than what is necessary to remove the immediate danger.
  - a. No single factor may be sufficient to establish reasonable suspicion for a Terry Frisk. The test to be applied is whether all facts under the totality of the circumstances amount to reasonable suspicion.
  - b. Factors to consider when determining whether there is reasonable suspicion to believe that an individual is armed and dangerous for a pat-down may include the following but are not limited to:
    - i. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved;
    - ii. The appearance and demeanor of the individual, such as nervousness, shaking, failure to make eye contact, or other behaviors that are not cultural;
    - iii. Visual indications that suggest the individual is carrying a firearm or other weapon;
    - iv. When a single officer ~~more than one individual must be handled~~ more than one individual ~~by a single officer~~;
    - v. The hour of the day and the location or neighborhood where the stop takes place;
    - vi. Prior knowledge of the individual's past use of force and/or a propensity to carry a firearm or other weapons;
    - vii. The age and gender of the individual. Whenever feasible and requested, pat-down searches should be performed by sworn personnel of the same sex; and
    - viii. For crimes that have been recognized by the courts to be inherently dangerous and have been supported by case law (refer to *State v. Almanzar* and *State v. Cobbs*).
  - c. Sworn personnel shall document their reasonable suspicion in the Computer-Aided Dispatch (CAD) system or a Uniform Incident Report.
- 6. Sworn personnel may request a voluntary statement, verbal or written, giving the officer permission to search the individual and the vehicle consistent with this SOP.

**N/A**

**D. Road Block**

Sworn personnel shall refer to SOP Roadblocks and Checkpoints for sanction classifications and additional duties regarding road blocks.

**E. Vehicle Inventory Search**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-71 (Formerly 2-17)

CPOAB Draft 05/08/2025

1. When Department personnel request that a vehicle ~~be~~ towed under state law or City ordinance, an inventory search of the vehicle shall be conducted to protect an individual's property, the officer, and others from potential danger; as well as the Department from claims of lost or damaged property resulting from the seizure of the vehicle or items. Sworn personnel shall use the following criteria when an inventory search is conducted:
  - a. The vehicle(s) must be in lawful police custody;
  - b. The tow must be reasonable and conducted in good faith;
  - c. ~~It~~ The inventory search shall be conducted by sworn personnel or Police Service Aides (PSA) consistent with their training and Department SOP(s);
  - d. Inventory searches shall be conducted at or near the time the vehicle was lawfully placed within police custody; ~~and include the entire passenger compartment, glove box, trunk, and containers without damaging the property. Containers found during an inventory search of a vehicle can be opened if accomplished without damage to the container and the search is consistent with Department SOP;~~
  - e. Inventory searches shall include the entire passenger compartment, glove box, trunk, and open containers without damaging the property. Any closed, locked, or sealed containers in which an officer's view of the content is obstructed shall not be searched pursuant to an inventory search;
  - f. Any closed, locked, or sealed containers in a vehicle that are not searched may not be tagged at the Crime Lab pursuant to in accordance with SOP Collection, Submission, and Disposition of Evidence and Property, as the contents are unknown, and thus must stay with the vehicle at the time of tow. If sworn personnel observe illegal contraband in plain view that is in a transparent container they shall not manipulate the item in any way and will cease the inventory search and contact the appropriate investigative unit to obtain a search warrant; and
  - e.g. An inventory search shall be documented and become part of the Uniform Incident Report.
    - i. If the vehicle is towed, an inventory search shall be conducted and shall be documented on the Tow-In Report.
    - ii. Sworn personnel shall document on both the Uniform Incident Report and Tow-In Report which items were searched and which items were not searched per policy.
    - iii. If any closed, locked, or sealed containers are not searched and remain with the vehicle at the time of tow, this will be documented on the Uniform Incident Report.

2.—

F. Inventory Searches of Closed Containers Being Held for Safekeeping

1. Sworn personnel may conduct an inventory search of a closed container found on or with an individual to be tagged for safekeeping at the Crime Lab if:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

- a. It is in lawful police custody; and
- b. It is done in furtherance of protecting the arrestee's property while it remains in Department custody, to protect the Department against claims or disputes over lost or stolen property, and/or to protect officers and Crime Lab personnel from potential danger.

2. Closed containers may include any closed, sealed, or locked bags, backpacks, purses, suitcases, or any other containers

**F.G. Vehicle Searches Under the Automobile Exception**

1. Warrantless search of a vehicle under the automobile exception requires:
  - a. An articulable legal justification for stopping the vehicle;
  - b. There be a reasonable basis for believing an automobile will be moved or its search will be compromised by delay in getting a warrant. Otherwise, a warrant is required before searching the vehicle;
  - c. Probable cause to believe that the vehicle contains contraband or evidence of a crime;
  - d. The officer ~~can~~ can articulate exigent circumstances requiring action to prevent immediate loss or destruction of evidence;
  - e. The scope of a warrantless search shall be limited to the areas where there is probable cause to believe the evidence could be located;
    - i. If probable cause exists that the vehicle is being used to harbor an individual, the officer cannot search anywhere within the vehicle that an individual could not hide, i.e., under the seat, within the glove box, etc.
    - ii. If probable cause exists that a weapon that poses an immediate danger to sworn personnel or others, is within the vehicle, and the weapon may be accessible to the occupants, including removed occupants of the vehicle, the officer may search any area where the weapon may be obtained by the individuals and seize the weapon for the duration of the encounter.
  - f. After a lawful stop of a vehicle, an officer may conduct a plain view inspection of the vehicle without entering it to rule out any exigent circumstances or request a voluntary statement, verbal or written, giving the officer permission to search the vehicle consistent with this SOP; and
  - g. If an officer can remove individuals and seal the vehicle for a subsequent search warrant, there is no exigency permitting a warrantless search.

**G.H. Search Incident to Lawful Arrest**

1. A warrantless search ~~shall~~ can be conducted pursuant to a lawful arrest. Such a search shall be conducted during or very near the time and place of the arrest and shall be limited in scope to:
  - a. Searching the arrested individual and any items/containers in their immediate control or discovered on their person, including ~~or within the arrested individual's~~



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-71 (Formerly 2-17)

CPOAB Draft 05/08/2025

- control if the officer has reason to believe the containers concealed under or within their clothing belong to or were used by the arrested individual;
- b. Searching the immediate area within the individual's immediate control and from which the individual could gain possession of a weapon or evidence; and
  - c. Searching the interior of the vehicle, excluding the trunk, glove box, or any containers found in the vehicle, if an individual is removed from a vehicle and placed under arrest; and
  - c.d. A Any containers found on the arrestee can be searched. search of any container within an arrestee's immediate control must be justified and documented in a Uniform Incident Report. Documentation must articulate what gave rise to the belief that the item contained a weapon or evidence and that the item was in the immediate control of the arrestee, including, but not limited to, whether the arrestee was secured, and, if secured, how the arrestee was secured such that they would be able to access the item; and the distance of the item from the arrestee. Items that can be removed from an arrestee's immediate control, such as a purse or backpack, may not be searched without a warrant unless an exception to the warrant rule applies.

H.I. Other Situations Involving Search and Seizure without a Warrant

1. Plain View

- a. Under the plain view exception to the warrant requirement, items may be seized without a warrant if sworn personnel were lawfully positioned when the evidence was observed, and the incriminating nature of the evidence was immediately apparent, such that sworn personnel have probable cause to believe that the article seized was evidence of a crime.
  - i. If sworn personnel observe evidence of a crime or contraband from outside of an area protected by an expectation of privacy, such as a residence or vehicle, sworn personnel should obtain a warrant to search the area and seize the contraband or evidence.
  - ii. If sworn personnel are lawfully inside a residence when they observe contraband or evidence of a crime, sworn personnel may seize the contraband or evidence.
  - iii. Sworn personnel must be able to see the evidence or contraband without moving items.
  - iv. The incriminating nature of the evidence must be apparent from its outward appearance.

2. Abandonment

- a. An individual who abandons property does not retain an expectation of privacy of that property as long as the abandonment was voluntary and not coerced by an illegal search or seizure.
  - i. When an individual sees an officer and discards contraband or evidence, sworn personnel may seize it.





- ii. When an individual claims an item is not theirs and no owner is apparent, it is abandoned and may be seized and searched.

### 3. Open Fields and Curtilage

- a. Open fields surrounding a residence are not constitutionally protected from a warrantless search or seizure.
- b. The curtilage surrounding a residence is constitutionally protected from a warrantless search and seizure.
- c. Factors to consider when determining whether a specific location is within the curtilage of a residence:
  - i. The proximity of the location to the residence;
  - ii. Whether the same enclosure surrounding the residence also encloses the location;
  - iii. The uses of the location; and
  - iv. The steps taken to protect the location from observation by passersby.

### 4. Hot Pursuit

- a. The hot pursuit doctrine permits warrantless entries of premises when individuals have fled the officer. Sworn personnel must have probable cause to believe the individual they are pursuing has committed an act of domestic violence or a felony, and they have reasonable grounds to believe that:
  - i. The individual sought is on the premises they wish to enter;
  - ii. The individual sought will escape or harm someone, or destroy evidence unless a warrantless entry is made; and
  - iii. The pursuit must be immediate and continuous from the time of the crime or the time the known felon is spotted in plain view outside the premises.

### 5. Consent

- a. Sworn personnel may request an individual's consent to search that individual.
- b. Sworn personnel may request an individual's consent to search property provided that the individual has the authority to give consent.
  - i. An individual has actual authority to consent to search property when the individual has access to the property, and when the individual exercises control over the property.
  - ii. An individual cannot consent to a search of an area if they do not have access and control over that area. Common examples of people who may not consent to a search include:
    - 1. A motel operator who has rented a room for the night;
    - 2. A landlord who does not have permission to use the tenant's property;
    - 3. A parent of an adult child who does not have access and control of the adult child's room; and
    - 4. An overnight guest in a house that belongs to someone else.
  - iii. If multiple people have common authority over property, and one objects, then sworn personnel shall not conduct a search based on consent.





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-71 (Formerly 2-17)

CPOAB Draft 05/08/2025

N/A

- iv. Consent to search may can apply to real property, ~~as well as~~ containers, and personal property, such as a backpack, a briefcase, or a purse.
- c. Sworn personnel shall verify that the individual who consents has actual authority over the property to be searched by determining the consenting individual's relationship to the property to be searched.
  - i. Sworn personnel shall ask questions to determine whether the consenting individual has access and control over the property to be searched.
- d. Sworn personnel shall not assume the consenting individual has the authority to consent to a search.
- e. When requesting consent, sworn personnel shall only state that they will obtain a search warrant if they have probable cause to support an affidavit for a search warrant.
- f. If an individual grants consent to search, sworn personnel shall:
  - i. State exactly what they intend to search;
  - ii. Confirm the individual consents;
  - iii. Only search what the individual agreed to; and
  - iv. Discontinue the search if the individual withdraws consent.
- g. Sworn personnel shall document the factual circumstances of the consent given in their Uniform Incident Report in accordance with SOP Reports (refer to SOP Reports for sanction classifications and additional duties).

I.J. Protective Sweep for Individuals

1. The courts allow a protective sweep based on concerns for officer safety following an arrest. A protective sweep is a very limited search. Its purpose is to protect the safety of sworn personnel and others, and it is narrowly confined to a cursory visual inspection of those places where an ~~in which an~~ individual might be hiding.
2. The following requirements shall be met to conduct a protective sweep:
  - a. A protective sweep is only allowed after an arrest;
  - b. The protective sweep is only of areas and rooms immediately adjoining the space in which the arrest occurred;
    - i. In a building, this means the rooms and closets that share walls with the room wherein ~~in which~~ the arrest occurred.
  - c. The sweep is cursory, meaning quick and limited; and
    - i. The sweep must be no longer than is necessary to dispel the reasonable suspicion of danger, and no longer than it takes to complete the arrest and depart the premises.
  - d. The sweep is limited to areas in which an individual could be hiding.
3. Sworn personnel shall request verbal consent to perform a sweep for their safety and others.
4. A protective sweep may be expanded beyond immediately adjoining spaces where there is reasonable suspicion to believe the area to be swept harbors an individual posing a danger to those on-scene. There must be reasonable suspicion that:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-71 (Formerly 2-17)**

**CPOAB Draft 05/08/2025**

- a. The area harbors an individual; and
  - b. That individual poses a danger to sworn personnel.
5. The requirement to obtain verbal consent does not prevent sworn personnel from conducting a protective sweep during the course of an investigation if they feel they or others might be in danger.

REDLINED

APD Policy

No Recommendation(s)



## **1-10 PEER SUPPORT PROGRAM**

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

#### **A. Related SOP(s)**

- 1-20 Behavioral Sciences Section (Formerly 1-11 and 1-14)
- 1-36 Department Wellness Program

#### **B. Form(s)**

None

#### **C. Other Resource(s)**

Peer Support Program Handbook

#### **D. Rescinded Special Order(s)**

None

### **1-10-1 Purpose**

The purpose of this policy is to outline the roles and responsibilities of the Peer Support Program (PSP) for both sworn and professional staff personnel.

Furthermore, it is also the purpose of this policy for PSP personnel to support sworn and professional staff personnel who may be exposed to emotionally disruptive experiences during the performance of their duties. These experiences may lead to emotional or psychological injury, resulting in mental or emotional distress and job dissatisfaction. These situations may adversely affect the sworn or professional staff employee's professional and personal well-being.

### **1-10-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to provide opportunities and procedures for Department personnel to give support to and receive support from their peers during stressful times.

### **N/A 1-10-3 Definitions**

#### **A. Peer Support Program Coordinator (PSPC)**

A professional staff employee who performs administrative functions for the PSP, including, but not limited to: scheduling training or meetings, coordinating an on-call list, maintaining contact numbers, and preparing statistical data for reporting and monitoring purposes.





**B. Peer Support Team Member (PSTM)**

A current sworn or professional staff employee who provides peer support by assisting Department personnel who may be experiencing difficulties while coping with specific mental and psychological stressors related to duty assignments. PSTMs do not provide professional mental health care.

**N/A 1-10-4 Training**

- A. All PSTMs, regardless of their position within the Department, will become active upon completion of all required peer support program training as outlined in the Peer Support Program Handbook.
  - 1. Prospective PSTMs are not added to the on-call roster until they have completed training.
- B. The PSPC coordinates training for PSTMs on certain topics, including, but not limited to:
  - 1. Peer crisis intervention;
  - 2. Peer support; and
  - 3. Ethics and confidentiality.
- C. The PSPC shall attend all annual training related to their duties or any annual training as required by the Department.
- D. The Peer Support Program Board (PSPB) may consult with a Behavioral Sciences Section (BSS) clinician regarding recommendations for additional PSTM training.
  - 1. Any recommendations for training made by a BSS clinician, or another mental health professional, may be offered to PSTMs as in-service training if it is relevant to the mission and purpose of the PSP.

**6 1-10-5 Rules and Responsibilities**

- A. The PSPC shall:
  - 1. Maintain a dedicated telephone line to receive and route requests for emotional support and assistance from Department personnel or their family members to PSTMs;
  - 2. Create and update an on-call roster for PSTMs and provide the on-call roster to an Emergency Communications Center (ECC) supervisor;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-10**

**CPOAB Draft 05/15/2025**

3. Post the PSTM flyer on bulletin boards at each of the Department's facilities and the Department's SharePoint site;
4. Ensure PSTMs complete the required peer support program training;
5. Maintain the confidentiality of peer support activity summary records to review at quarterly team meetings; and
6. Compile a quarterly use report for the PSP.

B. A PSTM shall:

1. Ensure that they are available for phone call contacts when on-call;
2. Provide peer support services during critical incidents when requested by an officer, on-scene supervisor, or ECC supervisor;
3. Provide emotional support to Department personnel, their family members, or those exposed to a critical incident, in accordance with SOP Behavioral Sciences Section. The tiers for critical incidents are outlined in SOP Department Personnel Wellness Program (refer to SOP Department Personnel Wellness Program for sanction classifications and additional duties);
4. Provide additional follow-up resources and referrals for mental health and well-being assistance;
5. Provide a contact phone number to the PSPC to facilitate communication;
6. Complete a confidential peer support activity summary for each contact and provide it to the PSPC; and
7. Attend all peer support program training and quarterly meetings.

**N/A**

**N/A**

C. Sworn personnel may participate in an on-call rotation to respond to requests for assistance.

**2**

D. Confidentiality

1. Confidentiality is essential to the integrity of the PSP.
2. PSP personnel shall:
  - a. Maintain the confidentiality of all communications with Department personnel who seek assistance unless otherwise required by this Standard Operating Procedure (SOP);
  - b. Confer with the on-call BSS clinician, which may require sharing information that would otherwise be confidential, under the following circumstances:





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-10**

**CPOAB Draft 05/15/2025**

**2**

- i. The person seeking assistance expresses a threat of immediate or reasonably anticipated physical harm to self or others;
    - ii. There is reasonable suspicion of elder or child abuse;
    - iii. An emergency medical response is required;
    - iv. Criminal activity is reported; or
    - v. There is reasonable suspicion that domestic violence occurred or is occurring.
  - c. Only use the confidential peer support activity summary to evaluate and improve the PSP; and
  - d. Advise peers seeking assistance that communications are confidential, provided that maintaining such confidentiality does not violate any law or Department SOP.
3. A PSTM shall not include identifying information regarding Department personnel who seek peer support in the confidential peer support activity summary.

**N/A 1-10-6 PSPB Procedures**

**A. Appointments to the PSPB**

1. The Chief of Police or their designee, along with the assistance of the PSPC, shall select a seven (7) member board.
2. PSPB members shall serve a maximum term of three (3) consecutive years.
3. The PSPB shall consist of:
  - a. One (1) sworn supervisor at the rank of sergeant or above;
  - b. One (1) sworn Field Services Bureau (FSB) Patrolman 1<sup>st</sup> Class (P1/C);
  - c. One (1) sworn Investigative Bureau detective;
  - d. One (1) professional staff supervisor;
  - e. One (1) professional staff employee;
  - f. One (1) Albuquerque Police Officers' Association (APOA) union representative (non-voting member); and
  - g. One (1) BSS clinician (non-voting member).
4. PSPB members may be removed for cause at any time by the Chief of Police.
5. The criteria for board membership are set out in the Peer Support Program Handbook.

**B. Rules and Responsibilities of the PSPB**

1. The PSPB shall recruit and select PSTMs based on criteria developed by the PSPB.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-10**

**CPOAB Draft 05/15/2025**

**N/A**

- a. Criteria include factors such as the applicant's education, relevant training, maturity, judgment, and professional standing in the Department.
2. The PSPB shall be responsible for the long-term effective operation of the PSP, including guiding the PSPC and selecting PSTMs.
3. The PSPB shall evaluate and update the PSTM training requirements every two (2) years, following consultation with a BSS clinician.

**C. PSPB Meetings**

1. The PSPB shall meet quarterly to review and evaluate the PSP.

**N/A**

- a. The PSPB may hold additional meetings to meet the needs of the PSP's responsibilities.
2. The PSPC shall serve as the chair and is a non-voting member of the PSPB, except in cases of a tie.



## **1-10 PEER SUPPORT PROGRAM**

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

#### **A. Related SOP(s)**

- 1-20 Behavioral Sciences Section (Formerly 1-11 and 1-14)
- 1-36 Department ~~Personnel~~ Wellness Program

#### **B. Form(s)**

None

#### **C. Other Resource(s)**

Peer Support Program Handbook

#### **D. Rescinded Special Order(s)**

None

### **1-10-1 Purpose**

The purpose of this policy is to outline the roles and responsibilities of the Peer Support Program (PSP) for both sworn and professional staff ~~civilian~~ personnel.

Furthermore, it is also the purpose of this policy for PSP personnel to support sworn and professional staff ~~civilian~~ personnel who may be exposed to emotionally disruptive experiences during the performance of their duties. These experiences may lead to emotional or psychological injury, resulting in mental or emotional distress and job dissatisfaction. These situations may adversely affect the sworn or professional staff ~~civilian~~ employee's professional and personal well-being.

### **1-10-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to provide opportunities and procedures for Department personnel to give support to and receive support from their peers during stressful times.

**N/A**

### **1-10-3 Definitions**

#### **A. Peer Support Program Coordinator (PSPC)**

A professional staff ~~civilian~~ employee who performs administrative functions for the PSP, including, but not limited to: scheduling training or meetings, coordinating an on-call list, maintaining contact numbers, and preparing statistical data for reporting and monitoring purposes.



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- A. All PSTMs, regardless of their position within the Department, will become active upon completion of all required peer support program training as outlined in the Peer Support Program Handbook.
  - 1. Prospective PSTMs are not added to the on-call roster until they have completed training.
- B. The PSPC coordinates training for PSTMs on certain topics, including, but not limited to:
  - 1. Peer crisis intervention;
  - 2. Peer support; and
  - 3. Ethics and confidentiality.
- C. The PSPC shall attend all annual training related to their duties or any annual training as required by the Department.
- D. The Peer Support Program Board (PSPB) may consult with a Behavioral Sciences Section (BSS) clinician regarding recommendations for additional PSTM training.
  - 1. Any recommendations for training made by a BSS clinician, or another mental health professional, may be offered to PSTMs as in-service training if it is relevant to the mission and purpose of the PSP.

**6 1-10-5 Rules and Responsibilities**

- A. The PSPC shall:
  - 1. Maintain a dedicated telephone line to receive and route requests for emotional support and assistance from Department personnel or their family members to PSTMs;
  - 2. Create and update an on-call roster for PSTMs and provide the on-call roster to an Emergency Communications Center (ECC) supervisor;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-10**

**CPOAB Draft 05/15/2025**

3. Post the PSTM flyer on bulletin boards at each of the Department's facilities and the Department's SharePoint site;
4. Ensure PSTMs complete the required peer support program training;
5. Maintain the confidentiality of peer support activity summary records to review at quarterly team meetings; and
6. Compile a quarterly use report for the PSP.

B. A PSTM shall:

1. Ensure that they are available for phone call contacts when on-call;
2. Provide peer support services during critical incidents when requested by an officer, on-scene supervisor, or ECC supervisor;
3. Provide emotional support to Department personnel, or their family members, or those exposed to a critical incident, in accordance consistent with SOP Behavioral Sciences Section. The tiers for critical incidents are outlined in SOP Department Personnel Wellness Program (refer to SOP Department Personnel Wellness Program for sanction classifications and additional duties);
4. Provide additional follow-up resources and referrals for mental health and well-being assistance;
5. Provide a contact phone number to the PSPC to facilitate communication;
6. Complete a confidential peer support activity summary for each contact and provide it to the PSPC; and
7. Attend all peer support program training and quarterly meetings.

**N/A**

**N/A**

C. Sworn personnel may participate in an on-call rotation to respond to requests for assistance.

**2**

D. Confidentiality

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2. PSP personnel shall:
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  - b. Confer with the on-call BSS clinician, which may require sharing information that would otherwise be confidential, under the following circumstances:



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-10**

**CPOAB Draft 05/15/2025**

2

- i. The person seeking assistance expresses a threat of immediate or reasonably anticipated physical harm to self or others;
    - ii. There is reasonable suspicion of elder or child abuse;
    - iii. An emergency medical response is required;
    - iv. Criminal activity is reported; or
    - v. There is reasonable suspicion that domestic violence occurred or is occurring.
  - c. Only use the confidential peer support activity summary to evaluate and improve the PSP; and
  - d. Advise peers seeking assistance that communications are confidential, provided that maintaining such confidentiality does not violate any law or Department SOP.
3. A PSTM shall not include identifying information regarding Department personnel who seek peer support in the confidential peer support activity summary.

**N/A 1-10-6 PSPB Procedures**

**A. Appointments to the PSPB**

1. The Chief of Police or their designee, along with the assistance of the PSPC, shall select a seven (7) member board.
2. PSPB members shall serve a maximum term of three (3) consecutive years.
3. The PSPB shall consist of:
  - a. One (1) sworn supervisor at the rank of sergeant or above;
  - b. One (1) sworn Field Services Bureau (FSB) Patrolman 1<sup>st</sup> Class (P1/C);
  - c. One (1) sworn Investigative Bureau detective;
  - d. One (1) professional staff civilian supervisor;
  - e. One (1) professional staff civilian employee;
  - f. One (1) Albuquerque Police Officers' Association (APOA) union representative (non-voting member); and
  - g. One (1) BSS clinician (non-voting member).
4. PSPB members may be removed for cause at any time by the Chief of Police.
5. The criteria for board membership are set out in the Peer Support Program Handbook.

**B. Rules and Responsibilities of the PSPB**

1. The PSPB shall recruit and select PSTMs based on criteria developed by the PSPB.





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-10**

**CPOAB Draft 05/15/2025**

**N/A**

- a. Criteria include factors such as the applicant's education, relevant training, maturity, judgment, and professional standing in the Department.
2. The PSPB shall be responsible for the long-term effective operation of the PSP, including guiding the PSPC and selecting PSTMs.
3. The PSPB shall evaluate and update the PSTM training requirements every two (2) years, following consultation with a BSS clinician.

**C. PSPB Meetings**

1. The PSPB shall meet quarterly to review and evaluate the PSP.

**N/A**

- a. The PSPB may hold additional meetings to meet the needs of the PSP's responsibilities.
2. The PSPC shall serve as the chair and is a non-voting member of the PSPB, except in cases of a tie.



## **1-50 GUN VIOLENCE REDUCTION UNIT**

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

#### **A. Related SOP(s)**

- 1-59 Impact Teams (Formerly 4-1 and 4-4)
- 2-64 Violence Intervention Program (VIP) Custom Notification Deliveries
- 2-72 Procedures for Serious Crimes Call-Outs (Formerly 2-28 and 2-91)

#### **B. Form(s)**

PD 3109 Risk Assessment Matrix Packet

#### **C. Other Resource(s)**

Gun Violence Reduction Unit (GVRU) Handbook

#### **D. Rescinded Special Order(s)**

None

### **1-50-1 Purpose**

The purpose of this policy is to outline the duties, functions, and responsibilities of the Gun Violence Reduction Unit (GVRU) assigned to the Criminal Investigation Division (CID) and the training requirements for GVRU sworn personnel.

### **1-50-2 Policy**

It is the policy of the Albuquerque Police Department (Department) for GVRU sworn personnel to be responsible for the investigation of crimes related to aggravated batteries involving a firearm with bullet-to-skin contact. It is also the policy of the Department for GVRU sworn personnel to conduct a thorough investigation to identify, locate, and apprehend individuals suspected of committing a gun crime and to seek to reduce gun violence.

### **N/A 1-50-3 Definitions**

#### **A. Household Member**

A spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member.

#### **B. Life-threatening Injury**



Any injury that involves serious physical harm that may result in significant or permanent disfigurement or the loss of a major bodily organ or function, including, but not limited to, the loss of a limb, paralysis, or the loss of eyesight that may necessitate medical or surgical intervention to prevent permanent impairment; that could potentially cause a significant reduction in the quality of life; or that has the likelihood of causing death.

**C. Open-Source Information**

Publicly available information, including but not limited to social media platforms, public records, online forums, and online communities.

**D. Serious Crime Call-Out**

A serious crime call-out is generated when an individual sustains a life-threatening injury.

**E. Undercover Officer**

Any on-duty sworn personnel whose identity as a law enforcement officer is concealed or whose assignment requires them to work incognito while investigating individuals or organizations. The officer is working pursuant to an undercover operation, as approved by the Bureau Deputy Chief of Police, designed to obtain information about the criminal activity of individuals or organizations through the development of ongoing relationships with those individuals, organizations, or associates.

**7 1-50-4 Rules and Responsibilities**

**A. Investigations**

**1. GVRU sworn personnel shall:**

- a. Investigate all aggravated batteries involving a firearm with bullet-to-skin contact, except for:
  - i. Homicides;
  - ii. Shootings completed in the commission of a robbery/attempted robbery;
  - iii. Shootings involving domestic violence when the victim or individual is a household member; or
  - iv. Gang or group-motivated shootings.
- b. Investigate accidental shootings that have suspicious circumstances or when a second individual accidentally shoots the victim;
- c. Be assigned in an undercover capacity and, when needed, conduct undercover investigations to apprehend individuals who engage in gun violence. These individuals are identified as drivers of gun violence in the City of Albuquerque through open-source information, data gathered by the Department, and law enforcement databases. Investigations shall be determined by:
  - i. Self-initiated investigations;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-50**

**CPOAB Draft 05/15/2025**

**N/A**

- ii. Surveillance;
- iii. The use of Confidential Informants;
- iv. Department units; and
- v. Outside agencies.
- d. Conduct proactive operations in areas that are identified as high-crime areas that involve violent crime;
- e. Work closely with the District Attorney's (DA) Office to assist with investigations of individuals suspected of committing a crime as identified by the DA's Special Agents; and
- f. Confer with Violence Intervention Program (VIP) personnel on investigations regarding individuals who may benefit from a VIP Custom Notification (VIP CN), in accordance with SOP Violence Intervention Program (VIP) Custom Notification Deliveries (refer to SOP Violence Intervention Program (VIP) Custom Notification Deliveries for sanction classifications and additional duties).

2. GVRU sworn personnel shall prioritize investigations based on:

- a. Injuries;
- b. Criminal history;
- c. The propensity for violence; and
- d. Gang affiliation:
  - i. If the case necessitates a long-term investigation, the Gang Unit will assume case responsibility.
  - ii. If the case does not warrant an extensive long-term investigation, GVRU will maintain case responsibility.

**6**

3. GVRU sworn personnel shall be prohibited from providing tactical responses to critical situations requiring a specialized tactical unit.

- a. When GVRU sworn personnel must execute a pre-planned search warrant, they shall complete the Risk Assessment Matrix Packet.

4. GVRU sworn personnel shall be on-call for:

- a. Any call-out related to an aggravated battery involving a firearm with bullet-to-skin contact that requires obtaining an arrest warrant and or search warrant;
- b. Immediate case follow-up or at the direction of the affected GVRU supervisor;
- c. Case investigation guidance; and
- d. Serious crime call-outs in accordance with SOP Procedures for Serious Crime Call-Outs (refer to SOP Procedures for Serious Crime Call-Outs for sanction classifications and additional duties).

**N/A**

**7**

**1-50-5**

**Training**

- A. The immediate supervisor for any sworn personnel in GVRU shall ensure that they:



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-50**

**CPOAB Draft 05/15/2025**

1. Complete new employee orientation within thirty (30) days of transferring into GVRU;
2. Complete required training, as deemed necessary by the GVRU supervisor and consistent with the Gun Violence Reduction Unit (GVRU) Handbook; and
3. Complete and maintain all specialized training as deemed necessary by the CID Commander or their designee.

REDLINED



## **1-50 GUN VIOLENCE REDUCTION UNIT**

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

#### **A. Related SOP(s)**

- 1-59 Impact Teams (Formerly 4-1 and 4-4)
- ~~1-90 Investigative Services Division (ISD) (Formerly 5-1)~~
- 2-64 Violence Intervention Program (VIP) Custom Notification Deliveries
- 2-72 Procedures for Serious Crimes Call-Outs (Formerly 2-28 and 2-91)

#### **B. Form(s)**

~~PD 3109 Risk Assessment Matrix Packet~~ [PD 3109 Risk Assessment Matrix Packet](#)

#### **C. Other Resource(s)**

Gun Violence Reduction Unit (GVRU) Handbook

#### **D. Rescinded Special Order(s)**

None

### **1-50-1 Purpose**

The purpose of this policy is to outline the duties, functions, and responsibilities of the Gun Violence Reduction Unit (GVRU) assigned to the [Criminal Investigation Division \(CID\)](#) ~~Investigative Services Division (ISD)~~ and the training requirements for GVRU sworn personnel.

### **1-50-2 Policy**

It is the policy of the Albuquerque Police Department (Department) for GVRU sworn personnel to be responsible for the investigation of crimes related to aggravated batteries involving a firearm with bullet-to-skin contact. It is also the policy of the Department for GVRU sworn personnel to conduct a thorough investigation to identify, locate, and apprehend individuals suspected of committing a gun crime and to seek to reduce gun violence.

### **N/A 1-50-3 Definitions**

#### **A. Household Member**

A spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, child, stepchild, grandchild, co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member.





B. Life-threatening Injury

Any injury that involves serious physical harm that may result in significant or permanent disfigurement or the loss of a major bodily organ or function, including, but not limited to, the loss of a limb, paralysis, or the loss of eyesight that may necessitate medical or surgical intervention to prevent permanent impairment; that could potentially cause a significant reduction in the quality of life; or that has the likelihood of causing death.

C. Open-Source Information

Publicly available information, including but not limited to social media platforms, public records, online forums, and online communities.

D. Serious Crime Call-Out

A serious crime call-out is generated when an individual sustains a life-threatening injury.

E. Undercover Officer

Any on-duty sworn personnel whose identity as a law enforcement officer is concealed or whose assignment requires them to work incognito while investigating individuals or organizations. The officer is working pursuant to an undercover operation, as approved by the Bureau Deputy Chief of Police, designed to obtain information about the criminal activity of individuals or organizations through the development of ongoing relationships with those individuals, organizations, or associates.

**7 1-50-4 Rules and Responsibilities**

A. Investigations

1. GVRU sworn personnel shall:

- a. Investigate all aggravated batteries involving a firearm with bullet-to-skin contact, except for:
  - i. Homicides;
  - ii. Shootings completed in the commission of a robbery/attempted robbery;
  - iii. Shootings involving domestic violence when the victim or individual suspect is a household member; or
  - iv. Gang or gGroup-motivated shootings as identified by the Gun Violence Suppression Unit (GVSU).
- b. Investigate accidental shootings that have suspicious circumstances or when a second individual accidentally shoots the victim;
- c. Be assigned in an undercover capacity and, when needed, conduct undercover investigations to apprehend individuals who engage in gun violence. These individuals are identified as drivers of gun violence in the City of Albuquerque



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-50

CPOAB Draft 05/15/2025

through open-source information, data gathered by the Department, and law enforcement databases. Investigations shall be determined by:

- i. Self-initiated investigations;
  - ii. Surveillance;
  - iii. The use of Confidential Informants;
  - iv. Department units; and
  - v. Outside agencies.
- d. Conduct proactive operations in areas that are identified as high-crime areas that involve violent crime;
- e. Work closely with the District Attorney's (DA) Office to assist with investigations of individuals suspected of committing a crime as identified by the DA's Special Agents; and
- f. Confer with Violence Intervention Program (VIP) personnel on investigations regarding individuals who may benefit from a VIP Custom Notification (VIP CN), ~~consistent in accordance~~ with SOP Violence Intervention Program (VIP) Custom Notification Deliveries (refer to SOP Violence Intervention Program (VIP) Custom Notification Deliveries for sanction classifications and additional duties).

N/A

2. GVRU sworn personnel shall prioritize investigations based on:

- a. Injuries;
- b. Criminal history;
- c. The propensity for violence; and
- d. Gang affiliation:
  - i. If the case necessitates a long-term investigation, the Gang Unit GVSU will assume case responsibility.
  - ii. If the case does not warrant an extensive long-term investigation, GVRU will maintain case responsibility.

6

3. GVRU sworn personnel shall be prohibited from providing tactical responses to critical situations requiring a specialized tactical unit.

- a. When GVRU sworn personnel must execute a pre-planned search warrant, they shall complete the Risk Assessment Matrix Packet.

4. GVRU sworn personnel shall be on-call for:

- a. Any call-out related to an aggravated battery involving a firearm with bullet-to-skin contact that requires obtaining an arrest warrant and or search warrant;
- b. Immediate case follow-up or at the direction of the affected GVRU supervisor;
- c. Case investigation guidance; and
- d. ~~Serious crime call-outs as outlined in~~ accordance with SOP Procedures for Serious Crime Call-Outs (refer to SOP Procedures for Serious Crime Call-Outs for sanction classifications and additional duties).

N/A

7

1-50-5

Training



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-50**

**CPOAB Draft 05/15/2025**

- A. The immediate supervisor for any sworn personnel in GVRU shall ensure that they:
1. Complete new employee orientation within thirty (30) days of transferring into GVRU;
  2. Complete required training, as deemed necessary by the GVRU supervisor and consistent with the Gun Violence Reduction Unit (GVRU) Handbook; and
  3. Complete and maintain all specialized training as deemed necessary by the CIDISD Commander or their designee.



## **1-61 INTERNAL AFFAIRS FORCE DIVISION (IAFD)**

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

#### **A. Related SOP(s)**

- 2-52 Use of Force: General (Formerly 3-45)
- 2-53 Use of Force: Definitions
- 2-54 Use of Force: Intermediate Weapon Systems
- 2-55 Use of Force: De-escalation
- 2-56 Use of Force: Reporting by Department Personnel
- 2-57 Use of Force: Review and Investigation by Department Personnel
- 3-32 Performance Evaluations (Formerly 3-26)
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)
- 3-42 Criminal Investigation of Department Personnel (Formerly 2-30)
- 3-43 Relief of Duty (Formerly 3-23 and 3-44)
- 3-44 Review of Completed Administrative Investigation Cases (Formerly 3-24 and 3-45)
- 3-46 Discipline System (Formerly 1-09)
- 3-47 Acceptance of Disciplinary Action and Right to Appeal

#### **B. Form(s)**

None

#### **C. Other Resource(s)**

City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA) (Effective January 9, 2022)  
Internal Affairs Force Division (IAFD) Handbook  
Internal Affairs Force Division (IAFD) Process Narrative  
NMSA 1978, §§ 66-7-1 through 66-7-13 Application of Traffic Laws

#### **D. Rescinded Special Order(s)**

None

### **1-61-1 Purpose**

The purpose of this policy is to outline the functions and responsibilities of the Internal Affairs Force Division (IAFD).

### **1-61-2 Policy**

It is the policy of the Albuquerque Police Department (Department) for IAFD personnel to conduct timely, fair, objective, and thorough investigations on all uses of force, uses of force indicating apparent criminal misconduct by an officer, uses of force by Department personnel



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

of a rank higher than sergeant, or any other force investigation assigned by the Chief of Police.

**N/A 1-61-3 Definitions**

**A. Apparent Criminal Misconduct**

*Prima facie* proof of an act or omission, which if proven, would violate federal law, state law, or other criminal law, excluding minor traffic violations.

**B. Civilian Police Oversight Agency (CPOA)**

An independent agency of City government, not part of either the City Administration or City Council, which was created by City Ordinance, consistent with the Civilian Police Oversight Agency Ordinance, ROA 1994, §§ 9-4-1-1 to 9-4-1-14.

**C. Critical Firearm Discharge**

A discharge of an off-duty or on-duty firearm by sworn personnel, excluding range practice and training firings, destruction of animals, and off-duty accidental discharges of a personally owned weapon where no person is struck.

**D. Individual**

A subject on whom force or a show of force was used.

**E. Internal Affairs Force Division (IAFD)**

The division of the Department responsible for timely, fair, impartial, and thorough investigations of uses of force as well as policy violations by Department personnel related to the Department's use of force policy suite.

**F. Internal Affairs Request (IAR)**

A formal, written request for an Internal Affairs (IA) investigation.

**G. Internal Affairs (IA) Database Management System**

A data storage system designed to maintain, track, and analyze commendations, internal investigations, and uses of force.

**H. Involved Officer**

Any officer who participates in a use of force, or orders a use of force.

**N/A 1-61-4 Internal Affairs Force Division (IAFD) Personnel**



A. The IAFD shall consist of:

1. Commander;
2. Deputy Commander;
3. Lieutenant;
4. Sergeants;
5. IAFD Civilian Investigators;
6. IAFD Civilian Coordinator;
7. IAFD Detective;
8. IAFD Sworn Detective; and
9. Administrative Assistants.

**6 1-61-5 Training Requirements for IAFD Personnel**

A. Required training for IAFD investigative personnel includes:

1. Forty (40) hours of IAFD training. Before performing force investigations, IAFD personnel shall receive force investigation training that includes, at a minimum, the following areas:
  - a. Force investigation procedures;
  - b. Call-out and investigative protocols;
  - c. Proper roles of on-scene personnel; and
  - d. Investigative equipment and techniques.
2. IAFD personnel shall receive annual in-service use of force investigation training.
3. IAFD shall maintain an IAFD Handbook. IAFD personnel shall ensure that the IAFD Handbook includes, but is not limited to:
  - a. Intake requirements;
  - b. Investigative requirements;
  - c. Investigative timelines; and
  - d. Reporting requirements.

**6 1-61-6 IAFD Personnel Responsibilities**

A. The IAFD Commander or their designee shall:





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

1. Ensure the timeliness, completeness, thoroughness, and accuracy of IAFD's investigation reports and work products;
  - a. The IAFD Commander or their designee shall ensure that all investigations are completed so there are no restrictions to discipline or other corrective action based on the CBA with the Albuquerque Police Officer's Association (APOA).
2. Notify the Superintendent of Police Reform when an investigation indicates apparent criminal misconduct by Department personnel;
3. Maintain criminal and administrative case separation by ensuring criminal investigators do not have access to IAFD files and ensuring that administrative investigators do not share information with criminal investigators;
4. For all IAFD investigations, review the proposed disposition, and if necessary, order additional investigation when there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of IAFD;
5. Prepare personnel performance evaluations on a quarterly basis, in accordance with SOP Performance Evaluations, and within CBA rules and regulations, and take reasonable corrective or disciplinary actions when an employee repeatedly fails to conduct appropriate investigations;
6. Take appropriate action to address any inadequately supported determination and remediate any investigative deficiencies by assigning the case for additional investigation or by taking any other reasonable action when reviewing cases completed by IAFD; and

3

7. Maintain confidentiality of all investigations.

B. The IAFD Deputy Commander shall:

1. Review IAFD reports and ensure that they are timely, complete, and thorough;
2. Notify the IAFD Commander, who shall also notify the Superintendent of Police Reform of criminal misconduct complaints by Department personnel or when serious physical injury or death of a police officer or civilian occurs as a result of police actions;
3. Maintain criminal and administrative case separation by ensuring criminal investigators do not have access to IAFD files and ensuring that administrative investigators do not share information with criminal investigators;
4. For all IAFD investigations, review the proposed disposition, and after consulting with their supervisor, order any necessary additional investigation when there is relevant evidence that may assist in resolving inconsistencies or improving the



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of IAFD;

5. Take appropriate action to address any inadequately supported determination and remediate any investigative deficiencies by assigning the case for additional investigation or by taking any other reasonable action when reviewing cases completed by IAFD;
6. Prepare personnel performance evaluations on a quarterly basis, in accordance with SOP Performance Evaluations, and take corrective or disciplinary actions when an employee fails to conduct appropriate investigations; and
7. Maintain confidentiality of all investigations.

3

C. The IAFD Lieutenant shall:

1. Ensure the timeliness, completeness, and accuracy of IAFD first-line supervisor's and investigative personnel's work product;
2. Notify the IAFD Commander or IAFD Deputy Commander of criminal misconduct complaints by Department personnel or when serious physical injury or death of a police officer or civilian occurs as a result of police actions;
3. Plan and coordinate daily activities and investigations with subordinates;
4. Keep the chain of command informed on the progress of major investigations;
5. Assist in investigations when necessary;
6. Assign cases for investigation in a timely manner so that investigators may complete a fair and thorough investigation within the timelines required by the City's CBA with APOA to impose discipline;
  - a. The IAFD Lieutenant shall assign cases for investigation in a timely manner that allows time for corrective action consistent with APOA contract deadlines.
  - b. The IAFD Lieutenant shall monitor case investigation and completion rates in a manner that allows corrective action consistent with APOA contract deadlines.
7. For all IAFD investigations, review the proposed disposition, and if necessary, order additional investigation when it appears there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of IAFD;
  - a. If the IAFD investigation generates evidence of collateral misconduct that is not force-related, IAFD personnel shall forward that evidence to the IAPS Division in a timely manner.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

8. Ensure that IAFD reports are thorough, complete, and distributed on time so as not to preclude disciplinary actions if such action is warranted based on the results of the investigation;
9. Ensure compliance with training requirements for IAFD personnel;
10. Maintain criminal and administrative case separation by ensuring that criminal investigators do not have access to IAFD files and ensure that administrative investigators do not share information with criminal investigators;
11. Be on-call, as needed;
12. Prepare personnel performance evaluations on a quarterly basis, in accordance with SOP Performance Evaluations, and take corrective or disciplinary actions when an employee fails to conduct appropriate investigations; and
13. Maintain confidentiality of all IAFD investigations.

3

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D. The IAFD Sergeant shall:

N/A

1. Assist in investigations when necessary;
2. Ensure that cases are timely, professionally, and objectively investigated and dispositions are in accordance with the SOP Use of Force: Review and Investigation by Department Personnel and SOP Investigation of Police Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel and SOP Investigation of Police Personnel for sanction classifications and additional duties);
3. Review the proposed disposition and, if necessary, order additional investigation when it appears there is relevant evidence that may assist in resolving inconsistencies, or where there is evidence of a collateral allegation falling under the purview of IAFD;
4. Prepare the on-call roster and distribute it to Emergency Communications Center (ECC) personnel and IAFD personnel;
5. Be on-call, as needed;
6. Prepare personnel performance evaluations on a quarterly basis, in accordance with SOP Performance Evaluations, and take corrective or disciplinary actions when an employee fails to conduct appropriate investigations;
7. Assist supervisors outside of IAFD when they are conducting administrative investigations when requested;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

8. Maintain a working knowledge of current employee labor contracts, the City's Merit Ordinance System, and Department Standard Operating Procedures (SOP); and

3

9. Maintain confidentiality of all investigations.

6

E. The IAFD Investigator/Detective shall:

1. Complete case assignments as soon as practicable and, in all events, within the time limits imposed by Section 1-61-7 C;

2. Prepare cases in a thorough, comprehensive, timely, and professional manner;

3. Be on an on-call rotation with other IAFD Investigators;

4. Assist supervisors outside of IAFD when they are conducting administrative investigations;

3

5. Maintain confidentiality of all investigations;

6. Maintain a working knowledge of current employee labor contracts, the City's Merit Ordinance System, and Department SOPs; and

7. Maintain current information on investigations in the IA database management system.

6

F. The IAFD Coordinator shall:

1. Have overall responsibility for the efficient conduct of the IAFD's administrative functions;

2. Supervise all administrative assistants assigned to IAFD;

3. Ensure that all outbound correspondence is properly formatted, grammatically correct, and professional in appearance;

4. Maintain current records and information in the IA database management system;

5. Be responsible for IA database management system password distribution and tier-level access;

6. Maintain a log of the New Mexico Inspection of Public Records Act and legal requests;

7. Ensure that files are properly secured;

8. Maintain office supplies in sufficient quantities to facilitate the proper operation of the office;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

9. Assist with all reports as needed;
10. Maintain a sufficient quantity of forms at all outlets; and
11. Maintain logs of incoming/outgoing cases and correspondence.

G. The IAFD In-take Case Manager shall:

1. Assign and track all incoming force and misconduct investigations submitted to IAFD;
2. Assist with reviewing and editing investigative reports;
3. Assist with completing Disciplinary Action Packets (DAP);
4. Manage all IAFD intake functions and IAFD intake staff; and
5. Complete special projects (i.e., statistical reporting and analysis) as directed by the IAFD Commander.

H. The IAFD Administrative Assistant shall provide assistance to the IAFD Coordinator by carrying out administrative functions as instructed.

I. IAFD personnel shall:

N/A

1. Adhere to the investigative procedures outlined in the IAFD Process Narrative and SOP Use of Force: Review and Investigation of Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties);
2. Track, monitor, audit, document, and provide statistical analysis of force investigations involving Department personnel;
3. Maintain and secure all records that pertain to use of force investigations and administrative cases;
4. Maintain the IA database management system access rights for IAFD personnel; and
5. Timely, fairly, and thoroughly complete investigations, in accordance with SOP Complaints Involving Department Personnel, and force investigations conducted by IAFD.

**6 1-61-7 Investigation Procedures**

A. Use of Force



1. The IAFD Investigator shall identify, investigate, and properly refer the following concerns to the appropriate division:

- a. Policy concerns or deficiencies;
- b. Training concerns or deficiencies;
- c. Tactical concerns or deficiencies;
- d. Equipment concerns or deficiencies; and/or
- e. Supervisory concerns or deficiencies.

**B. Policy Violations**

1. The IAFD Investigator may request to suspend an investigation into a potential policy violation for extenuating circumstances, including, but not limited to, the involved officer's military deployments, officer hospitalizations, and extended absences.
  - a. The Superintendent of Police Reform or their designee has the final authority to approve suspension requests.

**6**

**C. IAFD Investigation Timelines**

1. The IAFD Investigator shall complete an initial use of force data report to distribute through the chain of command to the Superintendent of Police Reform as soon as possible, but in no circumstances no later than twenty-four (24) hours after learning of the use of force.
2. The IAFD Investigator shall complete the use of force investigation as soon as practicable and, in all events, within sixty (60) calendar days of notification of the use of force incident.
3. The chain of command review shall be completed as soon as practicable and, in all events, within thirty (30) calendar days of receiving the investigation.
4. When it is not practical to complete a force investigation within the timelines set forth in this section, IAFD personnel may request an extension of an additional thirty (30) calendar days to complete the use of force investigation. Any request for an extension shall state the reasons why it was not possible to complete the investigation within the timelines set forth in this section. Any request for extension shall be subject to approval by the Superintendent of Police Reform.
5. No use of force investigation, to include the entire chain of command review, shall exceed ninety (90) calendar days.
6. The investigation shall be considered closed when the commanding officer has completed a review.





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

D. United States Attorney's Office (USAO), Office of the New Mexico Attorney General, or District Attorney Consultation Procedures

1. The IAFD Investigator shall notify the Internal Affairs Professional Standards (IAPS) Division Commander through the chain of command to brief the Superintendent of Police Reform when there are possible criminal allegations identified during an IAFD investigation.
2. If during a use of force investigation, the IAFD Investigator identifies potential criminal misconduct of the involved officer, the Superintendent of Police Reform or the Chief of Police or their designee shall notify and consult with the Attorney General and/or District Attorney, USAO, or other appropriate agency based on jurisdiction over the case and shall seek direction on how to proceed.
3. Administrative and criminal investigations shall run concurrently after consultation with the appropriate prosecutorial entity, unless otherwise directed by the Superintendent of Police Reform.
4. When a Department employee refuses to give a voluntary statement and the IAFD Investigator has reason to believe that the person committed a crime, the investigator shall consult with the appropriate prosecuting agency and shall seek the approval of the Superintendent of Police Reform, through the chain of command before taking a compelled statement.

**6 1-61-8 Administrative Review**

A. The IAFD Commander or their designee shall:

1. Ensure that all requests for an extension of time are supported by reasons establishing the impracticality of completing an investigation within the timelines set by Subsections 1-61-7 C.2. and C.3. and, if properly supported, ensure that the request is sent to the Superintendent of Police Reform;
2. Order additional investigation when there may be relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, when the findings were not supported by a preponderance of the evidence, or when there are additional concerns, including, but not limited to, policy violations; and
3. Notify their chain of command when an IAFD Investigator identifies potential criminal conduct during an investigation.
  - a. The IAFD Commander or their designee shall notify the Superintendent of Police Reform for their designee immediately upon identification of potential criminal conduct.

**6 1-61-9 Cooperation with the Civilian Police Oversight Agency (CPOA)**



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

- A. IAFD personnel shall provide CPOA personnel with reasonable access to IAFD files, documents, reports, and other materials that are reasonably necessary for the CPOA to perform timely, thorough, objective, and independent investigations of civilian complaints and reviews of use of force incidents.

REDLINED



## **1-61 INTERNAL AFFAIRS FORCE DIVISION (IAFD)**

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

#### **A. Related SOP(s)**

- 2-52 Use of Force: General (Formerly 3-45)
- 2-53 Use of Force: Definitions
- 2-54 Use of Force: Intermediate Weapon Systems
- 2-55 Use of Force: De-escalation
- 2-56 Use of Force: Reporting by Department Personnel
- 2-57 Use of Force: Review and Investigation by Department Personnel
- 3-32 Performance Evaluations (Formerly 3-26)
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)
- 3-42 Criminal Investigation of Department Personnel (Formerly 2-30)
- 3-43 Relief of Duty (Formerly 3-23 and 3-44)
- 3-44 Review of Completed Administrative Investigation Cases (Formerly 3-24 and 3-45)
- 3-46 Discipline System (Formerly 1-09)
- 3-47 Acceptance of Disciplinary Action and Right to Appeal

#### **B. Form(s)**

None

#### **C. Other Resource(s)**

City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA) (Effective January 9, 2022)  
Internal Affairs Force Division (IAFD) Handbook  
Internal Affairs Force Division (IAFD) Process Narrative  
NMSA 1978, §§ 66-7-1 through 66-7-13 Application of Traffic Laws

#### **D. Rescinded Special Order(s)**

None

### **1-61-1 Purpose**

The purpose of this policy is to outline the functions and responsibilities of the Internal Affairs Force Division (IAFD).

### **1-61-2 Policy**

It is the policy of the Albuquerque Police Department (Department) for IAFD personnel to conduct timely, fair, objective, and thorough investigations on ~~Level 2 and Level 3~~ all uses of force, uses of force indicating apparent criminal misconduct by an officer, uses of force by



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

Department personnel of a rank higher than sergeant, or any other force investigation assigned by the Chief of Police.

**N/A 1-61-3 Definitions**

**A. Apparent Criminal Misconduct**

Prima facie proof of an act or omission, which if proven, would violate federal law, state law, or other criminal law, excluding minor traffic violations. ~~An act or omission that violates federal or state laws, or local ordinances, except for minor traffic violations pursuant to NMSA 1978, §§ 66-7-1 through 66-7-13 but including driving while under the influence (DWI), reckless driving, leaving the scene of an accident, and vehicular homicide.~~

**B. Civilian Police Oversight Agency (CPOA)**

An independent agency of City government, not part of either the City Administration or City Council, which was created by City Ordinance, consistent with the Civilian Police Oversight Agency Ordinance, ROA 1994, §§ 9-4-1-1 to 9-4-1-14.

~~An independent agency of City government, not part of either the City administration or City Council, that consists of the Civilian Police Oversight Advisory Board and an Administrative Office led by the CPOA Executive Director, consistent with ROA 1994, § 9-4-1-4. The CPOA receives, investigates, and reviews complaints and commendations submitted by community members concerning Department personnel.~~

~~The CPOA also reviews Department policies, practices, and procedures, in order to provide recommendations throughout the policy development process and ultimately to the Chief of Police.~~

**C. Critical Firearm Discharge**

A discharge of an off-duty or on-duty firearm by sworn personnel, excluding range practice and training firings, destruction of animals, and off-duty accidental discharges of a personally owned weapon where no person is struck.

**D. Individual**

A subject on whom force or a show of force was used.

**E. Internal Affairs Force Division (IAFD)**

The division of the Department responsible for timely, fair, impartial, and thorough investigations of ~~ing level 2 and 3~~ uses of force as well as policy violations by Department personnel related to the Department's use of force policy suite.

**F. Internal Affairs Request (IAR)**



A formal, written request for an Internal Affairs (IA) investigation.

**G. Internal Affairs (IA) Database Management System**

A data storage system designed to maintain, track, and analyze commendations, internal investigations, and uses of force.

**H. Involved Officer**

Any officer who participates in a use of force, or orders a use of force.

~~Any officer who participates in a use of force, assists in overcoming an individual's resistance during a use of force, or orders or authorizes a use of force.~~

**N/A 1-61-4 Internal Affairs Force Division (IAFD) Personnel**

**A. The IAFD shall consist of:**

1. Commander;
2. Deputy Commander;
3. Lieutenant;
4. Sergeants;
5. IAFD Civilian Investigators;
6. IAFD Civilian Coordinator;
7. IAFD Detective;
8. IAFD Sworn Detective; and
9. Administrative Assistants.

**6 1-61-5 Training Requirements for IAFD Personnel**

**A. Required training for IAFD investigative personnel includes:**

1. Forty (40) hours of IAFD training. Before performing force investigations, IAFD personnel shall receive force investigation training that includes, at a minimum, the following areas:
  - a. Force investigation procedures;
  - b. Call-out and investigative protocols;
  - c. Proper roles of on-scene personnel; and
  - d. Investigative equipment and techniques.



2. IAFD personnel shall receive annual in-service use of force investigation training.
3. IAFD shall maintain an ~~Internal Affairs Force Division (IAFD)~~ Handbook. IAFD personnel shall ensure that the IAFD Handbook includes, but is not limited to:
  - a. Intake requirements;
  - b. Investigative requirements;
  - c. Investigative timelines; and
  - d. Reporting requirements.

**6 1-61-6 IAFD Personnel Responsibilities**

A. The IAFD Commander or their designee shall:

1. Ensure the timeliness, completeness, thoroughness, and accuracy of IAFD's investigation reports and work products;
  - a. The IAFD Commander or their designee shall ensure that all investigations are completed so there are no restrictions to discipline or other corrective action based on the CBA with the Albuquerque Police Officer's Association (APOA).
2. Notify the Superintendent of Police Reform when an investigation indicates apparent criminal misconduct by Department personnel;
3. Maintain criminal and administrative case separation by ensuring criminal investigators do not have access to IAFD files and ensuring that administrative investigators do not share information with criminal investigators;
4. For all IAFD investigations, review the proposed disposition, and if necessary, order additional investigation when there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of IAFD;
5. Prepare personnel performance evaluations on a quarterly basis, in accordance ~~consistent~~ with SOP Performance Evaluations, and within CBA rules and regulations, and take reasonable corrective or disciplinary actions when an employee repeatedly fails to conduct appropriate investigations;
6. Take appropriate action to address any inadequately supported determination and remediate any investigative deficiencies by assigning the case for additional investigation or by taking any other reasonable action when reviewing cases completed by IAFD; and

- 3**
7. Maintain confidentiality of all investigations.

B. The IAFD Deputy Commander shall:





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

1. Review IAFD reports and ensure that they are timely, complete, and thorough;
2. Notify the IAFD Commander, who shall also notify the Superintendent of Police Reform of criminal misconduct complaints by Department personnel or when serious physical injury or death of a police officer or civilian occurs as a result of police actions;
3. Maintain criminal and administrative case separation by ensuring criminal investigators do not have access to IAFD files and ensuring that administrative investigators do not share information with criminal investigators;
4. For all IAFD investigations, review the proposed disposition, and after consulting with their supervisor, order any necessary additional investigation when there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of IAFD;
5. Take appropriate action to address any inadequately supported determination and remediate any investigative deficiencies by assigning the case for additional investigation or by taking any other reasonable action when reviewing cases completed by IAFD;
6. Prepare personnel performance evaluations on a quarterly basis, in accordance ~~consistent~~ with SOP Performance Evaluations, and take corrective or disciplinary actions when an employee fails to conduct appropriate investigations; and
7. Maintain confidentiality of all investigations.

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C. The IAFD Lieutenant shall:

1. Ensure the timeliness, completeness, and accuracy of IAFD first-line supervisor's and investigative personnel's work product;
2. Notify the IAFD Commander or IAFD Deputy Commander of criminal misconduct complaints by Department personnel or when serious physical injury or death of a police officer or civilian occurs as a result of police actions;
3. Plan and coordinate daily activities and investigations with subordinates;
4. Keep the chain of command informed on the progress of major investigations;
5. Assist in investigations when necessary;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

6. Assign cases for investigation in a timely manner so that investigators ~~may~~<sup>can</sup> complete a fair and thorough investigation within the timelines required by the City's CBA with APOA to impose discipline;
  - a. The IAFD Lieutenant shall assign cases for investigation in a timely manner that allows time for corrective action consistent with APOA contract deadlines.
  - b. The IAFD Lieutenant shall monitor case investigation and completion rates in a manner that allows corrective action consistent with APOA contract deadlines.
7. For all IAFD investigations, review the proposed disposition, and if necessary, order additional investigation when it appears there is relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of IAFD;
  - a. If the IAFD investigation generates evidence of collateral misconduct that is not force-related, IAFD personnel shall forward that evidence to the IAPS Division in a timely manner.
8. Ensure that IAFD reports are thorough, complete, and distributed on time so as not to preclude disciplinary actions if such action is warranted based on the results of the investigation;
9. Ensure compliance with training requirements for IAFD personnel;
10. Maintain criminal and administrative case separation by ensuring that criminal investigators do not have access to IAFD files and ensure that administrative investigators do not share information with criminal investigators;
11. Be on-call, as needed;
12. Prepare personnel performance evaluations on a quarterly basis, in accordance~~consistent~~ with SOP Performance Evaluations, and take corrective or disciplinary actions when an employee fails to conduct appropriate investigations; and

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13. Maintain confidentiality of all IAFD investigations.

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- D. The IAFD Sergeant shall:

N/A

1. Assist in investigations when necessary;
2. Ensure that cases are timely, professionally, and objectively investigated and dispositions are in accordance~~consistent~~ with the SOP Use of Force: Review and Investigation by Department Personnel and SOP Investigation of Police Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

and SOP Investigation of Police Personnel for sanction classifications and additional duties);

3. Review the proposed disposition and, if necessary, order additional investigation when it appears there is relevant evidence that may assist in resolving inconsistencies, or where there is evidence of a collateral allegation falling under the purview of IAFD;
4. Prepare the on-call roster and distribute it to Emergency Communications Center (ECC) personnel and IAFD personnel;
5. Be on-call, as needed;
6. Prepare personnel performance evaluations on a quarterly basis, in accordance ~~consistent~~ with SOP Performance Evaluations, and take corrective or disciplinary actions when an employee fails to conduct appropriate investigations;
7. Assist supervisors outside of IAFD when they are conducting administrative investigations when requested;
8. Maintain a working knowledge of current employee labor contracts, the City's Merit Ordinance System, and Department Standard Operating Procedures (SOP); and
9. Maintain confidentiality of all investigations.

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E. The IAFD Investigator/Detective shall:

1. Complete case assignments as soon as practicable and, in all events, within the time limits imposed by Section 1-61-7 C;
2. Prepare cases in a thorough, comprehensive, timely, and professional manner;
3. Be on an on-call rotation with other IAFD Investigators;
4. Assist supervisors outside of IAFD when they are conducting administrative investigations;
5. Maintain confidentiality of all investigations;
6. Maintain a working knowledge of current employee labor contracts, the City's Merit Ordinance System, and Department SOPs; and
7. Maintain current information on investigations in the IA database management system.

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F. The IAFD Coordinator shall:



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

1. Have overall responsibility for the efficient conduct of the IAFD's administrative functions;
2. Supervise all administrative assistants assigned to IAFD;
3. Ensure that all outbound correspondence is properly formatted, grammatically correct, and professional in appearance;
4. Maintain current records and information in the IA database management system;
5. Be responsible for IA database management system password distribution and tier-level access;
6. Maintain a log of the New Mexico Inspection of Public Records Act and legal requests;
7. Ensure that files are properly secured;
8. Maintain office supplies in sufficient quantities to facilitate the proper operation of the office;
9. Assist with all reports as needed;
10. Maintain a sufficient quantity of forms at all outlets; and
11. Maintain logs of incoming/outgoing cases and correspondence.

G. The IAFD In-take Case Manager shall:

1. Assign and track all incoming force and misconduct investigations submitted to IAFD;
2. Assist with reviewing and editing investigative reports;
3. Assist with completing Disciplinary Action Packets (DAP);
4. Manage all IAFD intake functions and IAFD intake staff; and
5. Complete special projects (i.e., statistical reporting and analysis) as directed by the IAFD Commander.

H. The IAFD Administrative Assistant shall provide assistance to the IAFD Coordinator by carrying out administrative functions as instructed.

I. IAFD personnel shall:

N/A



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

1. Adhere to the investigative procedures outlined in the IAFD Process Narrative and SOP Use of Force: Review and Investigation of Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties);
2. Track, monitor, audit, document, and provide statistical analysis of force investigations involving Department personnel;
3. Maintain and secure all records that pertain to use of force investigations and administrative cases;
4. Maintain the IA database management system access rights for IAFD personnel; and
5. Timely, fairly, and thoroughly complete investigations, in accordance ~~consistent~~ with SOP Complaints Involving Department Personnel, and force investigations conducted by IAFD.

**6 1-61-7 Investigation Procedures**

**A. Use of Force**

1. The IAFD Investigator shall identify, investigate, and properly refer the following concerns to the appropriate division:
  - a. Policy concerns or deficiencies;
  - b. Training concerns or deficiencies;
  - c. Tactical concerns or deficiencies;
  - d. Equipment concerns or deficiencies; and/or
  - e. Supervisory concerns or deficiencies.

**B. Policy Violations**

1. The IAFD Investigator may request to suspend an investigation into a potential policy violation for extenuating circumstances, including, but not limited to, the involved officer's military deployments, officer hospitalizations, and extended absences.
  - a. The Superintendent of Police Reform or their designee has the final authority to approve suspension requests.

**6 C. IAFD Investigation Timelines**

1. The IAFD Investigator shall complete an initial use of force data report to distribute through the chain of command to the Superintendent of Police Reform as soon as possible, but in no circumstances no later than twenty-four (24) hours after learning of the use of force.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-61 (Formerly 7-2 and 7-3)**

**CPOAB Draft 05/22/2025**

2. The IAFD Investigator shall complete the use of force investigation as soon as practicable and, in all events, within sixty (60) calendar days of notification of the use of force incident.
  3. The chain of command review shall be completed as soon as practicable and, in all events, within thirty (30) calendar days of receiving the investigation.
  4. When it is not practical to complete a force investigation within the timelines set forth in this section, IAFD personnel may request an extension of an additional thirty (30) calendar days to complete the use of force investigation. Any request for an extension shall state the reasons why it was not possible to complete the investigation within the timelines set forth in this section. Any request for extension shall be subject to approval by the Superintendent of Police Reform.
  5. No ~~Level 2 or 3~~ use of force investigation, to include the entire chain of command review, shall exceed ninety (90) calendar days.
  6. The investigation shall be considered closed when the commanding officer has completed a review.
- D. United States Attorney's Office (USAO), Office of the New Mexico Attorney General, or District Attorney Consultation Procedures
1. The IAFD Investigator shall notify the Internal Affairs Professional Standards (IAPS) Division Commander through the chain of command to brief the Superintendent of Police Reform when there are possible criminal allegations identified during an IAFD investigation.
  2. If during a ~~Level 2 or Level 3~~ use of force investigation, the IAFD Investigator identifies potential criminal misconduct of the involved officer, the Superintendent of Police Reform or the Chief of Police or their designee shall notify and consult with the Attorney General and/or District Attorney, USAO, or other appropriate agency based on jurisdiction over the case and shall seek direction on how to proceed.
  3. Administrative and criminal investigations shall run concurrently, after consultation with the appropriate prosecutorial entity, unless otherwise directed by the Superintendent of Police Reform.
  4. When a Department employee refuses to give a voluntary statement and the IAFD Investigator has reason to believe that the person committed a crime, the investigator shall consult with the appropriate prosecuting agency and shall seek the approval of the Superintendent of Police Reform, through the chain of command before taking a compelled statement.





A. The IAFD Commander or their designee shall:

1. Ensure that all requests for an extension of time are supported by reasons establishing the impracticality of completing an investigation within the timelines set by Subsections 1-61-7 C.2. and C.3. and, if properly supported, ensure that the request is sent to the Superintendent of Police Reform;
2. Order additional investigation when there may be relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, when the findings were not supported by a preponderance of the evidence, or when there are additional concerns, including, but not limited to, policy violations; and
3. Notify their chain of command when an IAFD Investigator identifies potential criminal conduct during an investigation.
  - a. The IAFD Commander or their designee shall notify the Superintendent of Police Reform for their designee immediately upon identification of potential criminal conduct.

**6 1-61-9 Cooperation with the Civilian Police Oversight Agency (CPOA)**

- A. IAFD personnel shall provide CPOA personnel with reasonable access to IAFD files, documents, reports, and other materials that are reasonably necessary for the CPOA to perform timely, thorough, objective, and independent investigations of civilian complaints and reviews of ~~Level 3~~ use of force incidents.



## **1-91 TACTICAL EMERGENCY MEDICAL SUPPORT (TEMS)**

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

#### **A. Related SOP(s)**

- 1-92 Special Weapons and Tactics (SWAT) (Formerly 6-8) (Currently Specialized Tactical Units)
- 2-3 Firearms and Ammunition Authorization (Formerly 2-22)
- 3-31 Physical Fitness Assessment (Formerly 3-83)

#### **B. Form(s)**

None

#### **C. Other Resource(s)**

None

#### **D. Rescinded Special Order(s)**

None

### **1-91-1 Purpose**

The purpose of this policy is to outline the requirements for providing medical interventions that protect the health and safety of all people through Tactical Emergency Medical Support (TEMS) Unit operations.

### **1-91-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to use TEMS Unit personnel during critical incidents where a threat to life is present.

### **N/A 1-91-3 Definitions**

None

### **7 1-91-4 Rules and Responsibilities**

#### **A. Chain of Command and Composition**

1. The TEMS Unit shall be comprised of a medical director/physician, one supervisor, a EMT-B, or above, certified officers.
  - a. TEMS Unit sworn personnel may work as a collateral duty officer in the TEMS Unit based on the needs of the Department.

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-91 (Formerly 1-92)**

**CPOAB Draft 05/15/2025**

2. Medical Director

a. The Medical Director for the TEMS Unit shall:

- i. Be a board-certified emergency medicine physician who has completed an Emergency Medicine residency training program and fellowship;
- ii. Respond to call-outs;
- iii. Attend training days when available;
- iv. Be available for direction either in-person or over a Department-issued cellular telephone; and
- v. Provide both direct and indirect care while functioning as the onsite Medical Control and Emergency Physician (MCEP).
  1. When working as the MCEP, the Medical Director shall coordinate with local emergency medical services (EMS) and fire services personnel to provide safe and effective care to those individuals who are injured during tactical activations.

3. TEMS Unit sworn personnel shall:

- a. At a minimum, maintain a current EMT-B license;
- b. Maintain a current State of New Mexico Law Enforcement Instructor Certification;
- c. Follow Bernalillo County EMS protocols; and
- d. Meet the requirements of the Medical Director.

6

B. Training

1. TEMS Unit sworn personnel shall:

- a. Attend monthly, specialized training or any other training as directed by the Division Commander; and
- b. Once a year, participate in the Department-mandated physical fitness assessment to ensure they meet the minimum performance requirements, in accordance with SOP Physical Fitness Assessment (refer to SOP Physical Fitness Assessment for sanction classifications and additional duties).
  - i. TEMS Unit sworn personnel shall be allowed to re-test within one (1) month of failing a physical fitness assessment.
  - ii. If TEMS Unit sworn personnel do not pass the physical fitness assessment within one (1) month of re-testing, they shall be removed from the TEMS Unit, unless there is a documented injury.

N/A

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C. Uniforms

1. The Division Commander shall determine the appropriate uniform for TEMS Unit personnel.
2. Collateral TEMS Unit sworn personnel shall wear the uniform designated for their regular assignment when not acting in a TEMS Unit capacity, unless their immediate supervisor approves of them wearing the TEMS Unit uniform.



D. TEMS Unit Sworn Personnel Responsibilities

1. TEMS Unit sworn personnel shall abide by the rules set forth in this Standard Operating Procedure (SOP).
  - a. Any violation of the rules shall result in disciplinary action and/or removal from the TEMS Unit.
2. TEMS Unit sworn personnel shall not:
  - a. Be the primary responding officer for a call for service when medical interventions beyond basic assessments of life are performed and criminal charges are present, so that criminal investigations are not compromised by medical privacy laws; or
    - i. When two (2) TEMS Unit officers are the only officers on scene, one (1) may retain the role of primary officer when the situation allows.
  - b. Discuss mission assignment details with Department personnel who are not assigned to the TEMS Unit beyond what is required to provide adequate medical care for patients.
    - i. The information as defined in this section relates to information, tactics, or processes used to locate, apprehend, identify, investigate, or otherwise obtain information related to the incident, location, or individuals being investigated.



## **1-91 TACTICAL EMERGENCY MEDICAL SUPPORT (TEMS)**

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

#### **A. Related SOP(s)**

- 1-92 Special Weapons and Tactics (SWAT) (Formerly 6-8) (Currently Specialized Tactical Units)
- 2-3 Firearms and Ammunition Authorization (Formerly 2-22)
- 3-31 Physical Fitness Assessment (Formerly 3-83)

#### **B. Form(s)**

None

#### **C. Other Resource(s)**

None

#### **D. Rescinded Special Order(s)**

None

### **1-91-1 Purpose**

The purpose of this policy is to outline the requirements for providing medical interventions that protect the health and safety of all people through Tactical Emergency Medical Support (TEMS) Unit operations.

### **1-91-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to use TEMS Unit personnel during critical incidents where a threat to life is present.

### **N/A 1-91-3 Definitions**

None

### **7 1-91-4 Rules and Responsibilities**

#### **A. Chain of Command and Composition**

1. The TEMS Unit shall be comprised of a medical director/physician, one supervisor, a EMT-B, or above, certified officers.
  - a. TEMS Unit sworn personnel may work as a collateral duty officer in the TEMS Unit based on the needs of the Department.

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-91 (Formerly 1-92)

CPOAB Draft 05/15/2025

2. Medical Director

- a. The Medical Director for the TEMS Unit shall:
  - i. Be a board-certified emergency medicine physician who has completed an Emergency Medicine residency training program and fellowship;
  - ii. Respond to call-outs;
  - iii. Attend training days when available;
  - iv. Be available for direction either in-person or over a Department-issued cellular telephone; and
  - v. Provide both direct and indirect care while functioning as the onsite Medical Control and Emergency Physician (MCEP).
    1. When working as the MCEP, the Medical Director shall coordinate with local emergency medical services (EMS) and fire services personnel to provide safe and effective care to those individuals who are injured during tactical activations.

3. TEMS Unit sworn personnel shall:

- a. At a minimum, maintain a current EMT-B license;
- b. Maintain a current State of New Mexico Law Enforcement Instructor Certification;
- c. Follow Bernalillo County EMS protocols; and
- d. Meet the requirements of the Medical Director.

6

B. Training

1. TEMS Unit sworn personnel shall:

- a. Attend monthly, specialized training or any other training as directed by the Division Commander; and
- b. Once a year, participate in the Department-mandated physical fitness assessment to ensure they meet the minimum performance requirements, as outlined in accordance with SOP Physical Fitness Assessment (refer to SOP Physical Fitness Assessment for sanction classifications and additional duties).
  - i. TEMS Unit sworn personnel shall be allowed to re-test within one (1) month of failing a physical fitness assessment.
  - ii. If TEMS Unit sworn personnel do not pass the physical fitness assessment within one (1) month of re-testing, they shall be removed from the TEMS Unit, unless there is a documented injury.

N/A

6

C. Uniforms

1. The Division TEMS Unit Commander shall determine the appropriate uniform for TEMS Unit personnel.





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-91 (Formerly 1-92)**

**CPOAB Draft 05/15/2025**

2. Collateral TEMS Unit sworn personnel shall wear the uniform designated for their regular assignment when not acting in a TEMS Unit capacity, unless their immediate supervisor approves of them wearing the TEMS Unit uniform.

**D. TEMS Unit Sworn Personnel Responsibilities**

1. TEMS Unit sworn personnel shall abide by the rules set forth in this Standard Operating Procedure (SOP).
  - a. Any violation of the rules shall result in disciplinary action and/or removal from the TEMS Unit.
2. TEMS Unit sworn personnel shall not:
  - a. Be the primary responding officer for a call for service when medical interventions, beyond basic assessments of life, are performed and criminal charges are present, so that criminal investigations are not compromised by medical privacy laws; or
    - i. When two (2) TEMS Unit officers are the only officers on scene, one (1) may retain the role of primary officer when the situation allows.
  - b. Discuss mission assignment details with Department personnel who are not assigned to the TEMS Unit beyond what is required to provide adequate medical care for patients.
    - i. The information as defined in this section relates to information, tactics, or processes used to locate, apprehend, identify, investigate, or otherwise obtain information related to the incident, location, or individuals being investigated.



## **1-94 TRAINING DIVISION**

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

#### **A. Related SOP(s)**

- 1-1 Personnel Code of Conduct (Formerly 1-04 and 1-4)
- 1-31 Court Services Unit (Formerly 2-06 and 8-14)
- 2-2 Department Property (Formerly 3-75)
- 2-3 Firearms and Ammunition Authorization (Formerly 2-22)
- 3-15 Sworn Personnel Positions and Seniority (Formerly 3-11)
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)
- 3-46 Discipline System (Formerly 1-09)
- 3-51 Department Orders (Formerly 3-20)

#### **B. Form(s)**

New Mexico Department of Public Safety Law Enforcement Academy Request for Course Accreditation (LEA-86)  
PD 2440 Briefing Video Development Request Form  
PD 2402 Curriculum Development Request Form (Formerly Training Needs Assessment Forms)

#### **C. Other Resource(s)**

Basic Training Academy Cadet Handbook  
SO 21-151 Mandatory NIMS/ICS Training

#### **D. Rescinded Special Order(s)**

None

### **1-94-1 Purpose**

The purpose of this policy is to provide requirements for all training provided by the Albuquerque Police Department (Department) Academy Division. The Academy Division provides Department personnel with the required knowledge, skills, and abilities to succeed, as required by the State of New Mexico and the Department's Standard Operating Procedures (SOP).

### **1-94-2 Policy**

It is the policy of the Department to be committed to a continuous process of training to provide its personnel with the knowledge, skills, and abilities to serve the Albuquerque community. The Academy Division is responsible for training all Department personnel and for training personnel with external governmental agencies when directed.



**N/A 1-94-3 Definitions**

**A. 7-Step Training Development Process**

1. The process for the development, approval, delivery, and evaluation of Department-approved training that is comprised of the following steps:
  - a. Step 1: Needs Assessment;
  - b. Step 2: Curriculum Development;
  - c. Step 3: Oversight/Approval;
  - d. Step 4: Delivery;
  - e. Step 5: Operational Application;
  - f. Step 6: Evaluation; and
  - g. Step 7: Revision.

**B. Blank Training Ammunition**

A non-projectile based training system designed for live target-based engagement under controlled conditions.

**C. Cadet Handbook**

A handbook that provides Department Training Academy standards that each cadet is expected to follow each day for a successful transition into becoming a police officer with the Department.

**D. Magazine Marking**

1. A color-coding system to identify the live status of ammunition as follows:
  - a. Blue: Non-lethal training ammunition;
  - b. White: Reality-Based Training (RBT) blank ammunition with blue and white markings; and
  - c. Yellow or Orange: RBT non-lethal ammunition with yellow or orange and blue markings.

**E. Non-Lethal Training Ammunition (NLTA)**

A projectile-based training system designed for live target engagement under controlled conditions. Non-lethal training ammunition is also referred to as a dye marking cartridge (DMC).

**F. Platform Qualification**



An abbreviated qualification to check the function of the Department-issued firearm and sight alignment for Department-approved firearms.

**G. RBT Blank Firing Converted Firearm**

A firearm that has been converted and either permanently or temporarily marked to fire blank training ammunition.

**H. RBT NLTA Converted Firearm**

A firearm converted and either permanently or temporarily marked to fire non-lethal training ammunition.

**I. Replica Training Firearm**

A replica firearm that is inert and is red in color.

**6 1-94-4 Basic Training**

**A. Preparing for a Basic Training Class**

**1. Basic Training Unit personnel shall:**

- a. Create a class folder associated with the cadet class number in the approved Academy database system;
  - i. The class folder shall contain all correspondence associated with each individual class and all instruction delivered to each class.
  - ii. Associated material for each class shall be electronically stored.
- b. Maintain a Basic Training folder for each individual cadet to include cadet evaluations, injury reports, and any correspondence concerning that cadet; and
- c. Maintain the cadet's Academy Division folder.

**B. Physical Fitness Requirements for Basic Training Unit Instructors**

1. Basic Training Unit instructors shall meet the current exit physical fitness standards that are established by the New Mexico Law Enforcement Academy (NMLEA).
2. Basic Training Unit instructors shall participate in physical training with cadets unless excused by the Basic Training Unit Sergeant.

**C. Basic Training Requirements for Cadets**

1. Academy Division Personnel



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

- a. Basic Training Academy Cadet Handbook: Basic Training Unit instructors shall provide cadets with a copy of the Basic Training Academy Cadet Handbook upon the beginning of Basic Training.
- b. Enforcement Authority
  - i. Basic Training Unit personnel shall:
    - 1. Enforce rules, regulations, and instructions involving immediate safety, professionalism, or integrity. The objective of the enforcement is to correct behavior and improve the overall ability to complete related tasks effectively; and
    - 2. Address these infractions due to the continuous training environment and exclusive knowledge of the cadets by Basic Training Unit personnel.
  - ii. Certain violations of Department rules, regulations, procedures, and/or Academy rules and regulations may warrant disciplinary action up to and including dismissal from the Basic Training Unit.
- c. All cadet violations shall be reported to the Basic Training Sergeant as soon as reasonably possible, and documented in the Department-approved software designated for tracking by the end of the training day.
- d. The Basic Training Sergeant shall assign or assume responsibility for further fact-finding if needed. Once all facts are known, the Basic Training Sergeant will determine the next course of action.
  - i. If the nature of the violation is minor, then the Basic Training Sergeant will approve and assign remedial action.
  - ii. If the violation is severe or there is a pattern of minor violations, then the Basic Training Sergeant will bring it to the Basic Training Lieutenant's attention to determine if it meets justification for dismissal.
- e. Basic Training Unit personnel shall comply with all New Mexico Department of Public Safety (NMDPS) Certification Requirements for Cadets.
- f. Stress Awareness
  - i. All Academy Division personnel shall be alert for signs of excessive stress that a cadet may exhibit due to the challenging nature of the Department's Basic Training program and its accumulated pressures.
    - 1. Basic Training Unit instructors shall be prepared to provide peer counseling to a cadet who exhibits emotional and/or psychological stress.
  - ii. Basic Training Unit instructors shall contact Behavioral Health Division personnel for assistance when necessary.
- g. Remedial Training
  - i. Basic Training Unit personnel shall:
    - 1. Facilitate remedial training for cadets who fail to achieve NMDPS Requirements; and
    - 2. Schedule remedial training as approved by the Basic Training Unit Sergeant and the Basic Training Unit Lieutenant.
  - ii. The Basic Training Unit Sergeant and Basic Training Unit Lieutenant shall oversee all remedial training to ensure that it is completed.

2. Cadets



- a. A cadet shall sign the following addenda:
  - i. Firearms Training Program Mandatory Requirements;
  - ii. Emergency Vehicle Operations Course (EVOC) Training Requirements: Successfully complete the entire Basic Training program before being administered the oath of office;
  - iii. Electronic Control Weapon (ECW); and
  - iv. Abide by the cadet uniform regulations outlined in the Basic Training Academy Cadet Handbook.
- b. A cadet who fails to meet the minimum NMDPS and/or Department requirements and who fails to complete remedial training successfully may be terminated from the Basic Training program.
- c. A cadet may refer to the Basic Training Academy Cadet Handbook for further details regarding attendance and requirements.

#### **D. Dismissal of Cadets from Basic Training**

##### **1. Justification for Dismissal**

- a. A cadet may be dismissed from Basic Training for:
  - i. Serious or repeated violations of Department SOP and/or the Cadet Handbook;
  - ii. Failure to achieve the required levels of proficiency in firearms, defensive tactics, scenario-based training, EVOC, and failure to complete other required training;
  - iii. Failure to achieve the physical fitness standards as mandated by the NMDPS; or
  - iv. Failure to achieve the established academic standards.

**6**

##### **2. Procedures for Dismissal**

- a. The Basic Training Sergeant shall write a memo documenting the violations and facts, and submit it to the Basic Training Lieutenant with a recommendation of recycling the cadet to the next Academy class or termination.
- b. The Basic Training Lieutenant shall review the memo to ensure all fact-finding is complete and will either concur and submit the documentation with a memo to the Academy Commander or their designee.
  - i. If the Basic Training Lieutenant does not concur, they will issue the memo back to the Basic Training Sergeant for more fact finding or with a remedial action plan to carry out.
- c. The Academy Commander shall either deny the memo and send it back to the Basic Training Lieutenant or concur with it and send it to the Chief of Staff over the Academy, Albuquerque City Legal, and Albuquerque City Human Resources.
  - i. With the input from Albuquerque City Legal, and Human Resources, the Chief of Staff over the Academy will make the final decision.





3. Procedures for Resignations

- a. A cadet who chooses to resign will follow the basic training cadet handbook process.
- b. Basic Training Unit personnel shall collect and return the cadet's Department-issued equipment to Property Unit personnel.

E. Preparing for a Cadet Class Graduation

1. Basic Training Unit personnel shall determine class ranking for each cadet.

- a. A cadet shall be ranked according to their overall standing in Basic Training.
  - i. A cadet's overall standing is determined by weekly tests, quizzes, firearms proficiency scores, physical assessments, and inspection scores.
  - ii. A cadet's class rank shall be calculated as based on the criteria in accordance with SOP Sworn Personnel Positions and Seniority.
- b. A Police Service Aide (PSA) shall be ranked as senior regardless of cadet class ranking.

**6 1-94-5 Advanced Training**

A. General Advanced Training Requirements

1. Department personnel shall:

- a. Adhere to all applicable City of Albuquerque Ordinances, and Administrative Instructions, and Department SOPs while in training;
- b. Arrive on time for scheduled training;
- c. Notify their Deputy Chief and the Professional Training Section Lieutenant when they are unable to attend their scheduled training or need to reschedule within two (2) weeks of their scheduled training date;
- d. Request through their supervisors that they be rescheduled for any missed training;
- e. Complete any missed mandatory training;
- f. Be subject to discipline when they fail to complete mandatory training, in accordance with SOP Discipline System;
- g. Complete all mandatory training unless they have been placed on approved leave or a medical restriction; and
  - i. Department personnel on approved leave during a mandatory training cycle shall provide the Professional Training Section Lieutenant proof of the leave approval.
  - ii. Prior to returning to full-duty status, Department personnel shall report to the Academy Division facility to complete all mandatory training.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

- iii. Department personnel on injured in the line-of-duty (ILD) status shall be excused from any training that impacts medically-imposed restrictions until they are cleared to return to full duty.
  - 1. Department personnel who have been placed on ILD shall provide documentation to the Professional Training Lieutenant through their chain of command.
- iv. After an OIS, an officer shall report to Professional Training Unit personnel at the Academy Division.
  - 1. Professional Training Section personnel shall ensure the return to duty form is signed off, and any immediate training, tactics, equipment concerns, or deficiencies are addressed before sending the officer back to full duty.
- v. Department personnel shall complete all mandatory training courses in the Department's document management system within thirty (30) days of posting; and
- vi. Department personnel shall provide copies of all training documents, including training material and certifications for external training, to the Professional Training Section to ensure accurate record keeping.
- h. Adhere to Dress Codes.
  - i. All Department personnel, sworn and professional staff shall attend classroom training wearing business casual, i.e., collared shirt and slacks, or the Department-approved alternate uniform, i.e., polo shirt and BDU pants.
    - 1. Jeans, skirts, t-shirts, hoodies, shorts, and hats are not allowed.
    - 2. Uniforms for specialized training, such as Range, RBT, Defensive Tactics, etc., will be specified prior to training.

**2. Testing Requirements**

- a. Department personnel shall have two (2) attempts to achieve a passing score of eighty percent (80%) or better on any Court-Approved Settlement Agreement (CASA)-mandated training examination.
  - i. Failure to achieve a passing score shall result in remedial instruction.
    - 1. If an employee fails to pass the remedial examination, the Professional Training Section Lieutenant or their designee shall notify the affected employee's chain of command.
    - 2. An Academy Division representative shall coordinate additional training through the employee's immediate supervisor.

**3. Supervisors shall:**

- a. Schedule personnel who are under their supervision for training;
- b. Notify Court Services Unit personnel of training dates to request leave, in accordance with SOP Court Services Unit;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

N/A

- c. Upon notification that their employee has failed to complete mandatory training, determine if it was for an acceptable reason;
- d. Submit an Internal Affairs Request (IAR) in accordance with SOP Personnel Code of Conduct, SOP Complaints Involving Department Personnel, and SOP Discipline System for failing to complete mandatory training, or who was missing from training, or arrived late for training without an acceptable reason, and/or for violating this SOP.

3. Academy Division Personnel

a. Training Documentation

- i. Academy Division personnel shall be responsible for maintaining training records for Department personnel.
  - 1. A certificate of completion shall be issued for all training conducted by the Academy Division and retrained in the Department personnel's training file.
  - 2. Department personnel shall be responsible for providing the Academy Division with a copy of their certificate for any training conducted outside the Academy Division.
  - 3. The Academy Division shall ensure that the student completes the LEA-65 from the day of completion of any instructor certification training.
  - 4. Requests to access Department personnel training records shall be directed to Professional Training Section personnel.
- ii. Certified instructors instructing a course outside of the Academy shall be responsible for maintaining training records for Department personnel.
  - 1. Instructors of any training course shall retain accurate class rosters for each class they deliver.
  - 2. Instructors of any training course shall ensure a certificate of completion is issued and added to the Department personnel's training file.
  - 3. Class rosters and certificates shall be retained by the instructor and shared with Academy Division personnel.
    - a. Academy Division personnel shall manage class rosters and certificates in a personnel training file system incorporating hard and digital copies.
    - b. Academy Division personnel shall be the single point of contact for certificates and rosters from the Department to the NMLEA ACADIS tracking.
- iii. Training files and related information shall not be released to the public, to other Departmental personnel, or to any external agency, unless the request is reviewed and approved by the Academy Division Commander.
  - 1. Court orders for training information shall be immediately forwarded to the Academy Division Commander.
  - 2. The only exception is for direct requests from Internal Affairs personnel, who have full and unrestricted access to all Academy Division records.
  - 3. Training records shall be retained indefinitely.

b. Weapons:



- i. The Academy Division Commander has the authority to restrict access to weapon systems during training in order to maintain a safe training environment.

**B. Community Outreach Programs**

1. The Professional Training Section shall be responsible for oversight and management of the Citizens' Police Academy (CPA) and other related programs and projects.

**C. Personnel from Outside Governmental Agencies**

1. Personnel from outside governmental agencies may request to attend Department training.
2. Requesting personnel shall obtain approval from the Academy Division Commander.

**6 1-94-6 Reality-Based Training Unit**

**A. General RBT Procedures**

1. RBT participants shall:
  - a. Arrive for the training session at the prescribed time with all necessary equipment for the training;
  - b. Obey all safety rules as briefed and consistent with Department SOPs;
  - c. Participate in all mandated RBT;
  - d. Regardless of the rank of the participant or the facilitator, be receptive to the critique or suggestions from the facilitator;
  - e. Inspect all personal protective equipment (PPE), RBT weapons, and ammunition issued to them to ensure they are in good working order; and
  - i. RBT participants shall notify the Quartermaster of any equipment that appears to be in need of repair and/or of any issued equipment that was damaged during training.
  - f. Be responsible for returning all RBT-issued equipment prior to leaving the training site.

**B. Safety Rules While Attending RBT**

1. RBT participants shall:
  - a. Submit to a search of their person and all items they wish to bring in with them when entering the RBT center or any designated RBT training area for RBT;
  - b. Use only RBT NLTA weapons converted for use in RBT and approved by the RBT Sergeant during RBT;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

- c. Use only blue, non-conductive training cartridges with electronic control weapons (ECW) for RBT scenarios;
  - i. Only inert cartridges shall be used during RBT where no protective suit designed for use with ECW probes is worn.
- d. Use only blue foam-coated training batons during RBT scenarios;
  - i. Strikes with these batons shall only be allowed when the role player is wearing a protective suit designed for impact weapon training.
- e. Use only inert training oleoresin capicum (OC) or an OC canister that has been emptied, that has a blocked nozzle, and that has been inspected by RBT personnel before being used for RBT scenarios;
- f. Use only NLTA (marking or blank) issued by RBT staff or approved by the RBT Sergeant during RBT scenarios;
- g. Wear all issued personal protective equipment (PPE) for the duration of any scenario until they are told by the Safety Officer or the RBT facilitator that it is safe to remove the equipment;
- h. Immediately report to the RBT facilitator when they become aware that any piece of mandatory PPE or equipment is absent or missing, or removed by any RBT participant or is accidentally dislodged during a scenario;
  - i. The scenario may be resumed as soon as the PPE is back in place.
- i. Make every effort not to fire any RBT NLTA firearm at another participant at a distance of less than three (3) feet;
- j. Notify the RBT facilitator, the RBT Unit Sergeant, or the officer-in-charge (OIC) of any participant who is injured during training as soon as practicable; and
  - i. If a facilitator is notified of an injury, they shall notify the RBT Unit Sergeant, or the OIC if the injury potentially requires medical attention.
- k. Not bring prohibited items into the RBT center or any designated RBT training area during RBT.
  - i. A list of prohibited items is posted at the RBT center.

**N/A**

- 2. If there is reason to believe that any RBT participant violated any of the safety rules, the RBT Unit Sergeant or OIC may remove them from training, and they may be subject to Departmental discipline, in accordance with SOP Complaints Involving Department Personnel and SOP Discipline System (refer to SOP Complaints Involving Department Personnel and SOP Discipline System for sanction classifications and additional duties).

**C. Lost or Damaged RBT Equipment**

- 1. If a participant loses any equipment issued to them, they may be held financially responsible for its replacement.
- 2. The participant shall return any equipment that is damaged during the training session to the Quartermaster for replacement.
  - a. If any RBT participant or personnel is found to have damaged any equipment due to blatant neglect or misuse, they may be held financially responsible for its



replacement, in accordance with SOP Department Property (refer to SOP Department Property for sanction classifications and additional duties.

**D. RBT Participant Evaluations**

1. RBT participant evaluations shall only be conducted by properly trained personnel and shall be documented on the RBT-authorized evaluation form.
2. RBT participants shall be treated with respect and not subjected to demeaning or inflammatory criticism.

**E. Testing Requirements**

1. Certified Evaluators shall evaluate participant performance in the skill stations and scenarios utilizing evaluation forms specific to each station/scenario. Participants must pass one-hundred percent (100%) of the performance objectives for each scenario in order to pass.
  - a. If a participant fails any performance objective on a scenario, they will be immediately remediated, and the scenario will be run again.
  - b. If the participant fails the scenario a second time, they are considered as failing the station and/or scenario.
  - c. The participant will be required to meet with the RBT Sergeant or OIC and will be scheduled for remedial training when it is practical for them to do so.

**F. Scheduling RBT Training**

1. Supervisors shall have two (2) weeks following the publication of a Department Special Order announcing training to ensure all active personnel under their supervision are scheduled for the training.
  - a. Department personnel who miss their scheduled training date for any reason shall send a memo explaining the circumstances to their chain of command up to their Deputy Chief and provide a signed copy to the Professional Training Lieutenant.
  - b. Supervisors shall ensure personnel under their supervision are rescheduled for the missed training.

**1-94-7 Firearms Training Unit**

- 5** A. General Qualification Requirements
  - 3** 1. Sworn personnel shall not possess, carry, or use firearms while on-duty unless they are qualified on the specified firearm.





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

2. Sworn personnel shall qualify each calendar year with every firearm they currently carry while on duty, including all personally owned backup handguns.
3. Special Weapons and Tactics (SWAT) and K-9 Unit personnel shall qualify quarterly.
4. The qualification methodology shall be designated by the Department and include the NMDPS daylight and low light qualification.
5. Sworn Honor Guard Team personnel who use shotguns shall not be required to qualify with shotguns because they are not intended to be used as a duty firearm and are tools for display only.
6. Sworn personnel are encouraged to wear the gear they normally wear during duty hours during their qualification.

**B. Qualification by Type of Firearm**

**1. Duty Handgun**

- a. For a duty handgun, sworn personnel shall qualify, at a minimum, once annually on the NMDPS daylight and low light qualification.
- b. A passing score of eighty percent (80%) or greater is required.

**2. Second Duty Handgun**

- a. If the second duty handgun is the same platform as the primary duty handgun, sworn personnel shall be required to shoot a platform qualification with their second duty handgun.
- b. If the platform of the second duty handgun differs, then sworn personnel shall be required to shoot and pass an NMDPS daylight and low light qualification on both firearms.

**3. Patrol Rifle**

- a. To qualify to carry a patrol rifle, sworn personnel shall have successfully qualified on their duty handgun.
- b. The officer shall attend and successfully pass the Department's patrol rifle course, scoring ninety percent (90%) or greater on the final qualification on the NMDPS daylight and low light qualification.
- c. In order to continue to use their patrol rifle, sworn personnel shall qualify annually and maintain a ninety percent (90%) score or greater on their NMDPS daylight and low light rifle qualifications.

**4. Department Issued Backup Handgun**



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

- a. For a Department-issued backup handgun, sworn personnel shall pass the Department handgun platform qualification successfully.
  - b. A passing score of eighty percent (80%) or greater is required.
5. 12-Gauge Shotgun (Buckshot)
  - a. Each officer who carries a 12-gauge shotgun shall qualify, at a minimum, once annually on the Department shotgun qualification process, with a passing score of eighty percent (80%) or greater.
6. Breaching Shotgun
  - a. Prior to being issued and carrying a breaching shotgun, sworn personnel who work in a specialized capacity shall complete a ballistic breaching class.
  - b. Sworn personnel who are assigned to Field Services Bureau (FSB) are prohibited from using a breaching shotgun and ammunition.
7. Less-Lethal Shotgun (Beanbag)
  - a. Sworn personnel who use a less-lethal shotgun shall complete a less-lethal shotgun maintenance course consisting of firing two (2) less-lethal rounds during the NMPDS daylight qualification.
    - i. Sworn personnel shall fire the two (2) rounds at seven (7) yards and shall be preceded by the verbal statement, "Beanbag, beanbag, beanbag."
  - b. Sworn personnel shall display proper manipulations of the less-lethal shotgun and correct statements and shall not strike in a lethal area in order to qualify.
8. Enhanced Shotgun with Slug Ammunition
  - a. Only sworn personnel who complete the Enhanced Shotgun Course shall be authorized to carry the shotgun and use slug ammunition.
  - b. Sworn personnel who are issued an enhanced shotgun shall complete the training course at the Department Firearms Range prior to carrying the enhanced shotgun while on duty.
  - c. Each officer who carries an enhanced shotgun shall qualify, at a minimum, once annually by shooting the Department daylight and low light enhanced shotgun qualification course.
  - d. A passing score of ninety percent (90%) or greater is required.
9. Personally-Owned On-Duty Backup Handgun
  - a. For a personally owned on-duty backup handgun, sworn personnel shall pass the Department backup handgun qualification successfully.
  - b. A passing score of eighty percent (80%) or greater is required.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

- c. During annual qualifications if the firearm malfunctions three (3) or more times, Firearms Range personnel shall remove the firearm from the line until it has been repaired.

**C. Qualification Failures**

**1. Handgun Failures**

- a. Sworn personnel who fail to qualify with their primary duty handgun on the date of their qualification shall be provided remedial training, as determined by Department Firearms personnel.
  - i. If sworn personnel score between seventy percent (70%) and seventy-nine percent (79%), Department Firearms personnel shall provide immediate remedial training, and sworn personnel shall be given a second opportunity to qualify.
    - 1. Sworn personnel, regardless of rank, who fail to score over seventy-nine percent (79%) on their second attempt shall be immediately placed in an administrative assignment at the Department Firearms Range and shall relinquish their Department-approved police vehicle and Department-approved handgun to Department Firearms personnel.
      - a. The Firearms Range Sergeant or their designee shall notify the affected officer's chain of command, up to and including the affected officer's Deputy Chief, Operations Review, and Human Resources, of the second failure and the mandatory administrative assignment.
      - b. Firearms Range personnel shall develop a practice schedule for the officer who failed to qualify, and this practice schedule will be designed to correct deficiencies and improve qualification scores. The Firearms Range Sergeant or their designee shall provide the sworn personnel's supervisor with the training schedule by the close of the Firearms Range Sergeant's current shift for the day of the failure.
    - ii. If sworn personnel score below seventy percent (70%) on their first attempt, they shall be placed on administrative assignment at the Department Firearms Range until they are successfully able to pass the qualification.
      - 1. Sworn personnel who are on administrative assignment at the Department Firearms Range shall relinquish their Department police vehicle and Department-approved handgun to Department Firearms personnel.
      - 2. The Firearms Range Sergeant or their designee shall immediately notify the affected officers' chain of command of the failure and the administrative assignment.
      - 3. Firearms Range personnel shall develop a practice schedule that is designed to correct deficiencies and improve qualification scores. The Firearms Range Sergeant or their designee shall provide the officer's supervisor with the training schedule.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

- iii. Sworn personnel who fail to qualify within thirty (30) calendar days of their second attempt shall be subject to administrative and/or disciplinary action, up to and including termination of employment.
- iv. Sworn personnel who require remediation on two (2) or more subsequent years with a handgun shall be required to complete mandatory training developed by Firearms Range personnel.
  - 1. The officer's immediate supervisor shall initiate a Performance Evaluation and Management System (PEMS) Monitoring Plan to ensure that the officer adheres to the training plan.

**2. Optional Firearm Systems**

- a. If sworn personnel score between eighty percent (80%) and eighty-nine percent (89%) for the patrol rifle or enhanced shotgun qualification, Department Firearms personnel shall provide immediate remedial training, and sworn personnel shall be given a second opportunity to qualify.
- b. If sworn personnel score below eighty percent (80%), Department Firearms personnel shall take possession of the optional firearm system. Sworn personnel shall have thirty (30) days to return to the Department Firearms Range for additional remedial training and shall be given an opportunity to qualify.
- c. If sworn personnel score between seventy percent (70%) and seventy-nine percent (79%) for the 12-Gauge Shotgun (Buckshot) qualification, Department Firearms personnel shall provide immediate remedial training, and sworn personnel shall be given a second opportunity to qualify.
- d. If sworn personnel score below seventy percent (70%), Department Firearms personnel shall take possession of the 12-Gauge Shotgun (Buckshot). Sworn personnel shall have thirty (30) days to return to the Department Firearms Range for additional remedial training and shall be given an opportunity to qualify.
- e. If sworn personnel have failed the patrol rifle, 12-Gauge Shotgun (Buckshot), or the enhanced shotgun qualification on the second attempt, they shall lose authorization to carry or use that firearm until they attend formal remedial training at the Department Firearms Range and pass the required qualification course of fire.
  - i. This remedial training and qualification must occur within thirty (30) calendar days of the initial failure.
  - ii. If sworn personnel do not complete the remedial training and qualification, they shall lose the authorization to carry or use that firearm.
    - 1. Sworn personnel who fail on the second attempt shall have the optional firearm systems removed from their possession by the Range Master or their designee.
    - 2. If sworn personnel have an optional firearm taken from them within two (2) consecutive years, they shall lose the authorization to carry that weapon system.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

3. To regain authorization, sworn personnel shall complete the entire platform certification training course for that firearm.
- iii. Failing a qualification with a rifle, buckshot shotgun, or enhanced shotgun does not require sworn personnel to be placed on administrative assignment at the Department Firearms Range.
- f. Sworn personnel who fail to score ninety percent (90%) or above with their patrol rifle shall be mandated to attend practice sessions a minimum of once every two (2) months until they complete their next annual firearm qualification
  - i. Sworn personnel who fail to attend mandatory practice sessions shall immediately relinquish their patrol rifle for a period of one (1) year.
  - ii. After one (1) year, sworn personnel shall be required to attend the patrol rifle certification training in order to carry the patrol rifle.

**D. Qualification Exemptions**

1. Academy Division personnel shall review qualifications at least annually, and determine, in coordination with Payroll Section personnel, whether there is good cause to delay qualifications, such as military leave or leave under the Family Medical Leave Act (FMLA).
2. Sworn personnel requiring an exemption from qualification shall request an exemption in writing through their chain of command. The Chief of Staff or Deputy Chief shall be authorized to approve the request.
  - a. Exemptions shall be granted for good cause and shall be within a length of time that is appropriate to address such cause. Academy Division personnel shall maintain exemption requests and approvals in the officer's training file.

**E. Platform Qualifications**

1. OIS Platform Qualification
  - a. Sworn personnel returning to work after being involved in an OIS shall be issued a new duty handgun, and shall pass the OIS Platform Qualification.
    - i. Firearms Range personnel and Behavioral Sciences Section (BSS) personnel shall evaluate and determine whether the officer is ready to shoot the OIS Platform Qualification.
  - b. After an OIS, the officer shall demonstrate to Firearms Range personnel that they can still operate the firearm and that the sights of the new firearm are aligned properly. The officer shall use the same make and model of firearm they shot during their last annual qualification.
2. Return-to-Duty Platform Qualification
  - a. Sworn personnel returning to duty shall be allowed to practice shooting prior to attempting the NMDPS Return-to-Duty Platform Qualification.



3. Sworn personnel who are issued a replacement duty firearm shall be required to pass a firearm platform qualification when their firearm has been stolen, broken, or taken out of service.

**1-94-8 Comprehensive Training Unit (CTU)**

- A. All Department training shall be reviewed and approved by the Comprehensive Training Unit and the Training Academy Commander prior to delivery to Cadet or Sworn personnel.
- B. CTU personnel shall ensure that all Department training is developed through the 7-Step Training Development Process.
  1. The 7-Step Training Development process is comprised of the following steps:
    - a. Step 1: The Course Requestor works with the Curriculum Development Manager (CDM) to identify the rationale for the training;
    - b. Step 2: The designated Subject Matter Expert (SME) works with the CTU Curriculum Designer (CD) to develop training materials;
    - c. Step 3: The CDM, an Academy Division Lieutenant, the Career Development Manager (where applicable), and the Academy Division Commander shall review and approve the training materials;
    - d. Step 4: Delivery of training;
    - e. Step 5: Operational application;
    - f. Step 6: Evaluation of training; and
    - g. Step 7: Revision of training.
  2. Training shall align with the current Department's published SOPs and Special Orders at the time of the curriculum or briefing video development.
    - a. If training is governed by an SOP, the SOP shall be published before the training is delivered.
- C. Required Documentation
  1. Upon identifying a need for training, the Course Requestor shall submit the applicable completed Development Request form (course development request, briefing video development, or course revision) to the CDM. The form shall be signed by the commander or equivalent professional staff supervisor of the requesting unit and shall accompany all requests for content development or revision.
    - a. No content will be developed without a signature from the command staff on the accompanying request form.





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D. Course Accreditation

1. If the Course Requestor would like the course to be state-accredited, they shall notify the Curriculum Development Manager at the outset of the course development process. The CDM shall submit the accreditation request to the State.

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E. Training Delivery

1. No course or briefing video shall be delivered without the approval of the Academy Commander or their designee.
2. The CDM shall notify the Course Requestor upon final approval of the course materials.

F. Review of External Trainings

The CDM and the Academy Commander or their designee review all external vendor trainings to ensure that the training complies with the Department's current SOPs.



## **1-94 TRAINING DIVISION**

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

#### **A. Related SOP(s)**

- 1-1 Personnel Code of Conduct (Formerly 1-04 and 1-4)
- 1-31 Court Services Unit (Formerly 2-06 and 8-14)
- 2-2 Department Property (Formerly 3-75)
- 2-3 Firearms and Ammunition Authorization (Formerly 2-22)
- 3-15 Sworn Personnel Positions and Seniority (Formerly 3-11)
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)
- 3-46 Discipline System (Formerly 1-09)
- 3-51 Department Orders (Formerly 3-20)

#### **B. Form(s)**

New Mexico Department of Public Safety Law Enforcement Academy Request for Course Accreditation (LEA-86)  
PD 2440 Briefing Video Development Request Form  
PD 2402 Curriculum Development Request Form (Formerly Training Needs Assessment Forms)

#### **C. Other Resource(s)**

Basic Training Academy Cadet Handbook  
[SO 21-151 Mandatory NIMS/ICS Training](#)  
~~SO 21-151 Mandatory NIMS/ICS Training~~

#### **D. Rescinded Special Order(s)**

~~Department Special Order SO 21-151~~ ~~None~~ [None](#)

### **1-94-1 Purpose**

The purpose of this policy is to provide requirements for all training provided by the Albuquerque Police Department (Department) Academy Division. The Academy Division provides Department personnel with the required knowledge, skills, and abilities to succeed, as required by the State of New Mexico and the Department's Standard Operating Procedures (SOP).

### **1-94-2 Policy**

It is the policy of the Department to be committed to a continuous process of training to provide its personnel with the knowledge, skills, and abilities to serve the Albuquerque



community. The Academy Division is responsible for training all Department personnel and for training personnel with external governmental agencies when directed.

**N/A 1-94-3 Definitions**

**A. 7-Step Training Development Process**

1. The process for the development, approval, delivery, and evaluation of Department-approved training that is comprised of the following steps:

- a. Step 1: Needs Assessment;
- b. Step 2: Curriculum Development;
- c. Step 3: Oversight/Approval;
- d. Step 4: Delivery;
- e. Step 5: Operational Application;
- f. Step 6: Evaluation; and
- g. Step 7: Revision.

Basic Instructor Handbook

A comprehensive handbook that establishes the roles and responsibilities of Basic Training personnel. In addition, the handbook provides standards that Basic Training personnel are expected to follow to assist cadets in becoming a police officers with the Department.

**B. Blank Training Ammunition**

A non-projectile based training system designed for live target-based engagement under controlled conditions.

C. Cadet Handbook

A handbook that provides DepartmentAPD Training Academy standards that each cadet is expected to follow each day for a successful transition into becoming a police officer with the Department.

C.D. Magazine Marking

1. A color-coding system to identify the live status of ammunition as follows:

- a. Blue: Non-lethal training ammunition;
- b. White: Reality-Based Training (RBT) blank ammunition with blue and white markings; and
- c. Yellow or Orange: RBT non-lethal ammunition with yellow or orange and blue markings.



~~D.~~E. Non-Lethal Training Ammunition (NLTA)

A projectile-based training system designed for live target engagement under controlled conditions. Non-lethal training ammunition is also referred to as a dye marking cartridge (DMC).

~~F.~~ Platform ~~Qualification~~ Qualification

An abbreviated qualification to check the function of the Department-issued firearm and sight alignment for Department-approved firearms.

~~E.~~G. RBT Blank Firing Converted Firearm

A firearm that has been converted and either permanently or temporarily marked to fire blank training ammunition.

~~F.~~H. RBT NLTA Converted Firearm

A firearm converted and either permanently or temporarily marked to fire non-lethal training ammunition.

~~G.~~I. Replica Training Firearm

A replica firearm that is inert and is red in color.

**6 1-94-4 Basic Training**

A. Preparing for a Basic Training Class

1. Basic Training Unit personnel shall:

- a. Create a class folder associated with the cadet class number in the approved Academy database system;
  - i. The class folder shall contain all correspondence associated with each individual class and all instruction delivered to each class.
  - ii. Associated material for each class shall be electronically stored.
- b. Maintain a Basic Training folder for each individual cadet to include cadet evaluations, injury reports, and any correspondence concerning that cadet; and
- c. Maintain the cadet's Academy Division folder.

B. Physical Fitness Requirements for Basic Training Unit Instructors

1. Basic Training Unit instructors ~~shall~~must meet the current ~~exit~~exit physical fitness standards that are established by the New Mexico Law Enforcement Academy (NMLEA).



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

2. Basic Training Unit instructors shall participate in physical training with cadets, unless excused by the Basic Training Unit ~~Lieutenant~~ Sergeant.

C. Basic Training Requirements for Cadets

1. Academy Division Personnel

- a. Basic Training Academy Cadet Handbook: Basic Training ~~Unit instructors~~ personnel ~~Unit instructors shall provide cadets with a copy of the Basic Training Academy Cadet Handbook upon the beginning of Basic Training~~ ensure a copy of the Cadet Handbook will be provided to each cadet two (2) weeks prior to the start provide cadets with a copy of the Basic Training Academy Cadet Handbook upon the beginning of Basic Training.
- b. ~~Enforcement Authority~~ Basic Training personnel shall ensure each cadet sign the following addenda:
- i. ~~Firearms Training Program Mandatory Requirements~~ Basic Training Unit personnel shall:
1. ~~Be authorized to Enforce rules, regulations, and instructions involving immediate safety, professionalism, or integrity. The objective of the enforcement is to correct the behavior and improve the overall ability to complete related tasks effectively; and~~ Have the authority to implement corrective actions regarding infractions of the Cadet per the Basic Training Academy Instructor Handbook; and
2. ~~Independently Address these infractions due to the continuous training environment and exclusive knowledge of the cadets by Basic Training Unit personnel.~~
- ii. Certain violations of Department rules, regulations, procedures, and/or Academy rules and regulations may warrant disciplinary action up to and including dismissal from the Basic Training program Unit Emergency Vehicle Operations Course (EVOC) Training Requirements.
- c. ~~All cadet violations shall will be reported to the Basic Training Sergeant as soon as reasonably possible, and documented in the Department-approved software designated for tracking by the end of the training day.~~
- 1.d. ~~The Basic Training Sergeant shall will assign or assume responsibility for further fact-finding if needed. Once all facts are known, the Basic Training Sergeant will determine the next course of action.~~
- i. If the nature of the violation is minor, then the Basic Training Sergeant will approve and assign and approve remedial action.
- ii. If the violation is severe or there is a pattern of minor violations, then the Basic Training Sergeant will bring it to the Basic Training Lieutenant's attention to see determine if it meets justification for dismissal.
- ~~Electronic Control Weapon (ECW); and~~
- ~~Oleoresin Capsicum (OC).~~
- e. Basic Basic Training Unit personnel shall comply with all New Mexico Department of Public Safety (NMDPS) Certification Requirements for Cadets.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

- ~~f. Training Basic Training Unit personnel shall comply with the Basic Training Academy Instructors Handbook personnel shall store signed copies of the addenda in the Basic Training's system folder.~~Stress Awareness
  - ~~i. All Academy Division personnel shall be alert for signs of excessive stress that a cadet may exhibit due to the challenging nature of the Department's Basic Training program and its~~the accumulated pressures.
    - ~~1. Basic Training Unit instructors shall be prepared to provide peer counseling to a cadet who exhibits emotional and/or psychological stress.~~
    - ~~ii. Basic Training Unit instructors shall contact Behavioral Health Division personnel for assistance when necessary.~~
- ~~g. Remedial Training~~
  - ~~i. Basic Training Unit personnel shall:~~
    - ~~1. Facilitate remedial training for cadets who fail to achieve NMDPS Requirements; and~~
    - ~~2. Schedule remedial training as approved by the Basic Training Unit Sergeant and the Basic Training Unit Lieutenant.~~
  - ~~ii. The Basic Training Unit Sergeant and Basic Training Unit Lieutenant shall oversee all remedial training to ensure that it is completed.~~ -X-Drive-
- ~~— Basic Training Unit Instructors shall provide cadets with a copy of the Basic Training Academy Cadet Handbook at the beginning of Basic Training.~~
- ~~b. Stress Awareness~~
  - ~~i. All Academy Division personnel shall be alert for signs of excessive stress that a cadet may exhibit due to the challenging nature of the Department's Basic Training program and the accumulated pressures.~~
    - ~~1. Basic Training Unit instructors shall be prepared to provide peer counseling to a cadet who exhibits emotional and/or psychological stress.~~
    - ~~ii. Basic Training Unit instructors shall contact Behavioral Health Division personnel for assistance when necessary.~~
- ~~c. Enforcement Authority~~Adherence to standards
  - ~~i. Basic Training Unit personnel shall:~~
    - ~~1. Be authorized to enforce rules, regulations, and instructions involving immediate safety, professionalism, or integrity. The objective of the enforcement is to correct the behavior and improve overall ability to complete related tasks effectively~~Abide by the rules and regulations of the Basic Training Instructor Handbook and Department SOPs; and
    - ~~2. Have the authority to implement corrective actions regarding infractions of the Cadet Handbook and submit an Internal Affairs Request (IAR) for any policy violations~~Follow the procedures for Department Policy and





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

Cadet Handbook violations as outlined in the Basic Training Instructor Handbook ; and.

3. ~~Independently address these infractions due to the continuous training environment and exclusive knowledge of the cadets by Basic Training Unit personnel.~~
- ii. ~~Certain violations of Department rules, regulations, procedures, and/or Academy rules and regulations may warrant disciplinary action up to and including dismissal from the Basic Training program.~~
- iii. ~~Successful completion of the Basic Training program is required for service with the Department as a police officer.~~
- d. ~~New Mexico Department of Public Safety (NMDPS) Certification Requirements for Cadets~~
  - i. ~~Basic Training Unit personnel shall:~~
    1. ~~On behalf of the cadet, schedule the Law Enforcement Officer Certification Exam (LEOCE);~~
    2. ~~Schedule at least forty (40) hours of driver's training. Certified driving instructors shall provide the training;~~
    3. ~~Provide a minimum of four (4) hours of review and preparation for the LEOCE;~~
    4. ~~UOn behalf of the cadets, upon completion of Basic Training, provide notification to the NMDPS Director and the Academy Division Commander that all Basic Training requirement requirementsNMDPS requirements have been met;~~
    5. ~~Document changes to the class schedule on the master schedule; and~~
    6. ~~Provide updates of the master schedule to the Director of NMDPS.~~
  - e. ~~Remedial Training~~
    - i. ~~Basic Training Unit personnel shall:~~
      1. ~~Facilitate remedial training for cadets who fail to achieve NMDPS Requirements; and~~
      2. ~~ScheduleFollow the process for remedial training as outlined in approved by the Basic Training Unit Sergeant and the Basic Training Unit LieutenantInstructor Handbook requirements.~~
    - ii. ~~The Basic Training Unit Sergeant and Basic Training Unit Lieutenant shall oversee all remedial training to ensure that it is completed.~~



## 2. Cadets

- a. A cadet shall sign the following addenda:
  - i. Firearms Training Program Mandatory Requirements ~~Sign the following addenda: Abide by the rules and regulations of the Cadet Handbook and relevant Department SOP as indicated in the Cadet Handbook;.~~
  1. Emergency Vehicle Operations Course (EVOC) Training Requirements:  
~~Firearms Training Program Mandatory Requirements;~~
    2. ~~Emergency Vehicle Operations Course (EVOC) Training Requirements;~~
    3. ~~Electronic Control Weapon (ECW); and~~
    4. ~~Oleoresin Capsicum (OC).~~
  - ii. Successfully complete the entire Basic Training program before being administered the oath of office; and
  - iii. Electronic Control Weapon (ECW); and
  - iii.iv. Abide by the cadet uniform regulations attire specifications that are outlined in the Basic Training Academy Cadet Handbook.
- b. A cadet who fails to meet the minimum NMDPS and/or Department requirements and who fails to successfully to complete remedial training successfully may be terminated from the Basic Training program.
- c. A cadet may refer to the Basic Training Academy Cadet Handbook for further details regarding attendance and requirements.

## D. Dismissal of Cadets from Basic Training

### 1. Justification for Dismissal

- a. A cadet may be dismissed from Basic Training for:
  - i. Serious or repeated violations of Department SOP and/or Academy Division rules, regulations, and/or procedures ~~the Cadet Handbook~~;
  - ii. Failure to achieve the required levels of proficiency in firearms, defensive tactics, scenario-based training, EVOC, and failure to complete other required training;
  - iii. Failure to achieve the physical fitness standards as mandated by the NMDPS; or
  - iv. Failure to achieve the established academic standards.

6

### 2. Procedures for Dismissal; refer to the Basic Training Academy Instructor Handbook.

- a. The Basic Training Sergeant shall will write a memo documenting the violations, and facts, and submit it to the Basic Training Lieutenant with a recommendation of recycling the cadet to the next Academy class or termination.
- b. The Basic Training Lieutenant shall will review the memo to ensure all fact-finding is complete and will either concur and submit the documentation with a memo to the Academy Commander or their designee.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

- i. If the Basic Training Lieutenant does not concur, they will issue the memoit back to the Basic Training Ssergeant for more fact finding or with a remedial action plan to carry out.
  - c. The Academy Commander shallwill either deny the memoit and send it back to the Basic Training Lieutenant or concur with it and send it to the Chief of Staff over the Academy, Albuquerque City Legal, and Albuquerque City Human Resources.
  - 2.i. With the input from Albuquerque City Legal, and Human Resources, the Chief of Staff over the Academy willshallwill make the final decision.
- ~~a. Basic Training Unit instructors shall:
  - ~~i. Include all documentation of the cadet's performance and conduct with an Interoffice Memorandum addressing the recommendation for dismissal;~~
  - ~~ii. Present the Interoffice Memorandum to the Academy Division Commander, through the Academy Lieutenant, for the Academy Division Commander to make the final decision regarding dismissal;~~
  - ~~iii. Personally notify the cadet that they are dismissed from the Basic Training program;~~
  - ~~iv. Request for the cadet to surrender all equipment and other accountable materials before the dismissal process is considered complete; and~~
    - ~~1. Failure to comply with the return procedures may result in withholding the cadet's final paycheck.~~
  - ~~v. Review the circumstances surrounding the dismissal of cadets from basic training.~~
    - ~~1. Based on the review, the Academy Division Commander and the Basic Training Lieutenant may recommend that a cadet be considered for alternate employment opportunities within the Department.~~~~
- ~~b. The Academy Division Commander shall:
  - ~~i. If justified, dismiss the cadet; and~~
  - ~~ii. Request through the Bureau Chief the approval from the Chief of Police to dismiss the cadet and provide the cadet, who was dismissed, an Interoffice Memorandum identifying the reason(s) for dismissal. The Interoffice Memorandum shall:
    - ~~1. State that the cadet shall be provided with the opportunity to review all materials used in the decision to dismiss; and~~
    - ~~2. Be hand-delivered to Payroll Section personnel.~~~~~~
- ~~c. If practicable, before the cadet isy are dismissed, the Academy Division Commander, the Academy Division Lieutenant, and the Basic Training Unit Sergeant, if available, shall hold a meeting with the cadet to formally notify them of their dismissal.~~

N/A

3. Procedures for Resignations

- a. AThe cadet who chooses to resign shallwill follow the basic training cadet-cade handbook process.



- ~~b. The Academy Division Commander shall prepare an Interoffice Memorandum addressed to the cadet, acknowledging their acceptance of their resignation. Basic Training Unit personnel shall collect and return the cadet's Department-issued equipment to Property Unit personnel.~~
  - ~~i. Prepare an Interoffice Memorandum addressed to the Academy Division Commander expressing why they are resigning; and~~
  - ~~ii. Return all Department-issued equipment to Basic Training Unit personnel.~~
- ~~b. Basic Training Unit personnel shall return the cadet's Department-issued equipment to Property Unit personnel.~~
- ~~c. The Academy Division Commander shall prepare an Interoffice Memorandum addressed to the cadet, acknowledging their acceptance of their resignation.~~

E. Preparing for a Cadet Class Graduation

1. Basic Training Unit personnel shall determine class ranking for each cadet.
  - a. A cadet shall be ranked according to their overall standing in Basic Training.
    - i. A cadet's overall standing is determined by weekly tests, quizzes, firearms proficiency scores, physical assessments, and inspection scores.
    - ii. A cadet's class rank shall be calculated as based on the criteria in accordance with outlined in SOP Sworn Personnel Positions and Seniority.
  - b. A Police Service Aide (PSA) shall be ranked as senior regardless of cadet class ranking.

**6** 1-94-5 **Advanced Training**

A. General Advanced Training Requirements

1. Department ~~p~~Personnel shall:
  - ~~h. Department personnel shall:~~
    - ~~i. a. Adhere to all applicable City of Albuquerque Ordinances<sub>1</sub> and Administrative Instructions<sub>1</sub> and Department SOPs while in training;~~
    - ~~iv. b. Arrive on time for scheduled training;~~
    - ~~1. Department personnel who fail to check in for scheduled training fifteen (15) minutes or more after the scheduled start time shall not be allowed to attend the training and must reschedule for another available training day.~~
    - ~~v. c. Notify their Deputy Chief and the Advanced Professional Training Section Lieutenant personnel when they are unable to attend their scheduled training or need to reschedule within at least two (2) weeks in advance so that alternative dates can be arranged of their scheduled training date;~~
    - ~~1. Department personnel who miss their scheduled training date for any reason or fail to reschedule their training within two (2) weeks shall submit an Interoffice Memorandum to their immediate supervisor, documenting the failure to complete the scheduled training.~~



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

A. For sworn personnel, the officer shall provide the Advanced Training Section Lieutenant a copy of their written explanation.

vi.d. Request through their supervisors that they be rescheduled for any missed training;

vii.e. Complete any missed mandatory training;

viii.f. Be subject to discipline when they fail to complete mandatory training, in accordance consistent with SOP Discipline System;

ix.g. Complete all mandatory training unless they have been placed on approved leave or a medical restriction; and

4.i. Department personnel on approved leave during a mandatory training cycle shall provide the Advanced Professional Training Section Lieutenant proof of the leave approval.

2.ii. Prior to returning to full-duty status, Department personnel shall must report to the Academy Division facility to complete all mandatory training.

3.iii. Department personnel on injured in the line-of-duty (ILD) status shall be excused from any training that impacts medically-imposed restrictions until they are cleared to return to full duty.

a.1. Department personnel who have been placed on ILD shall provide documentation to the Advanced Professional Training Lieutenant, through their chain of command.

iv. After an OIS, an officer shall report to Professional Training Unit personnel at the Academy Division.

1. Professional Training Section personnel shall review the known totality of the circumstances of the OIS and shall ensure -the return to duty form is signed off, and any that any immediate training, tactics, equipment concerns, or deficiencies are addressed before sending the officer back to full duty to the Department Firearms Range.

—Department personnel shall

v. cComplete all mandatory training courses and documents in the Department's document management system within thirty (30) days of posting, consistent with SOP Department Orders; and.

x.vi. Department personnel shall provide copies of all training documents, including training material and certifications for external training, to the Advanced Professional Training Section to ensure accurate record keeping.

h. Adhere to Dress Codes.

i. All Department personnel, sworn and professional staff, shall attend classroom training wearing business casual, i.e., collared shirt and slacks, or the Department-approved alternate uniform, i.e., polo shirt and BDU pants.

1. Jeans, skirts, t-shirts, hoodies, shorts, and hats are not allowed.

2. Uniforms for specialized training, such as Range, RBT, Defensive Tactics, etc., will be specified prior to training.

b.2. Testing Requirements





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

- i.a. Department personnel shall have two (2) attempts to achieve a passing score of eighty percent (80%) or better on any Court-Approved Settlement Agreement (CASA)-mandated training examination.
- i. Failure to achieve a passing score shall result in remedial instruction.
1. If an employee fails to pass the remedial examination, the Advanced Professional Training Section Lieutenant or their designee shall notify the affected employee's chain of command.
2. An Academy Division representative shall coordinate additional training through the employee's immediate supervisor.
- ii. ~~Department personnel shall have two (2) attempts to achieve a passing score of seventy percent (70%) or better on all NMDPS-mandated training examinations.~~
1. ~~Failure to achieve a passing score shall result in remedial training.~~
- A. ~~If an employee fails to pass the remedial examination, the Advanced Training Section Lieutenant or their designee shall notify their affected employee's chain of command.~~
- B. ~~An Academy Division representative shall coordinate additional training through the employee's immediate supervisor.~~
- iii. ~~Testing requirements for firearms certifications shall be consistent with SOP Firearms and Ammunition Authorization (refer to SOP Firearms and Ammunition Authorization for sanction classifications and additional duties).~~

N/A

3. Supervisors shall:

- 4.
- 
- a. A supervisor shall:
- i.a. Schedule personnel who are under their supervision for training;
- ii.b. Notify Court Services Unit personnel of training dates to request leave, consistent in accordance with SOP Court Services Unit;
1. ~~Scheduled training dates must be sent to the District Attorney (DA) Liaison to avoid conflicts between training requirements and court obligations.~~
- iii.c. A supervisor who receives Upon notification that their employee has failed to complete mandatory training, shall determine the cause if it was for an acceptable reason:-
- iv.d. The supervisor of any employee who failed to complete mandatory training, or who was missing from training or arrived late for training without an acceptable reason S shall submit an Internal Affairs Request (IAR) in accordance with SOP Personnel Code of Conduct, SOP Complaints Involving Department Personnel, and SOP Discipline System for failing to complete mandatory training, or who was missing from training, or arrived late for training without an acceptable reason, and/or for violating this SOP. (refer to SOP Personnel Code of Conduct, SOP Complaints Involving Department Personnel, and SOP Discipline System for sanction classifications and additional duties).

N/A

4.3. Academy Division Personnel





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

a. Training Documentation

- i. Academy Division personnel shall be responsible for maintaining training records for Department personnel.

1. A certificate of completion shall be issued for all training conducted by the Academy Division and retained in the Department personnel's training file.

2. Department personnel shall be responsible for providing the Academy Division with a copy of their certificate for any training conducted outside the Academy Division.

3. The Academy Division shall ensure that the student completes the LEA-65 from the day of completion of any instructor certification training.

4. Requests to access Department personnel training records shall be directed to Advanced Professional Training Section personnel.

- ii. Certified instructors instructing a course outside of the Academy shall be responsible for maintaining training records for Department personnel.

1. Instructors of any training course shall retain accurate class rosters for each class they deliver.

2. Instructors of any training course shall ensure issuing a certificate of completion is issued and added to the Department personnel's training file.

3. Class rosters and certificates shall be retained by the instructor and shared with Academy Division personnel.

a. Academy Division personnel shall manage class rosters and certificates in a personnel training file system incorporating hard and digital copies.

b. Academy Division personnel shall be the single point of contact for certificates and rosters from the Department to the New Mexico Law Enforcement Academy (NMLEA) MLEA for ACADIS tracking.

- ~~ii.iii.~~ Training files and related information shall not be released to the public, to other Departmental personnel, or to any external agency, unless the request is reviewed and approved by the Academy Division Commander.

1. Court orders for training information shall be immediately forwarded to the Academy Division Commander.

2. The only exception is for direct requests from Internal Affairs personnel, which who have full and unrestricted access to all Academy Division records.

3. Training records shall include the instructors' names, names of Department employees who attended, the course title, the date of delivery, and performance measurement results.

4. Training records shall be retained indefinitely.

b. Weapons:



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

- ~~b.i.~~ -The Academy Division Commander has the authority to restrict access to weapon systems during training in order to maintain a safe training environment.
- ~~c.~~ Dress Code: The Academy Division Commander or their designee shall establish the dress code that shall must be followed during Department training.

B. Community Outreach Programs

- 1. The ~~Advanced~~ Professional Training Section shall be responsible for oversight and management of the Citizens' Police Academy (CPA) and other related programs and projects.

C. Personnel from Outside Governmental Agencies

- 1. Personnel from outside governmental agencies may request to attend Department training.
- 2. Requesting personnel shall ~~will~~ obtain approval from the Academy Division Commander.

N/A

B. Types of Advanced Training

- ~~1. Advanced training is conducted on an on-going basis throughout each calendar year, and it is designed to fulfill the state-mandated, CASA, and Department training requirements. The different types of advanced training are:~~
  - ~~a. NMDPS training: The Training Coordinator or their designee shall announce NMDPS training programs offered to Department personnel;~~
  - ~~b. Training that is conducted by outside agencies~~outside agencies conduct:
    - ~~Department personnel who apply for external training shall:~~
      - ~~i. Request permission to attend the training through their chain of command and the Academy Division Commander; and~~
      - ~~ii. Request approval for travel through the Fiscal Division.~~
        - ~~1. Requests for other external training is subject to funding availability and Department approval.~~
        - ~~2. Any employee who attends external training must submit a copy of any certifications that they obtained to the Training Coordinator upon completion of the training.~~
        - ~~3. If possible, the employee shall provide course materials for any external training to Comprehensive Training Unit personnel.~~
  - ~~c. Mandatory National Incident Management System (NIMS) and Incident Command Structure (ICS) training:~~
    - ~~i. Department personnel shall complete the following online training courses at <https://training.fema.gov/IS/> in the listed order within one (1) year of employment with the Department:~~



1. ~~IS-700 National Incident Management System (NIMS), An Introduction;~~
2. ~~IS-100 Introduction to Incident Command System;~~
3. ~~IS-200 ICS for Single Resources and Initial Action Incidents; and~~
4. ~~IS-800 National Response Framework, An Introduction.~~
- ii. ~~After completing the above-listed pre-requisite courses, all first linefirst-line supervisors, sergeants, and civilian-equivalent supervisors and above shall complete the following in-person training course within one (1) year of promotion or employment with the Department:~~
  1. ~~ICS-300 Intermediate ICS for Expanding Incidents.~~
- iii. ~~After completing the above-listed pre-requisite courses, all mid-level supervisors, lieutenants, and civilian-equivalent supervisors and above shall complete the following in-person training course within one (1) year of promotion, or employment with the Department:~~
  1. ~~ICS-400 Advanced ICS.~~
- ~~Department personnel may refer to SO 21-151 for detailed instructions on completing the online coursesIn order to complete the online training, personnel shall;~~
  - Obtain a FEMA student ID number at <https://cdp.dhs.gov/femasid>
  - Go to Independent Study Program Website <https://training.fema.gov/IS/>
  - Click on "IS Course List" toward the left side of the page.
- iv. ~~Choose a course and click on it.~~
- v. ~~Upon completion of the required courses, Department personnel shall provide copies of all certifications to the Training Coordinator within thirty (30) calendar days of issuance; and~~
- vi. ~~Academy Division personnel shall upload training certification(s) into the employee's electronic training file.~~
- d. ~~Specialized unit and area command training: Advanced Training Unit personnel may assist specialized units and area commanders in obtaining required training from external sources;~~
- e. ~~Required remedial training: Advanced Training Unit personnel may assist or coordinate any required remedial training at the request of a supervisor; and~~
- f. ~~The Academy Division Commander has final approval authority regarding attendance at all external training.~~

€ 1-94-6 **Reality-Based Training (RBT) Unit**

1. A. General RBT Procedures

1. RBT participants shall:

- a. Arrive for the training session at the prescribed time with all necessary equipment for the training;
- a. b. Obey all safety rules as briefed and consistent with Department SOPs;
- b. c. Participate in all mandated RBT;
- e. d. Regardless of the rank of the participant or the facilitator, be receptive to the critique or suggestions from the facilitator;



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

- ~~d.e.~~ e. Inspect all personal protective equipment (PPE), RBT weapons, and ammunition issued to them to ensure they are in good working order; and
- ~~4.i.~~ i. RBT participants shall notify the Quartermaster of any equipment that appears to be in need of repair and/or of any issued equipment that was damaged during training.
- ~~e.f.~~ f. Be responsible for returning all RBT-issued equipment prior to leaving the training site.

2.~~B.~~ B. Safety Rules While Attending RBT

~~a.1.~~ 1. RBT participants shall:

- ~~i.a.~~ a. ~~When entering the RBT center or any designated RBT training area for RBT, submit to a search of their person and all items they wish to bring in with them~~ when entering the RBT center or any designated RBT training area for RBT;
- ~~ii.b.~~ b. Use only RBT NLTA weapons converted for use in RBT and approved by the RBT Sergeant during RBT;
- ~~iii.c.~~ c. Use only blue, non-conductive training cartridges with electronic control weapons (ECW) for RBT scenarios;
  - ~~4.i.~~ i. ~~Only inert cartridges or spent cartridges that have already been fired with the probes and line removed shall be used during RBT where no protective suit designed for use with ECW probes is worn.~~
- ~~iv.d.~~ d. Use only blue ~~foam-coated~~ foam-coated training batons during RBT scenarios;
  - ~~4.i.~~ i. Strikes with these batons shall only be allowed when the role player is wearing a protective suit designed for impact weapon training.
- ~~v.e.~~ e. Use only inert training oleoresin capsicum (OC) or an OC canister that has been emptied, that has a blocked nozzle, and that has been inspected by RBT personnel before being used for RBT scenarios;
- ~~vi.f.~~ f. Use only NLTA (marking or blank) issued by RBT staff or approved by the RBT Sergeant during RBT scenarios;
- ~~vii.g.~~ g. Wear all issued personal protective equipment (PPE) for the duration of any scenario until they are told by the Safety Officer or the RBT facilitator that it is safe to remove the equipment;
- ~~viii.h.~~ h. Immediately report to the RBT facilitator when they become aware that any piece of mandatory PPE or equipment is absent or missing, or removed by any RBT participant or is ~~accidentally~~ accidentally dislodged during a scenario, ~~a "pause" or "cease fire"~~ cease fire;
  - ~~4.i.~~ i. The scenario may be resumed as soon as the PPE is back in place.
- ~~ix.i.~~ i. Make every effort not to fire any RBT NLTA firearm at another participant at a distance of less than three (3) feet; ~~and~~
- ~~x.j.~~ j. Notify the RBT facilitator, the RBT Unit Sergeant, or the officer-in-charge (OIC) of any participant who is injured during training as soon as practicable; and:
  - ~~4.i.~~ i. If a facilitator is notified of an injury, they shall notify the RBT Unit Sergeant, or the OIC if the injury potentially requires medical attention.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

N/A

~~b.k.~~ NRBT participants shall not bring prohibited items into the RBT center or any designated RBT training area during RBT.

i. A list of prohibited items is posted at the RBT center.

~~e.2.~~ If there is reason to believe that any RBT participant violated any of the safety rules, the RBT Unit Sergeant or OIC may remove them from training, and they may be subject to Departmental discipline, consistent in accordance with SOP Complaints Involving Department Personnel and SOP Discipline System (refer to SOP Complaints Involving Department Personnel and SOP Discipline System for sanction classifications and additional duties).

### ~~3. RBT Emergency Procedures~~

~~a. The RBT center shall maintain an emergency trauma kit containing an automatic external defibrillator (AED) and first aid items for serious injury, including:~~

- ~~i. Tourniquets;~~
- ~~ii. Chest seals;~~
- ~~iii. Pressure bandages;~~
- ~~iv. Hemostatic dressing; and~~
- ~~v. Emergency blankets.~~

~~b. Full time RBT Unit personnel shall ensure that RBT equipment and items are in good working condition.~~

~~c. The RBT Unit Sergeant or OIC shall:~~

- ~~i. In the event of a serious or life threatening life-threatening injury, call a "real world emergency" and cease all training. This can be accomplished via radio, cell phone, or personal communication;~~
- ~~ii. Ensure the emergency trauma kit is sent to the location of the injury and first aid is started on the injured RBT participant;~~
- ~~iii. Ensure the Emergency Communications Center (ECC) is notified and emergency medical services (EMS) are dispatched;~~
- ~~iv. Ensure the gate to access the RBT center is open for access by EMS personnel; and~~
- ~~v. Ensure the Advanced Training Section chain of command is notified.~~

### ~~4. RBT Equipment Issue~~

~~a. During a training session, the Quartermaster shall issue all RBT NLTA weapons, ammunition, PPE, and props to participants or personnel.~~

~~2. During a training session, participants or personnel shall:~~

- ~~a. Inspect the equipment issued to them and bring any damaged equipment to the attention of the Quartermaster before accepting the equipment; and~~
- ~~b. Be responsible for maintaining control and providing due care for the equipment issued to them.~~

~~5.C.~~ Lost or Damaged RBT Equipment





~~a.1.~~ If a participant loses any equipment issued to them, they may be held financially responsible for its replacement.

~~b.2.~~ The participant shall return any equipment that is damaged during the training session to the Quartermaster for replacement.

a. If any RBT participant or personnel is found to have damaged any equipment due to blatant neglect or misuse, they may be held financially responsible for its replacement, in accordance ~~consistent~~ with SOP Department Property (refer to SOP Department Property for sanction classifications and additional duties).

~~B.~~

~~1. Loaned RBT Equipment~~

~~a. The RBT participant or personnel shall return loaned RBT equipment.~~

~~b. If any loaned RBT equipment is lost, stolen, or damaged, the RBT participant or personnel shall be responsible for explaining the circumstances of the event in a Department Memorandum to the Advanced Training Section Lieutenant.~~

~~i. The RBT participant, the person responsible for the loss or damage, or the RBT participant's unit may be held financially responsible for the replacement or repair of the RBT equipment.~~

~~2.D.~~ RBT Participant Evaluations

1. RBT participant evaluations shall only be conducted by properly trained personnel and shall be documented on the RBT-authorized evaluation form.

2. RBT participants shall be treated with respect and not subjected to demeaning or inflammatory criticism.

#### E. Testing Requirements

7

1. Certified Evaluators shall will evaluate participant performance in the skill stations and scenarios utilizing evaluation forms specific to each station/scenario. Participants must pass one-hundred percent (100%) of the performance objectives for each scenario in order to pass.

a. If a participant fails any performance objective on a scenario, they will be immediately remediated, and the scenario will be run again.

b. If the participant fails the scenario a second time, they are considered as failing the station and/or /scenario.

c. The participant will be required to meet with the RBT Sergeant or OIC and will be scheduled for remedial training when it is practical for them to do so.





F. Scheduling RBT Training

1. Supervisors shall will have two (2) weeks following the publication of a Department Special Order announcing training to ensure all active personnel under their supervision are scheduled for the training.
  - a. Department personnel who miss their scheduled training date, for any reason, shall send a memo explaining the circumstances to their chain of command up to their Deputy Chief and provide a signed -copy to the Professional Training Lieutenant.
  - b. Supervisors shall ensure personnel under their supervision are rescheduled for the missed training.

**1-94-7 Firearms Training Unit**

**5** A. General Qualification Requirements

- 3** 1. Sworn personnel shall not possess, carry, or use firearms while on-duty unless they are qualified on the specified firearm.

~~Sworn personnel shall qualify on the course of fire with their duty handgun(s) established by the New Mexico Department of Public Safety (NMDPS).~~

2. Sworn personnel shall qualify each calendar year with every firearm they currently carried while on -duty, including all personally -owned back-up handguns.
3. Special Weapons and Tactics (SWAT) and K-9 Unit personnel shall qualify quarterly.
4. The qualification methodology shall be designated by the Department and include the NMDPS daylight and low light qualification.
5. Sworn Honor Guard Team personnel who use shotguns shall not be required to qualify with-the shotguns because they are not intended to be used as a duty firearm and are tools for display only.
6. Sworn personnel are encouraged to wear the gear they normally wear during duty hours during their qualification.

B. Qualification by Type of Firearm

1. Duty Handgun

- a. For a duty handgun, sworn personnel shall qualify, at a minimum, once annually on the NMDPS daylight and low light qualification.
- b. A passing score of eighty percent (80%) or greater is required.



2. Second Duty Handgun

- a. If the second duty handgun is the same platform as the primary duty handgun, sworn personnel shall be required to shoot a platform qualification with their second duty handgun.
- b. If the platform of the second duty handgun differs, then sworn personnel shall be required to shoot and pass an NMDPS daylight and low light qualification on both firearms.

3. Patrol Rifle

- a. To qualify to carry a patrol rifle, sworn personnel shall have successfully qualified on their duty handgun.
- b. The officer shall attend and successfully pass the Department's patrol rifle course, scoring ninety percent (90%) or greater on the final qualification on the NMDPS daylight and low light qualification.
- c. In order to continue to use their patrol rifle, sworn personnel shall qualify annually and maintain a ninety percent (90%) score or greater on their NMDPS daylight and low light rifle qualifications.

4. Department Issued Back-Up Handgun

- a. For a Department-issued back-up handgun, sworn personnel shall pass the Department handgun platform qualification successfully.
- b. A passing score of eighty percent (80%) or greater is required.

5. 12-Gauge Shotgun (Buckshot)

- a. Each officer who carries a 12-gauge shotgun shall qualify, at a minimum, once annually on the Department shotgun qualification process, with a passing score of eighty percent (80%) or greater.

6. Breaching Shotgun

- a. Prior to being issued and carrying a breaching shotgun, sworn personnel who work in a specialized capacity shall complete a ballistic breaching class.
- b. Sworn personnel who are assigned to Field Services Bureau (FSB) are prohibited from using a breaching shotgun and ammunition.

7. Less-Lethal Shotgun (Beanbag)

- a. ~~Sworn~~ Sworn personnel who use a less-lethal shotgun shall complete a less-lethal shotgun maintenance course consisting of firing two (2) less-lethal rounds during the NMPDS daylight qualification.  
~~personnel who use a less-lethal shotgun shall fire a two (2) round less-lethal shotgun maintenance course~~



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

during the NMDPS daylight qualification. Any officer who elects not to conduct the two (2) round less-lethal shotgun maintenance course is ineligible to deploy with a less-lethal shotgun.

- i. Sworn personnel shall fire the two (2) rounds at seven (7) yards and shall be preceded by the verbal statement, "Beanbag, beanbag, beanbag."
- b. Sworn personnel shall display proper manipulations of the less-lethal shotgun and correct statements and shall not strike in a lethal area in order to qualify.

8. Enhanced Shotgun with Slug Ammunition

- a. Only sworn personnel who complete the Enhanced Shotgun Course shall be authorized to carry the shotgun and use slug ammunition.
- b. Sworn personnel who are issued an enhanced shotgun shall complete the training course at the Department Firearms Range prior to carrying the enhanced shotgun while on -duty.
- c. Each officer who carries an enhanced shotgun shall qualify, at a minimum, once annually by shooting the Department daylight and low light enhanced shotgun qualification course.
- d. A passing score of ninety percent (90%) or greater is required.

9. Personally-Owned On-Duty Back-up Handgun

- a. For a personally -owned on-duty back-up handgun, sworn personnel shall pass the Department back-up handgun qualification successfully.
- b. A passing score of eighty percent (80%) or greater is required.
- c. During annual qualifications, if the firearm malfunctions three (3) or more times, Firearms Range personnel shall remove the firearm from the line until it has been repaired.

C. Qualification Failures

1. Handgun Failures

- a. Sworn personnel who fail to qualify with on their primary duty handgun on the date of their qualification shall be provided remedial training, as determined by Department Firearms personnel.
  - i. If sworn personnel score between seventy percent (70%) and seventy-nine percent (79%), Department Firearms personnel shall provide immediate remedial training, and sworn personnel shall be given a second opportunity to qualify.
    1. Sworn personnel, regardless of rank, who fail to score over seventy-nine percent (79%) on their second attempt shall be immediately placed in an administrative assignment at the Department Firearms Range and shall relinquish their Department-approved police vehicle and Department-approved handgun to Department Firearms personnel.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

- a. The Firearms Range Sergeant or their designee shall notify the affected officer's chain of command, up to and including the affected officer's Deputy Chief, Operations Review, and Human Resources, of the second failure and the mandatory administrative assignment.
  - b. Firearms Range personnel shall develop a practice schedule for the officer who failed to qualify, and this practice schedule will be designed to correct deficiencies and improve qualification scores. The Firearms Range Sergeant or their designee shall provide the sworn personnel's supervisor with the training schedule by the close of the Firearms Range Sergeant's current shift for the day of the failure.
- ii. If sworn personnel score below seventy percent (70%) on their first attempt, they shall be placed on administrative assignment at the Department Firearms Range, until they are successfully able to pass the qualification.
  1. Sworn personnel who are on administrative assignment at the Department Firearms Range shall relinquish their Department police vehicle and Department-approved handgun to Department Firearms personnel.
  2. The Firearms Range Sergeant or their designee shall immediately notify the affected ~~officers~~ ~~personnel's~~ officers' chain of command of the failure and the administrative assignment.
  3. Firearms Range personnel shall develop a practice schedule that is designed to correct deficiencies and improve qualification scores. The Firearms Range Sergeant or their designee shall provide the ~~officer~~ ~~personnel's~~ personnel's supervisor with the training schedule.
- iii. Sworn personnel who fail to qualify within thirty (30) calendar days of their second attempt shall be subject to administrative and/or disciplinary action, up to and including termination of employment.
- iv. Sworn personnel who require remediation on two (2) or more subsequent years with a handgun shall be required to complete mandatory training developed by Firearms Range personnel.
  1. The officer's immediate supervisor shall initiate a Performance Evaluation and Management System (PEMS) Monitoring Plan to ensure that the officer's adheres to the training plan ~~is adhered to.~~

2. Optional Firearm Systems

- a. If sworn personnel score between eighty percent (80%) and eighty-nine percent (89%) for the patrol rifle or enhanced shotgun qualification, Department Firearms personnel shall provide immediate remedial training, and sworn personnel shall be given a second opportunity to qualify.
- b. If sworn personnel score below eighty percent (80%), Department Firearms personnel shall take possession of the optional firearm system. Sworn personnel shall have thirty (30) days to return to the Department Firearms Range for additional remedial training and shall be given an opportunity to qualify.



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-94 (Formerly 6-1)

CPOAB DRAFT 05/08/2025

- c. If sworn personnel score between seventy percent (70%) and seventy-nine percent (79%) for the 12-Gauge Shotgun (Buckshot) qualification, Department Firearms personnel shall provide immediate remedial training, and sworn personnel shall be given a second opportunity to qualify.
- d. If sworn personnel score below seventy percent (70%), Department Firearms personnel shall take possession of the 12-Gauge Shotgun (Buckshot). Sworn personnel shall have thirty (30) days to return to the Department Firearms Range for additional remedial training and shall be given an opportunity to qualify.
- e. If sworn personnel have failed the patrol rifle, 12-Gauge Shotgun (Buckshot), or the enhanced shotgun qualification on the second attempt, they shall lose authorization to carry or use that firearm until they attend formal remedial training at the Department Firearms Range and pass the required qualification course of fire.
  - i. This remedial training and qualification must occur within thirty (30) calendar days of the initial failure.
  - ii. If sworn personnel do not complete the remedial training and qualification, they shall lose the authorization to carry or use that firearm.
    - 1. Sworn personnel who fail on the second attempt shall have the optional firearm systems removed from their possession by the Range Master or their designee.
    - 2. If sworn personnel have an optional firearm taken from them within two (2) consecutive years in a row, they shall lose the authorization to carry that weapon system.
    - 3. To regain authorization, sworn personnel shall complete the entire platform certification training course for that firearm.
  - iii. Failing a qualification with a rifle, buckshot shotgun, or enhanced shotgun does not require sworn personnel to be placed on administrative assignment at the Department Firearms Range.
- f. Sworn personnel who fail to score ninety percent (90%) or above with their patrol rifle shall be mandated to attend practice sessions a minimum of once every two (2) months until they complete their next annual firearm qualification
  - i. Sworn personnel who fail to attend mandatory practice sessions shall immediately relinquish their patrol rifle for a period of one (1) year.
  - ii. After one (1) year, sworn personnel shall be required to attend the patrol rifle certification training school in order to carry the patrol rifle.

D. Qualifications & Exemptions

- 1. Academy Division personnel shall review qualifications, at least annually, and determine, in coordination with Payroll Section personnel, whether there is good cause to delay qualifications, such as military leave or leave under the Family Medical Leave Act (FMLA).





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

2. Sworn personnel requiring an exemption from qualification shall request an exemption in writing through their chain of command. The Chief of Staff or Deputy Chief shall be authorized to approve the request.

a. Exemptions shall be granted for good cause and shall be within a length of time that is appropriate to address such cause. Academy Division personnel shall maintain exemption requests and approvals in the officer's training file.

E. Platform Qualifications

1. OIS Platform Qualification

a. Sworn personnel returning to work after being involved in an OIS shall be issued a new duty handgun, and shall pass the OIS Platform Qualification.

i. Firearms Range personnel and Behavioral Sciences Section (BSS) personnel shall evaluate and determine whether the officer is ready to shoot the OIS Platform Qualification.

~~— After an OIS, an officer shall report to Professional Training Unit personnel at the Academy Division.~~

~~— Professional Training Section personnel shall review the known totality of the circumstances of the OIS and shall ensure that any immediate training, tactics, equipment concerns, or deficiencies are addressed before sending the officer to the Department Firearms Range.~~

b. After an OIS, the officer shall demonstrate to Firearms Range personnel that they can still operate the firearm and that the sights of the new firearm are aligned properly. The officer shall use the same make and model of firearm they shot during their last annual qualification.

~~— Firearms Range personnel and Behavioral Sciences Section (BSS) personnel shall evaluate and determine whether the officer is ready to shoot the OIS Platform Qualification.~~

2. Return-to-Duty Platform Qualification

a. Sworn personnel returning to duty shall be allowed to practice shooting prior to attempting the NMDPS Return-to-Duty Platform Qualification.

3. Sworn personnel who are issued a replacement duty firearm shall be required to pass a firearm platform qualification when their firearm has been stolen, broken, or taken out of service.:

~~D. Firearms Training Unit~~

~~1. Firearms Training Unit personnel shall:~~

**N/A**

~~Be responsible for firearms training and periodic proficiency qualifications for all Department personnel who are authorized to carry Department-approved firearms and authorized to use Department-approved~~





ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

~~ammunition (refer to SOP Firearms and Ammunition Authorization for sanction classifications and additional duties);~~

~~b. Develop new firearms training programs in accordance with the 7-Step Training Development Process as outlined in the Comprehensive Training Unit section of this SOP;~~

~~c. Train cadets in the use of firearms by following the Department's current policies and approved processes;~~

~~d. Enforce firearms safety;~~

~~e. Inspect and repair firearms; and~~

~~f. Maintain firearms records.~~

~~E. Community Outreach Programs~~

~~The Advanced Training Section shall be responsible for oversight and management of the Citizens' Police Academy (CPA) and other related programs and projects.~~

~~F. Personnel from Outside Governmental Agencies~~

~~1. Personnel from outside governmental agencies may request to attend Department training.~~

~~2. Requesting personnel will obtain approval from the Academy Division Commander.~~

**6** **1-94-68**

**Comprehensive Training Unit (CTU)**

~~A. The CTU shall be comprised of the following personnel:~~

~~1. The Curriculum Development Manager (CDM), who directs the Unit;~~

~~2. The CTU Manager, who manages the Unit;~~

~~3. CTU Specialists; and~~

~~4. Proofreaders.~~

A. All Department training shall be reviewed and approved by the Comprehensive Training Unit and the Training Academy Commander prior to delivery to Cadet or Sworn personnel.

~~A. CTU personnel shall review and approve all training submitted by Department personnel prior to the training being delivered.~~

~~B. CTU personnel shall ensure that all Department training is developed through the 7-Step Training Development Process.~~

~~1. The 7-Step Training Development process is comprised of the following steps:~~

~~a. Step 1: The Course Developer Requestor works with the CTU staff Curriculum Development Manager (CDM) to identify the rationale for the training;~~

~~b. Step 2: The designated Subject Matter Expert (SME) Course Developer works with the CTU staff Curriculum Designer (CD) to develop training materials;~~



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

- c. Step 3: The ~~Curriculum Development Manager (CDM)~~, an Academy Division Lieutenant, the Career Development Manager (where applicable), and the Academy Division Commander shall review and approve the training materials;
  - d. Step 4: Delivery of training;
  - e. Step 5: Operational application;
  - f. Step 6: Evaluation of training; and
  - g. Step 7: Revision of training.
2. Training shall align with the currents ~~are based on the~~ Department's published SOPs and Special Orders at the time of the curriculum or briefing video development.
- a. ~~If new or revised training is developed~~ governed by an ~~to complement the revision of the~~ relevant ~~based on~~ SOP, the new SOP shall ~~must be~~ published before the ~~new or revised training~~ is ~~can be~~ delivered.
5. ~~The length and complexity of the course content determines the timeframe for the course development and approval process~~ course content's length and complexity determines the course development and approval process timeframe.

**B. Training Development Categories**

**1. New Training**

- a. ~~New courses require the development of a lesson plan and supporting materials through Steps 1-3 of the 7-Step process for the purpose of teaching a new skill or new information.~~

**2. Revised Trainings**

- a. ~~The Course Developer shall work with the CTU to update or revise an existing training as it is developed through Steps 1-3 of the 7-Step Process.~~
- b. ~~Updates include, but are not limited to:~~
  - i. ~~Incorporation of a new SOP;~~
  - ii. ~~New performance data;~~
  - iii. ~~New case law;~~
  - iv. ~~Development of new scenarios to facilitate training; or~~
  - v. ~~Clearly articulated law enforcement best practices.~~

**3. Briefing Videos**

- a. ~~A briefing video disseminates information with the assumption that the audience already has the skill set to apply the new information.~~
- b. ~~Briefing videos do not require a lesson plan, they are reviewed as videos.~~
- c. ~~Briefing Videos are reviewed and approved by the CDM, an Academy Division Lieutenant, and the Academy Division Commander.~~



7

C. Required Documentation

1. Upon identifying a need for training, the Course Developer ~~Requester~~ shall submit the applicable ~~a~~ completed Curriculum Development Request ~~Form~~ (course development request, briefing video development, or course revision) ~~(formerly Training Needs Assessment Forms Parts 1 and 2)~~ ~~to~~ the CDM. The Curriculum Development Request ~~Form~~ shall be signed by the commander or equivalent professional staff supervisor of the requesting unit and shall accompany all requests for content ~~course development~~ development or ~~and~~ ~~revisions of existing courses.~~
- 1.a. No content will be developed without a signature from the command staff on the accompanying request form.
- a. ~~For new course development requests, the Course Developer shall submit a minimum of a detailed outline of the lesson plan with the Curriculum Development Request Form.~~
- b. ~~For revisions of existing courses, the Course Developer shall submit existing course materials and an outline of revisions with the Curriculum Development Request Form.~~
2. ~~Department personnel who request to develop a Briefing Video shall submit a completed Briefing Video Development Request Form to the CDM.~~

D. Additional Review Process

1. At a minimum, the CDM, an Academy Division Lieutenant, and the Academy Division Commander review all courses.
  - a. ~~Courses with significant SOP content are additionally reviewed by Policy and Procedure Unit personnel.~~
  - b. ~~Courses with significant legal content are additionally reviewed by the Assistant City Attorney in the Compliance Division of the City Attorney's Office.~~
  - c. ~~Courses that address mental health or crisis intervention are reviewed by the Mental Health Response Advisory Committee (MHRAC).~~
  - d. ~~Courses containing material addressed in the CASA are reviewed by the Independent Monitor and the United States Department of Justice (DOJ) after review by the parties listed above.~~
  - e. ~~Policy and Procedure Unit personnel and the Assistant City Attorney review only the lesson plan, while Academy Division personnel, MHRAC, the Independent Monitor, and DOJ review all materials associated with the course, such as PowerPoints, handouts, and videos.~~
  - f. ~~All parties have two (2) calendar weeks to respond with feedback.~~

6

E.D. Course Accreditation



1. ~~If the Course Requestor/Developer would like the course to be state--accredited, they shall notify the Curriculum Development Manager at the outset of the course development process. The CDM shall submit the accreditation request to the State. The CDM shall submit all trainings required by state statute to the NMLEA for accreditation.~~
2. ~~The Course Developer shall fill out the Request for Course Accreditation form (LEA-86) and provide the required material, along with the completed form, and the completed form to the CDM, who submits the materials to the NMLEA.~~
3. ~~The course developer shall be notified by the CDM. CDM shall notify the course developer upon assignment of a course accreditation number by the NMLEA.~~
1.

6

F.E.          Training Delivery

1. ~~No~~ No course or briefing video shall be delivered without the approval of the Academy Commander or their designee.
4. ~~The CDM shall notify the Course Developer~~ Requestor ~~upon final approval of the course materials, and shall explain to the Course Developer that the course materials may be trained.~~
2. ~~The Course Developer and their respective chain of command are responsible for scheduling the delivery of the training in collaboration with Academy Division personnel.~~
2.

G.F.          Review of External Trainings

The CDM and the Academy Commander or their designee review all external vendor trainings to ensure that the training complies with the Department's current SOPs.

1-94-7 Training Committee

Composition

Chairs

- ~~The Training Committee will be chaired by the Academy Division Commander and the Curriculum Development Manager.~~ The Academy Division Commander and the Curriculum Development Manager will chair the Training Committee.

Members



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

**SOP 1-94 (Formerly 6-1)**

**CPOAB DRAFT 05/08/2025**

N/A

~~— The Training Committee will be comprised of Academy representatives from different Bureaus as identified by the Chairs.~~

~~— Training Committee members are identified through their chain of command and approved by the Chairs.~~

~~— 1-94-8 — Procedures~~

~~— Training Committee Meetings~~

~~— The Training Committee meets at a minimum of twice per year...~~

~~— Training Needs and Recommendations~~

~~— Before each meeting, Training Committee members will identify training needs within their assigned areas., Mmembers will submit training recommendations at each meeting.~~

~~— Implementation of Recommendations~~

~~— The Academy Division Commander will oversee the development and implementation of the recommended training.~~



## **2-4 USE OF RESPIRATORS**

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

**A. Related SOP(s)**

1-36 Department Wellness Program

**B. Form(s)**

Duke City Occupational Healthcare's Respirator Medical Evaluation Questionnaire  
PD 4712 Respirator Fit Test Record

**C. Other Resource(s)**

29 C.F.R. § 1910.134 Respiratory Protection  
National Institute for Occupational Safety and Health (NIOSH)  
Occupational Safety and Health Administration (OSHA)

**D. Rescinded Special Order(s)**

None

### **2-4-1 Purpose**

The purpose of this policy is to outline the procedures for the medical evaluation, training, fitting, use, cleaning, and storage of air-purifying respirators issued and used by Albuquerque Police Department (Department) personnel. Procedures for supplied air respirators are addressed separately in special unit policies and procedures.

### **2-4-2 Policy**

It is the policy of the Department to be in compliance with Occupational Safety and Health Administration (OSHA) regulations and to protect Department personnel from inhaling airborne hazards. It is also the policy of the Department to provide respirators to Department personnel to protect them from airborne hazards and, therefore, shall have a written Respiratory Protection Program.

### **N/A 2-4-3 Definitions**

**A. Program Administrator**

The Department Safety Officer who meets the OSHA requirement to have one (1) person designated as the Department employee who has reasonable knowledge about airborne hazards, chemical exposure, respirators, and their uses and limitations.





**B. Respiratory Hazards**

A threat that can include airborne contaminants, such as biological contaminants, dusts, mists, fumes, gases, or oxygen-deficient atmospheres.

**C. Respiratory Protection Program**

A written Department program that is compliant with the OSHA respiratory protection standard and provides respirators suitable for their intended purpose. The program provides procedures specific to the worksite intended to prevent Department personnel from inhaling harmful contaminants in the workplace.

**6 2-4-4 Medical Evaluations**

A. Department personnel who are required to wear a respirator shall pass a medical evaluation before being fit tested and permitted to wear a respirator on the job.

1. Department personnel who show signs or symptoms that affect their ability to wear a respirator shall have a more advanced medical evaluation.

**B. Medical Evaluation Procedures**

**N/A**

1. The Program Administrator shall provide Department personnel with Duke City's Occupational Healthcare's Respirator Medical Evaluation Questionnaire. Alternatively, Department personnel may obtain the questionnaire by requesting a copy from City Employee Health Center personnel, consistent with SOP Department Wellness Program.
2. Department personnel shall be permitted to fill out the questionnaire in private, and on-duty. Department personnel shall either fax their completed questionnaires to the Employee Health Center at (505) 768-4690 or email it to [cabgscheduling@dukecitycares.com](mailto:cabgscheduling@dukecitycares.com). Completed questionnaires are confidential.
  - a. The questionnaire is to be sent to the Department's medical provider without review by management.
  - b. If the Department's medical provider determines that a further medical exam is required, Employee Health Center personnel will contact the employee.
3. Additional medical evaluations shall be done when:
  - a. Recommended by the Department's medical provider;
  - b. A Department employee has difficulty breathing; and
  - c. There are changes in work conditions that increase a Department employee's physical stress, such as high temperatures or greater physical exertion.
4. The medical evaluation shall be conducted at the City of Albuquerque Employee Health Center and is valid for one (1) year.



5. The Program Administrator shall get a recommendation from the Department's medical provider on whether or not personnel are medically able to wear a respirator.

**5 2-4-5 Selection and Fitting**

**A. Selection of Respirators**

1. Respirators are selected by the Program Administrator, on the basis of the hazards to which Department personnel are exposed and consistent with OSHA requirements. Only National Institute for Occupational Safety and Health (NIOSH) certified respirators shall be selected and used, consistent with 29 C.F.R. § 1910.134D.
2. The Department shall identify the potential of Department personnel to be exposed to airborne hazards consistent with their unit policies and procedures, and provide Department personnel with equipment sufficient for their protection.

**B. Respirator Fitting**

1. Department personnel who are required to wear respirators shall:
  - a. Be fit tested prior to being allowed to wear any respirator with a tight-fitting face piece; or when there are changes in the employee's physical condition that could affect how the respirator fits (e.g., significant change in body weight, facial scarring, etc.);
  - b. Be fit tested with the make, model, and size of respirator that they shall actually wear in the field; and
  - c. Be provided with different sizes and available models of respirators so that they may find an optimal fit.
2. The Program Administrator shall:
  - a. Use irritant smoke to accomplish the qualitative fit-testing protocol; and
  - b. Follow fit test procedures that are consistent with OSHA regulations on respiratory protection.

**7 2-4-6 Training**

**A. Training on the Use of Respirators**

1. The Program Administrator shall:
  - a. Provide training to respirator users and their supervisors on the provisions of the Respiratory Protection Program and supervisory responsibilities under the program; and



- b. Document respirator training.
  - i. The Program Administrator shall record the employee's name and the brand, model, and size of the respirator that was fit tested in the documentation.
2. Department personnel shall:
  - a. Attend training prior to using a respirator in the workplace for:
    - i. Proper respirator selection for particular hazards; and
    - ii. The procedures for the proper use of respirators in routine and reasonably foreseeable emergencies, such as clandestine laboratory hazardous materials (HAZ-MAT) handling, crime scene processing, or riot control situations.
  - b. Demonstrate their understanding of the topics covered in the training.
3. Supervisors over the following areas within the Department shall assist the Program Administrator with training of the specific hazards associated with their special capacities of law enforcement:
  - a. Clandestine Laboratory Team;
  - b. Crime Scene Specialist (CSS) Unit;
  - c. Emergency Response Team (ERT);
  - d. Field Services Bureau (FSB) personnel;
  - e. Major Crime Scene Team (MCST);
  - f. Open Space Unit;
  - g. Special Operations Division;
  - h. Crime Lab Firearms Unit; and
  - i. Prisoner Transport Unit (PTU).

**7** 2-4-7

### **Use of Respirators**

**N/A**

- A. Respirators are typically used in two (2) different types of situations:
  1. Routine or regular exposure to processes or activities involving airborne hazards; and
  2. Infrequent but predictable occasions where there is an airborne hazard exposure and emergencies.
- B. Department personnel shall use a respirator where respiratory hazards exist in order to protect the employee's health.

**5**

- C. The Program Administrator shall:
  1. Keep track of respirator fit-testing, use, storage, cleaning, and maintenance;
  2. Oversee the development of the Respiratory Protection Program;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-4**

**CPOAB Draft 05/15/2025**

- a. The Program Administrator shall work with the chain of command of each unit that wears respirators, and ensure the Respiratory Protection Program is properly carried out at the workplace.
3. Evaluate the Respiratory Protection Program regularly to ensure procedures are followed, respirator use is monitored, and respirators continue to provide adequate protection when job conditions change;
4. Ensure supervisors are trained and approved to conduct fit tests; and
5. Ensure supervisors over the following areas assist with adhering to the Respiratory Protection Program requirements:
  - a. Clandestine Laboratory Team;
  - b. CSS Unit;
  - c. ERT;
  - d. FSB personnel;
  - e. MCST;
  - f. Open Space Unit;
  - g. Special Operations Division;
  - h. Crime Lab Firearms Unit; and
  - i. PTU.
- D. Supervisors shall:
  1. Be responsible for ensuring that the Respiratory Protection Program is implemented in their units;
  2. Be knowledgeable about the Respiratory Protection Program and ensure that the Respiratory Protection Program is understood and followed by the personnel in their chain of command;
  3. Ensure that personnel under their supervision have received appropriate training, fit testing, and a medical evaluation;
  4. Ensure the availability of appropriate respirators and accessories;
  5. Be aware of tasks requiring the use of respiratory protection, as well as other necessary Personal Protection Equipment (PPE);
  6. Enforce the proper use of respiratory protection when necessary;
  7. Ensure that respirators are properly cleaned, maintained, and stored according to the respiratory protection plan and manufacturer's instructions, which are included with the respirators or available on the manufacturer's web page;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-4**

**CPOAB Draft 05/15/2025**

8. Ensure that respirators fit well and do not cause discomfort;
9. Continually monitor work areas and operations to identify possible respiratory hazards; and
10. Coordinate with the Program Administrator on how to address respiratory hazards or other concerns regarding the Respiratory Protection Program.

**E. Maintenance**

1. Department personnel shall:
  - a. Be responsible for wearing their respirator when and where they are required and in the manner in which they were trained;
  - b. Care for and maintain their respirators as instructed;
  - c. Store respirators in a cool, clean, secure, dry area and consistent with the manufacturer's recommendations;
  - d. Ensure respirators are cleaned, maintained, and disinfected after use in a hazardous environment, and as often as necessary, consistent with the manufacturer's recommendations;
  - e. Change canisters after use in hazardous environments per the manufacturer's requirement;
  - f. Inform their supervisor if the respirator no longer fits well, and request a new one that fits properly;
  - g. Inform their supervisor or the Program Administrator of any respiratory hazards that they feel may not be adequately addressed in the workplace and of any other concerns that they have regarding the Respiratory Protection Program;
  - h. Inform their supervisor of a need for a medical reevaluation;
  - i. Leave the work area and go to a safe area to maintain their respirator for the following reasons:
    - i. To clean their respirator if the respirator is impeding their ability to work;
    - ii. To change filters or cartridges; and
    - iii. To inspect the respirator if it stops functioning as intended.
  - j. Use their respirators under conditions specified by the respiratory protection program, under the direction of the manufacturer's recommendations, and consistent with the training they receive on the use of the particular model;
  - k. Conduct positive or negative pressure user seal checks each time that they wear their respirator; and
  - l. When feasible, notify their supervisor prior to leaving the work area to perform respirator safety checks or maintenance.
2. Department personnel shall not:
  - a. Use the respirator in a manner for which it is not certified by NIOSH or by its manufacturer;
  - b. Wear tight-fitting respirators if they have any condition that prevents them from achieving a good seal; or



- c. Wear headphones, jewelry, or other articles that may interfere with the face piece-to-face seal.

**F. Defective Respirators**

1. Department personnel shall immediately take respirators that are defective or have defective parts out of service.
  - a. Respirators that are removed from service shall be stored separately or otherwise marked so that they are not inadvertently reissued prior to repairs being conducted.
2. If, during an inspection, Department personnel discover a defect in a respirator, they shall bring the defect to their supervisor's attention.
  - a. Department personnel shall be given a replacement of the same make, model, and size.

**5 2-4-8 Regular Evaluation of the Effectiveness of the Respiratory Protection Program**

- A. The Program Administrator and supervisors shall conduct periodic evaluations of the workplace to ensure that the provisions of the Respiratory Protection Program are being implemented.
  1. The evaluations shall include regular consultations with Department personnel who use respirators and their supervisors, site inspections, air monitoring, and a review of records; and
  2. The Program Administrator shall identify and address any problems and note them in the inspection log.
    - a. The findings shall be reported to the employee's chain of command. The report shall list plans to correct deficiencies in the Respiratory Protection Program and target dates for the implementation of those corrections.

**5 2-4-9 Documentation and Record Keeping**

- A. The Program Administrator shall:
  1. Maintain copies of training materials and fit test records; and
    - a. These records shall be updated as new personnel are trained, as existing personnel receive refresher training, and as new fit tests are conducted.
  2. Only retain the physician's written recommendation regarding personnel's ability to wear a respirator.





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-4**

**CPOAB Draft 05/15/2025**

- B. The completed Occupational Healthcare's Respirator Medical Evaluation Questionnaire and the physician's documented findings are confidential and shall remain at the Employee Health Center.

REDLINED



## **2-4 USE OF RESPIRATORS**

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

#### **A. Related SOP(s)**

1-36 Department ~~Personnel~~ Wellness Program

#### **B. Form(s)**

Duke City Occupational Healthcare's OSHA Respirator Medical Evaluation  
Questionnaire  
PD 4712 Respirator Fit Test Record

#### **C. Other Resource(s)**

29 C.F.R. § 1910.134 Respiratory Protection  
National Institute for Occupational Safety and Health (NIOSH)  
Occupational Safety and Health Administration (OSHA)

#### **D. Rescinded Special Order(s)**

None

### **2-4-1 Purpose**

The purpose of this policy is to outline the procedures for the medical evaluation, training, fitting, use, cleaning, and storage of air-purifying respirators issued and used by Albuquerque Police Department (Department) personnel. Procedures for supplied air respirators are addressed separately in special unit policies and procedures.

### **2-4-2 Policy**

It is the policy of the Department to be in compliance with Occupational Safety and Health Administration (OSHA) regulations and to protect Department personnel from inhaling airborne hazards. It is also the policy of the Department to provide respirators to Department personnel to protect them from airborne hazards and, therefore, shall have a written Respiratory Protection Program.

N/A

### **2-4-3 Definitions**

#### **A. Program Administrator**

The Department Safety Officer who meets the OSHA requirement to have one (1) person designated as the Department employee who has reasonable knowledge about airborne hazards, chemical exposure, respirators, and their uses and limitations.



B. Respiratory Hazards

A threat that can include airborne contaminants, such as biological contaminants, dusts, mists, fumes, and gases, or oxygen-deficient atmospheres.

C. Respiratory Protection Program

A written Department program that is compliant with the OSHA respiratory protection standard and provides respirators suitable for their intended purpose. The program provides procedures specific to the worksite intended to prevent Department personnel from inhaling harmful contaminants in the workplace.

**6** 2-4-4 **Medical Evaluations**

A. Department personnel who are required to wear a respirator shall pass a medical evaluation before being fit tested and permitted to wear a respirator on the job.

1. Department personnel who show signs or symptoms that affect their ability to wear a respirator shall have a more advanced medical evaluation.

~~B. Medical Evaluation Procedures~~

~~1. B. The medical evaluation shall be conducted at the City of Albuquerque Employee Health Center and is valid for two (2) years.~~

**N/A**

2. 1. The Program Administrator shall provide Department personnel with Duke City's Occupational Healthcare's Respirator ~~SHA Respirator~~ Medical Evaluation Questionnaire. Alternatively, Department personnel may obtain the questionnaire by requesting a copy from City Employee Health Center personnel, consistent with SOP Department Personnel Wellness Program.

~~3. The Program Administrator shall get a recommendation from the Department's medical provider on whether or not personnel are medically able to wear a respirator.~~

4. 2. Department personnel shall be permitted to fill out the questionnaire in private, and on-duty. Department personnel shall either fax their completed questionnaires to the Employee Health Center at (505) 768-~~4690~~2823 or call the Employee Health Center at (505) 768-4630 email it to cabqgscheduling@dukecitycares.com. Completed OSHA Certification gQuestionnaires are confidential.

~~a. If the Department medical provider determines that a further medical exam is required, Employee Health Center personnel will contact the employee.~~

a. The questionnaire form is to be sent ~~faxed~~ to the Department's medical provider without review by management. ~~Department personnel should contact the Employee Health Center if they would like to email the form.~~



- b. If the Department's medical provider determines that a further medical exam is required, Employee Health Center personnel will contact the employee.

~~5.3.~~ Additional medical evaluations shall be done when:

- a. Recommended by the Department's medical provider;
- b. A Department employee has difficulty breathing; and
- c. There are changes in work conditions that increase a Department employee's physical stress, such as high temperatures or greater physical exertion.

4. The medical evaluation shall be conducted at the City of Albuquerque Employee Health Center and is valid for one (1) year.

~~5.~~ The Program Administrator shall get a recommendation from the Department's medical provider on whether or not personnel are medically able to wear a respirator.

## **5 2-4-5 Selection and Fitting**

### **A. Selection of Respirators**

1. Respirators are selected by the Program Administrator, on the basis of the hazards to which Department personnel are exposed and consistent with OSHA requirements. Only National Institute for Occupational Safety and Health (NIOSH) certified respirators shall be selected and used, consistent with 29 C.F.R. § 1910.134D.
2. The Department shall identify the potential of Department personnel to be exposed to airborne hazards consistent with their unit policies and procedures, and provide Department personnel with equipment sufficient for their protection.

### **B. Respirator Fitting**

1. Department personnel who are required to wear respirators shall:
  - a. Be fit tested prior to being allowed to wear any respirator with a tight-fitting face piece; or when there are changes in the employee's physical condition that could affect how the respirator fits (e.g., significant change in body weight, facial scarring, etc.);
  - b. Be fit tested with the make, model, and size of respirator that they shall actually wear in the field; and
  - c. Be provided with different sizes and available models of respirators so that they may find an optimal fit.
2. The Program Administrator shall:
  - a. Use irritant smoke to accomplish the qualitative fit-testing protocol; and



- b. Follow fit test procedures that are consistent with OSHA regulations on respiratory protection.

**7 2-4-6 Training**

**A. Training on the Use of Respirators**

**1. The Program Administrator shall:**

- a. Provide training to respirator users and their supervisors on the provisions of the Respiratory Protection Program and supervisory responsibilities under the program; and
- b. Document respirator training.
  - i. The Program Administrator shall record the employee's name and the brand, model, and size of the respirator that was fit tested in the documentation.

**2. Department personnel shall:**

- a. Attend training prior to using a respirator in the workplace for:
  - i. Proper respirator selection for particular hazards; and
  - ii. The procedures for the proper use of respirators in routine and reasonably foreseeable emergencies, such as clandestine laboratory hazardous materials (HAZ-MAT) handling, crime scene processing, or riot control situations.
- b. Demonstrate their understanding of the topics covered in the training.

**3. Supervisors over the following areas within the Department shall assist the Program Administrator with training of the specific hazards associated with their special capacities of law enforcement:**

- a. Clandestine Laboratory Team;
- b. Crime Scene Specialist (CSS) Unit;
- c. Emergency Response Team (ERT);
- d. Field Services Bureau (FSB) personnel;
- e. Major Crime Scene Team (MCST);
- f. Open Space Unit-Dive Team;
- g. Special Operations Division;
- h. Crime Lab Firearms Unit; and
- i. Prisoner Transport Unit (PTU).

**7 2-4-7 Use of Respirators**

**N/A A. Respirators are typically used in two (2) different types of situations:**

- 1. Routine or regular exposure to processes or activities involving airborne hazards; and



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-4

CPOAB Draft 05/15/2025

2. Infrequent but predictable occasions where there is an airborne hazard exposure and emergencies.

B. Department personnel shall use a respirator where respiratory hazards exist in order to protect the employee's health.

5

C. The Program Administrator shall:

1. Keep track of respirator fit-testing, use, storage, cleaning, and maintenance;

2. Oversee the development of the Respiratory Protection Program;

a. The Program Administrator shall work with the chain of command of each unit that wears respirators, and ~~ensure~~ make sure the Respiratory Protection Program is properly carried out at the workplace.

3. Evaluate the Respiratory Protection Program regularly to ~~ensure~~ make sure procedures are followed, respirator use is monitored, and respirators continue to provide adequate protection when job conditions change;

4. Ensure supervisors are trained and approved to conduct fit tests; and

5. Ensure supervisors over the following areas assist with adhering to the Respiratory Protection Program requirements:

- a. Clandestine Laboratory Team;
- b. ~~Crime Scene Specialist (CSS) Unit;~~
- c. ~~Emergency Response Team (ERT);~~
- d. ~~Field Services Bureau (FSB) personnel;~~
- e. ~~Major Crime Scene Team (MCST);~~
- f. ~~Open Space Unit Dive Team;~~
- g. Special Operations Division;
- h. Crime Lab Firearms Unit; and
- i. ~~Prisoner Transport Unit (PTU).~~

D. Supervisors shall:

1. Be responsible for ensuring that the Respiratory Protection Program is implemented in their units;

2. Be knowledgeable about the Respiratory Protection Program and ensure that the Respiratory Protection Program is understood and followed by the personnel in their chain of command;

3. Ensure that personnel under their supervision have received appropriate training, fit testing, and a medical evaluation;





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-4**

**CPOAB Draft 05/15/2025**

4. Ensure the availability of appropriate respirators and accessories;
5. Be aware of tasks requiring the use of respiratory protection, as well as other necessary Personal Protection Equipment (PPE);
6. Enforce the proper use of respiratory protection when necessary;
7. Ensure that respirators are properly cleaned, maintained, and stored according to the respiratory protection plan and manufacturer's instructions, which are included with the respirators, or available on the manufacturer's web page;
8. Ensure that respirators fit well and do not cause discomfort;
9. Continually monitor work areas and operations to identify possible respiratory hazards; and
10. Coordinate with the Program Administrator on how to address respiratory hazards or other concerns regarding the Respiratory Protection Program.

E. Maintenance

1. Department personnel shall:
  - a. Be responsible for wearing their respirator when and where they are required and in the manner in which they were trained;
  - b. Care for and maintain their respirators as instructed;
  - c. Store respirators in a cool, clean, secure, dry area, and consistent with the manufacturer's recommendations;
  - d. Ensure respirators are cleaned, maintained, and disinfected after use in a hazardous environment, and as often as necessary, consistent with the manufacturer's recommendations;
  - e. Change canisters after use in hazardous environments per the manufacturer's requirement;
  - f. Inform their supervisor if the respirator no longer fits well, and request a new one that fits properly;
  - g. Inform their supervisor or the Program Administrator of any respiratory hazards that they feel may not be adequately addressed in the workplace and of any other concerns that they have regarding the Respiratory Protection Program;
  - h. Inform their supervisor of a need for a medical reevaluation;
  - i. Leave the work area and go to a safe area to maintain their respirator for the following reasons:
    - i. To clean their respirator if the respirator is impeding their ability to work;
    - ii. To change filters or cartridges; and
    - iii. To inspect the respirator if it stops functioning as intended.



- j. Use their respirators under conditions specified by the respiratory protection program, under the direction of the manufacturer's recommendations, and consistent with the training they receive on the use of the particular model;
- k. Conduct positive or negative pressure user seal checks each time that they wear their respirator; and
- l. When feasible, notify their supervisor prior to leaving the work area to perform respirator safety checks or maintenance.

2. Department personnel shall not:

- a. Use the respirator in a manner for which it is not certified by NIOSH or by its manufacturer;
- b. Wear tight-fitting respirators if they have any condition that prevents them from achieving a good seal; or
- c. Wear headphones, jewelry, or other articles that may interfere with the face piece-to-face seal.

F. Defective Respirators

- 1. Department personnel shall immediately take respirators that are defective or have defective parts out of service.
  - a. Respirators that are removed from service shall be stored separately or otherwise marked so that they are not inadvertently reissued prior to repairs being conducted.
- 2. If during an inspection Department personnel discover a defect in a respirator, they shall bring the defect to their supervisor's attention.
  - a. Department personnel shall be given a replacement of the same make, model, and size.

**5 2-4-8 Regular Evaluation of the Effectiveness of the Respiratory Protection Program**

- A. The Program Administrator and supervisors shall conduct periodic evaluations of the workplace to ensure that the provisions of the Respiratory Protection Program are being implemented.
  - 1. The evaluations shall include regular consultations with Department personnel who use respirators and their supervisors, site inspections, air monitoring, and a review of records; and
  - 2. The Program Administrator shall identify and address any problems and note them in the inspection log.



- a. The findings shall be reported to the employee's chain of command. The report shall list plans to correct deficiencies in the Respiratory Protection Program and target dates for the implementation of those corrections.

**5 2-4-9 Documentation and Record Keeping**

A. The Program Administrator shall:

1. Maintain copies of training materials and fit test records; and
  - a. These records shall be updated as new personnel are trained, as existing personnel receive refresher training, and as new fit tests are conducted.
2. Only retain the physician's written recommendation regarding personnel's ability to wear a respirator.

- B. The completed Occupational Healthcare's SHA Respirator Medical Evaluation Questionnaire and the physician's documented findings are confidential and shall remain at the Employee Health Center.



## **2-14 USE OF CELL-SITE SIMULATOR (CSS) TECHNOLOGY**

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

**A. Related SOP(s)**

None

**B. Form(s)**

PD 1305 Electronic Communications Privacy Act Warrant Tracking Form  
PD 1308 Letter of Notification  
PD 1340 Consent to Search Digital Devices  
Affidavit Submitted Pursuant to New Mexico Electronic Communications Privacy Act  
Application and Order Pursuant to Electronic Communications Privacy Act  
Order of Delayed Notification  
Order of Delayed Notification and Non-Disclosure  
Order Sealing Search Warrant and Affidavit  
Return and Inventory

**C. Other Resource(s)**

NMSA 1978, §§ 10-16F-1 to 10-16F-6 Electronic Communications Privacy Act

**D. Rescinded Special Order(s)**

None

### **2-14-1 Purpose**

The purpose of this policy is to set requirements for the operation of any cell-site simulator technology by authorized Albuquerque Police Department (Department) personnel.

### **2-14-2 Policy**

It is the policy of the Department to utilize cell-site simulator (CSS) technology as one tool among many traditional law enforcement techniques and to achieve important public safety objectives, including Search and Rescue, criminal investigations, and other public safety operations. The Department's use of CSS technology provides valuable assistance supporting the Department's important public safety objectives. Only appropriately trained Department personnel may use and operate the CSS technology. Because the Department is committed to constitutional and effective community policing, the use of any CSS technology shall strictly comply with the requirements and protections of the United States Constitution, including the Fourth Amendment and the New Mexico Constitution, Article II, Section 10.



**N/A 2-14-3 Definitions**

**A. Authorized Information**

The industry standard unique identifying number assigned by the device manufacturer or cellular network provider and limited signaling information from a cellular device, including the relative strength and general direction of a cellular device.

**B. Cell-Site Simulator (CSS) Technology**

Technology that transmits as a cell tower and acquires identifying information from cellular devices; however, this identifying information is limited. CSS does not function as a Global Positioning System (GPS) locator and does not obtain or download any location information from the cellular device or its applications.

**C. Prohibited Information and Data**

Contents of any communications; data contained on the phone itself, including emails, texts, contact lists, images, etc.; or subscriber account information, including the account holder's name, address, or telephone number.

**2-14-4 Staffing and Personnel Responsibilities**

**4** A. Only Electronic Support Unit (ESU) personnel within the Investigative Services Division (ISD) shall administer CSS technology.

**4** B. ESU sworn personnel operating CSS technology shall only acquire Authorized Information and shall not acquire Prohibited Information and Data from a cellular device.

**4** C. The ESU Sergeant shall:

1. Supervise, train, and evaluate the ESU detectives' training in utilizing CSS technology;
2. Assist in coordinating the use of CSS technology and trained personnel to support Department operations, including Search and Rescue, criminal investigations, and public safety operations;
3. Receive, review, authorize, and assign the requests to utilize CSS technology based on the appropriateness of the underlying case, operation, or mission, as well as the lawfulness and compliance with the Electronic Communications Privacy Act;
4. Be responsible for confirming approval from the Career Criminal Lieutenant or their designee before using any CSS technology. In exigent circumstances, the ESU Sergeant shall be responsible for confirming approval from the ISD Commander or their designee;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-14**

**CPOAB Draft 05/22/2025**

5. Ensure that any Authorized Information is removed from the CSS technology after the CSS operation and provided to the case agent, consistent with the requirements in this Standard Operating Procedure (SOP);
6. Maintain a log of the use of CSS technology;
7. Conduct a monthly audit to ensure strict compliance with all applicable laws and procedures, document the results, and address any issues resulting from the monthly audit; and
8. Maintain all Department CSS technology to ensure it remains in working condition and consistent with the manufacturer's recommendations.

D. An ESU detective who operates CSS technology shall:

- 4 1. Obtain approval from the ESU Sergeant or their designee before using any CSS technology; and
- 7 2. Be responsible for the operation of CSS technology.

3 E. Confidentiality

1. Due to the sensitive nature of CSS technology and its use, the ESU Sergeant and ESU detectives shall abide by the requirements under all applicable confidentiality and non-disclosure agreements.
2. All Department personnel shall consider any Authorized Information obtained from CSS technology as confidential, and they shall confidentially handle Authorized Information.

4 2-14-5 **Training and Accountability**

A. Department personnel shall not use CSS technology, except for the ESU Sergeant and ESU detectives who have been trained in the operation of CSS technology.

1. The ESU Sergeant shall conduct inspections of all CSS technology to ensure the equipment is properly functioning.
2. Consistent with federal and state laws, local ordinances, and this SOP, at least on an annual basis and in consultation with the Office of the City Attorney, the ESU Sergeant shall conduct training for ESU detectives. The training shall include a component of the Electronic Communications Privacy Act.
  - a. The ESU Sergeant and ESU detectives shall be trained on the manufacturer's directions and manual before using any CSS technology.





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-14**

**CPOAB Draft 05/22/2025**

- B. The ESU Sergeant or their designee shall approve the use of any CSS technology for training purposes. The ESU Sergeant and ESU detectives shall understand the legal process described below, including any requirements to apply for and receive judicial authorization as described in this SOP.
1. The ESU Sergeant shall periodically review and revise this SOP and any associated training as a result of any significant advances in technological capabilities.
  2. All Department personnel are prohibited under federal law from intercepting the contents of any communications through the use of CSS technology. Additionally, all Department personnel are prohibited under this SOP from intercepting any Prohibited Information and Data through the use of CSS technology.
  3. When CSS technology is used to locate a known cellular device, the ESU Sergeant and ESU detectives shall delete all Authorized Information as soon as the particular device is located.
  4. When CSS technology is used to identify an unknown cellular device, the ESU Sergeant and ESU detectives shall delete all Authorized Information as soon as the target cellular device is identified and not less than once every thirty (30) days if a court order is granted allowing for the retention of the Authorized Information.
  5. Before deploying CSS technology for a different mission, the ESU detectives shall verify that the Authorized Information from a previously completed mission has been cleared from the CSS technology.
  6. When CSS technology is used following a natural disaster or when the ESU Sergeant or ESU detectives assist the Open Space Section in a Search and Rescue operation, ensure that any Authorized Information is removed from the CSS technology after the CSS operation and provided to the case agent, consistent with the requirements in this SOP.

**2-14-6 Legal Process and Applications for the Use of CSS Technology**

- 1** A. Consistent with the Electronic Privacy Communications Act, the Department may access electronic device information through physical interaction or electronic communication with the device only if that access is made:
1. Under a warrant that complies with the requirements of the Electronic Privacy Communications Act;
  2. Under a wiretap order;
  3. With the specific consent of the device's authorized possessor;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-14**

**CPOAB Draft 05/22/2025**

4. With the specific consent of the device's owner if the device has been reported as lost or stolen;
5. Because the government entity believes in good faith that the device is lost, stolen, or abandoned, in which case, the government entity may access that information only as necessary and to attempt to identify, verify, or contact the device's authorized possessor; or
6. Because the government entity believes in good faith that an emergency involving danger of death or serious physical injury to a natural person requires access to the electronic device information.

**1**

- B. Before using CSS technology, consistent with the Electronic Communications Privacy Act, the ESU detective or sworn personnel assigned as case agents shall apply to the appropriate court for a judicial warrant supported by probable cause. The judicial warrant requirement may not apply to the following situations:
1. Exigent circumstances under the Fourth Amendment, consistent with the Electronic Communications Privacy Act and Article II, Section 10 of the New Mexico Constitution;
    - a. An exigency that excuses the need to obtain a warrant may arise when the needs of the Department are so compelling that they render a warrantless search objectively reasonable. Assuming the ESU detective or sworn personnel assigned as case agents have the requisite probable cause, then a variety of exigent circumstances may justify dispensing with a warrant, including, but not necessarily limited to:
      - i. The need to protect human life or avert serious injury.
  2. The ISD Commander or their designee shall approve the use of CSS technology to ensure exigency exists and deployment is authorized;
  3. Even if exigent circumstances do not exist, the Electronic Communications Privacy Act does not require a judicial warrant in emergency situations or when circumstances make obtaining a judicial warrant impracticable. The pre-judicial warrant use of CSS technology under this provision shall be restricted to emergency situations that involve:
    - a. Immediate danger of death or serious bodily injury to any person.
  4. The ESU Detective or sworn personnel assigned as case agents shall only use CSS technology under this provision if and only if legal approval is provided by an attorney from the Bernalillo County District Attorney and shall also seek a judicial warrant or order within forty-eight (48) hours of such use.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-14**

**CPOAB Draft 05/22/2025**

**N/A**

C. When sworn personnel assigned as case agents complete an application or supporting affidavit for the use of CSS technology, they shall include sufficient information to ensure that the court is aware of:

1. The general terms of the technique to be employed;
2. A description that should indicate the CSS technology may send signals to the cellular device that shall cause it and non-target cellular devices in the area to emit unique identifiers, which shall be obtained by the CSS technology. The unique identifiers shall be used to determine information pertaining to the physical location of only the target cellular device or to determine the currently unknown identifiers of the target cellular device;
3. The potential that the target cellular device and other cellular devices in the area might experience a temporary disruption of service from the service provider; and
4. Any Authorized Information from the CSS technology is removed after the CSS operation and provided to the case agent, consistent with the requirements in this SOP.

**N/A**

**2-14-7**

**Operations**

A. The Department, through the ESU detective's use of the CSS technology, may provide another law enforcement agency assistance or support for public safety operations or criminal investigations, but only when the use of CSS technology occurs in the City of Albuquerque.

**3**

1. The Department shall not allow another law enforcement agency to use or operate the Department's CSS technology.



## **2-14 USE OF CELL-SITE SIMULATOR (CSS) TECHNOLOGY**

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

**A. Related SOP(s)**

None

**B. Form(s)**

PD 1305 Electronic Communications Privacy Act Warrant Tracking Form  
PD 1308 Letter of Notification  
PD 1340 Consent to Search Digital Devices  
Affidavit Submitted Pursuant to New Mexico Electronic Communications Privacy Act  
Application and Order Pursuant to Electronic Communications Privacy Act  
Order of Delayed Notification  
Order of Delayed Notification and Non-Disclosure  
Order Sealing Search Warrant and Affidavit  
Return and Inventory

**C. Other Resource(s)**

NMSA 1978, §§ 10-16F-1 to 10-16F-6 Electronic Communications Privacy Act

**D. Rescinded Special Order(s)**

None

### **2-14-1 Purpose**

The purpose of this policy is to set requirements for the operation of any cell-site simulator technology by authorized Albuquerque Police Department (Department) personnel.

### **2-14-2 Policy**

It is the policy of the Department to utilize cell-site simulator (CSS) technology as one tool among many traditional law enforcement techniques and to achieve important public safety objectives, including Search and Rescue, criminal investigations, and other public safety operations. The Department's use of CSS technology provides valuable assistance supporting the Department's important public safety objectives. Only appropriately trained Department personnel may use and operate the CSS technology. Because the Department is committed to constitutional and effective community policing, the use of any CSS technology shall strictly comply with the requirements and protections of the United States Constitution, including the Fourth Amendment and the New Mexico Constitution, Article II, Section 10.



**N/A 2-14-3 Definitions**

**A. Authorized Information**

The industry standard unique identifying number assigned by the device manufacturer or cellular network provider and limited signaling information from a cellular device, including the relative strength and general direction of a cellular device.

**B. Cell-Site Simulator (CSS) Technology**

Technology that transmits as a cell tower and acquires identifying information from cellular devices; however, this identifying information is limited. CSS does not function as a Global Positioning System (GPS) locator and does not obtain or download any location information from the cellular device or its applications.

**C. Prohibited Information and Data**

Contents of any communications; data contained on the phone itself, including emails, texts, contact lists, images, etc.; or subscriber account information, including the account holder's name, address, or telephone number.

**2-14-4 Staffing and Personnel Responsibilities**

**4** A. Only Electronic Support Unit (ESU) personnel within the Investigative Services Division (ISD) shall administer CSS technology.

**4** B. ESU sworn personnel operating CSS technology shall only acquire Authorized Information and shall not acquire Prohibited Information and Data from a cellular device.

**4** C. The ESU Sergeant shall:

1. Supervise, train, and evaluate the ESU detectives' training in utilizing CSS technology;
2. Assist in coordinating the use of CSS technology and trained personnel to support Department operations, including Search and Rescue, criminal investigations, and public safety operations;
3. Receive, review, authorize, and assign the requests to utilize CSS technology based on the appropriateness of the underlying case, operation, or mission, as well as the lawfulness and compliance with the Electronic Communications Privacy Act;
4. Be responsible for confirming approval from the Career Criminal Lieutenant or their designee before using any CSS technology. In exigent circumstances, the ESU Sergeant shall be responsible for confirming approval from the ISD Commander or their designee;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-14**

**CPOAB Draft 05/22/2025**

5. Ensure that any Authorized Information is removed from the CSS technology after the CSS operation and provided to the case agent, consistent with the requirements in this Standard Operating Procedure (SOP);
6. Maintain a log of the use of CSS technology;
7. Conduct a monthly audit to ensure strict compliance with all applicable laws and procedures, document the results, and address any issues resulting from the monthly audit; and
8. Maintain all Department CSS technology to ensure it remains in working condition and consistent with the manufacturer's recommendations.

D. An ESU detective who operates CSS technology shall:

- 4 1. Obtain approval from the ESU Sergeant or their designee before using any CSS technology; and
- 7 2. Be responsible for the operation of CSS technology.

3 E. Confidentiality

1. Due to the sensitive nature of CSS technology and its use, the ESU Sergeant and ESU detectives shall abide by the requirements under all applicable confidentiality and non-disclosure agreements.
2. All Department personnel shall consider any Authorized Information obtained from CSS technology as confidential, and they shall confidentially handle Authorized Information.

4 2-14-5 **Training and Accountability**

A. Department personnel shall not use CSS technology, except for the ESU Sergeant and ESU detectives who have been trained in the operation of CSS technology.

1. The ESU Sergeant shall conduct inspections of all CSS technology to ensure the equipment is properly functioning.
2. Consistent with federal and state laws, local ordinances, and this SOP, at least on an annual basis and in consultation with the Office of the City Attorney, the ESU Sergeant shall conduct training for ESU detectives. The training shall include a component of the Electronic Communications Privacy Act.
  - a. The ESU Sergeant and ESU detectives shall be trained on the manufacturer's directions and manual before using any CSS technology.





- B. The ESU Sergeant or their designee shall approve the use of any CSS technology for training purposes. The ESU Sergeant and ESU detectives shall understand the legal process described below, including any requirements to apply for and receive judicial authorization as described in this SOP.
1. The ESU Sergeant shall periodically review and revise this SOP and any associated training as a result of any significant advances in technological capabilities.
  2. All Department personnel are prohibited under federal law from intercepting the contents of any communications through the use of CSS technology. Additionally, all Department personnel are prohibited under this SOP from intercepting any Prohibited Information and Data through the use of CSS technology.
  3. When CSS technology is used to locate a known cellular device, the ESU Sergeant and ESU detectives shall delete all Authorized Information as soon as the particular device is located.
  4. When CSS technology is used to identify an unknown cellular device, the ESU Sergeant and ESU detectives shall delete all Authorized Information as soon as the target cellular device is identified and not less than once every thirty (30) days if a court order is granted allowing for the retention of the Authorized Information.
  5. Before deploying CSS technology for a different mission, the ESU detectives shall verify that the Authorized Information from a previously completed mission has been cleared from the CSS technology.
  6. When CSS technology is used following a natural disaster or when the ESU Sergeant or ESU detectives assist the Open Space Section in a Search and Rescue operation, ensure that any Authorized Information is removed from the CSS technology after the CSS operation and provided to the case agent, consistent with the requirements in this SOP.

**2-14-6 Legal Process and Applications for the Use of CSS Technology**

- 1** A. Consistent with the Electronic Privacy Communications Act, the Department may access electronic device information through physical interaction or electronic communication with the device only if that access is made:
1. Under a warrant that complies with the requirements of the Electronic Privacy Communications Act;
  2. Under a wiretap order;
  3. With the specific consent of the device's authorized possessor;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-14

CPOAB Draft 05/22/2025

4. With the specific consent of the device's owner if the device has been reported as lost or stolen;
5. Because the government entity believes in good faith that the device is lost, stolen, or abandoned, in which case, the government entity may access that information only as necessary and to attempt to identify, verify, or contact the device's authorized possessor; or
6. Because the government entity believes in good faith that an emergency involving danger of death or serious physical injury to a natural person requires access to the electronic device information.

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- B. Before using CSS technology, consistent with the Electronic Communications Privacy Act, the ESU detective or sworn personnel assigned as case agents shall apply to the appropriate court for a judicial warrant supported by probable cause. The judicial warrant requirement may not apply to the following situations:
1. Exigent circumstances under the Fourth Amendment, consistent with the Electronic Communications Privacy Act and Article II, Section 10 of the New Mexico Constitution;
    - a. An exigency that excuses the need to obtain a warrant may arise when the needs of the Department are so compelling that they render a warrantless search objectively reasonable. Assuming the ESU detective or sworn personnel assigned as case agents have the requisite probable cause, then a variety of exigent circumstances may justify dispensing with a warrant, including, but not necessarily limited to:
      - i. The need to protect human life or avert serious injury.
  2. The ISD Commander or their designee shall approve the use of CSS technology to ensure exigency exists and deployment is authorized;
  3. Even if exigent circumstances do not exist, the Electronic Communications Privacy Act does not require a judicial warrant in emergency situations or when circumstances make obtaining a judicial warrant impracticable. The pre-judicial warrant use of CSS technology under this provision shall be restricted to emergency situations that involve:
    - a. Immediate danger of death or serious bodily injury to any person.
  4. The ESU Detective or sworn personnel assigned as case agents shall only use CSS technology under this provision if and only if legal approval is provided by an attorney from the Bernalillo County District Attorney and shall also seek a judicial warrant or order within forty-eight (48) hours of such use.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-14**

**CPOAB Draft 05/22/2025**

**N/A**

C. When sworn personnel assigned as case agents complete an application or supporting affidavit for the use of CSS technology, they shall include sufficient information to ensure that the court is aware of:

1. The general terms of the technique to be employed;
2. A description that should indicate the CSS technology may send signals to the cellular device that shall cause it and non-target cellular devices in the area to emit unique identifiers, which shall be obtained by the CSS technology. The unique identifiers shall be used to determine information pertaining to the physical location of only the target cellular device or to determine the currently unknown identifiers of the target cellular device;
3. The potential that the target cellular device and other cellular devices in the area might experience a temporary disruption of service from the service provider; and
4. Any Authorized Information from the CSS technology is removed after the CSS operation and provided to the case agent, consistent with the requirements in this SOP.

**N/A**

**2-14-7**

**Operations**

A. The Department, through the ESU detective's use of the CSS technology, may provide another law enforcement agency assistance or support for public safety operations or criminal investigations, but only when the use of CSS technology occurs in the City of Albuquerque.

**3**

1. The Department shall not allow another law enforcement agency to use or operate the Department's CSS technology.



## **2-25 BOMB THREATS AND BOMB EMERGENCIES**

### **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)**

None

**D. Rescinded Special Order(s)**

None

### **2-25-1 Purpose**

The purpose of this policy is to outline procedures for Albuquerque Police Department (Department) personnel when responding to, deploying for, and handling reports of bomb threats and bomb emergencies and to ensure Department personnel and community members are safe.

### **2-25-2 Policy**

It is the policy of the Department to ensure Department personnel and community members are safe during bomb threats and bomb emergencies.

### **N/A 2-25-3 Definitions**

**A. Bomb Emergency**

When a suspected or actual bomb, explosive device, or military ordnance has been located or when an explosion occurs.

**B. Bomb Threat**

When a suspected bomb or explosive device has been reported but not located.

**C. Booby Trap**

A device or setup intended to kill, harm, or surprise a person or animal.



D. Military Ordnance

A military weapon or ammunition, such as a grenade, projectile, or rocket.

**7 2-25-4 Procedures for a Bomb Threat**

A. Bomb Threat

1. When a caller contacts the Emergency Communications Center (ECC) and reports a possible bomb threat, an ECC Call Taker shall keep the reporting party on the line and, if possible, determine why the reporting party suspects that there is a bomb or explosive device.
2. An ECC Dispatcher shall:
  - a. Immediately dispatch Field Services Bureau (FSB) sworn personnel; and
  - b. Notify the on-duty FSB supervisor of the situation.
    - i. When directed by dispatched sworn personnel or an FSB supervisor, the ECC Dispatcher shall notify Albuquerque Fire Rescue (AFR) and provide them with deployment instructions to respond to the scene with the appropriate equipment.
3. Responding sworn personnel shall:
  - a. Leave their radios and mobile dispatch terminals (MDT) powered on during the search for a bomb or explosive device to ensure communication is maintained between sworn personnel and ECC personnel;
    - i. If responding sworn personnel locate a bomb or explosive device during a search, they shall move to a safe distance from the bomb or explosive device and take a position of cover before transmitting over the radio.
  - b. Make contact with the person in charge of the premises and the person who reported the bomb threat;
  - c. Make inquiries quietly and avoid making reference to a "bomb threat" until they actually contact the parties who can provide direct evidence of the bomb or explosive device;
  - d. Ask specific questions, including, but not limited to:
    - i. Have previous bomb threats been received, and what were the outcomes of those threats?
    - ii. Are there possible motives?
    - iii. Are there vulnerabilities on the property or in the building?
  - e. Ask any other questions that will assist them in determining the probability of a bomb or explosive device being on-site;
  - f. When the probability of an explosive device on-site has been established, make contact with the ECC Dispatcher over the telephone; and
    - i. The ECC Dispatcher shall make a subsequent notification to the FSB supervisor.
  - g. Advise the ECC Dispatcher regarding the deployment of AFR equipment;

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-25 (Formerly 1-28)**

**CPOAB Draft 05/22/2025**

- i. The ECC Dispatcher shall coordinate with AFR for their deployment.
- 4. The officer in charge (OIC) shall:
  - a. Make the final decision to search a public building or area; and
    - i. The OIC shall obtain permission from the person in charge before searching a private residence or business.
  - b. Complete the Uniform Incident Report.

**B. Search Procedures for a Bomb Threat**

- 1. Responding sworn personnel shall:
  - a. Develop a plan before they initiate a search for a bomb, explosive device, or military ordnance. The areas to be searched and the extent of the search will depend on:
    - i. The type of establishment;
    - ii. The known motivation of the bomber; and
    - iii. The accessibility of the building.
  - b. When possible, obtain a floor plan and assign assisting sworn personnel search areas;
    - i. Responding sworn personnel shall draft a floor plan if one is not available.
  - c. When feasible, request assistance from sworn personnel who are familiar with the areas to be searched; and
  - d. Advise additional sworn personnel involved in the search to refrain from picking up, touching, or moving any unfamiliar objects.
- 2. Responding sworn personnel searching the area shall:
  - a. When they find a suspicious item that may or may not contain a bomb, explosive device, or military ordnance, confirm that it does not belong in the area;
  - b. When they do not find a bomb, explosive device, or military ordnance, they shall only state that a device was not found; and
    - i. Sworn personnel shall not make statements about the presence of a bomb, explosive device, or military ordnance nor state "the area is all clear."
  - c. Discontinue the search when:
    - i. Requested to do so by the owner or their designee;
    - ii. Directed by a supervisor;
    - iii. Directed by Bomb Squad personnel; and
    - iv. They determine that the probability of finding a bomb, explosive device, or military ordnance by further search is minimal.
- 3. Responding sworn personnel shall not discourage the person in charge of the premises from continuing with a search after they depart from the scene.





**6**

**2-25-5 Procedures for Bomb Emergencies**

**A. Bomb Emergencies**

1. When a community member contacts the ECC to report a suspected bomb, explosive device, or military ordnance that has been found, the ECC Call Taker shall:
  - a. Attempt to obtain the following information;
    - i. The description or type of the bomb, explosive device, or military ordnance;
    - ii. The location of the bomb, explosive device or military ordnance; and
    - iii. The quantity and characteristics of the bomb, explosive device or military ordnance.
  - b. Notify an ECC supervisor regarding the call for service and any information obtained;
  - c. Advise the caller to follow the business or property's established evacuation procedures; and
  - d. Advise them to take all available precautions.
2. The ECC Dispatcher shall:
  - a. When necessary, dispatch sworn personnel to assist with the evacuation and establish a perimeter; and
  - b. Notify AFR to respond to the scene with the appropriate emergency equipment.
3. Responding sworn personnel shall:
  - a. Leave their radios and MDTs powered on during a search for a bomb, explosive device, or military ordnance;
    - i. If a bomb, explosive device, or military ordnance is located during a search, responding sworn personnel shall move away to be at a safe distance from the bomb, explosive device, or military ordnance and take a position of cover before transmitting over the radio.
  - b. Ensure all occupants are moved at least three hundred (300) feet or more, if feasible, from the immediate area;
  - c. Attempt to view the area around the bomb, explosive device, or military ordnance from a location that provides maximum protection;
  - d. Be responsible for perimeter security in the immediate area surrounding a known or suspected bomb, explosive device, or military ordnance;
  - e. When a suspected bomb, explosive device, or military ordnance is located, obtain preliminary information from witnesses, the calling party, or persons who are present at the scene; and
  - f. Relay the preliminary information to the Bomb Squad Supervisor as soon as possible.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-25 (Formerly 1-28)**

**CPOAB Draft 05/22/2025**

4. Responding sworn personnel shall not:

5

- a. Push, touch, pick up, or handle a suspected or known explosive device; or
- b. Permit AFR personnel into the secured area unless the bomb, explosive device, or military ordnance detonates and causes fire or injury to Department personnel.
  - i. If the detonation causes a fire or injury, responding sworn personnel shall allow AFR personnel to enter the area.
  - ii. The on-scene officer or supervisor shall advise the ECC Dispatcher of the desired route AFR personnel should use.
  - iii. The on-scene officer or supervisor shall advise AFR personnel about the possibility of a second bomb, explosive device, or military ordnance and shall advise AFR personnel to use caution when entering the area.

5. AFR has primary responsibility in the event of a fire or when emergency medical treatment is required.

6. FSB supervisors shall contact the Bomb Squad supervisor and request them to respond to the scene.

7. Bomb Squad personnel shall maintain primary responsibility for the bomb, explosive device, or military ordnance disposal and investigation.

- a. When Bomb Squad personnel respond to the scene of a known or suspected bomb, explosive device, or military ordnance and have been briefed by the OIC or their designee, they shall be responsible for containment, control, and/or removal from the area of the bomb, explosive device, or military ordnance.

**B. Exploded Bombs**

1. The ECC Dispatcher shall:

- a. Dispatch FSB sworn personnel to the location;
- b. Attempt to keep the reporting party on the phone while sworn personnel are responding;
- c. Notify the FSB supervisor of the call for service and situation;
- d. Attempt to obtain as much information as possible from the reporting party concerning the location of the explosion, injuries, and/or fire;
- e. Constantly update responding sworn personnel with any incoming information;
- f. Notify AFR personnel of the need for their response; and
- g. Notify the Bomb Squad Supervisor.

2. Responding sworn personnel shall establish a secured perimeter in the area surrounding the explosion.



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**C. Delivery of Bombs to Department Facility**

1. When a community member delivers a bomb, explosive device, or military ordnance to a Department facility, Department personnel shall:
  - a. Attempt to detain the person who delivered the item;
  - b. Notify an FSB supervisor of the situation and location of the bomb, explosive device, or military ordnance;
  - c. Refrain from touching or moving the bomb, explosive device, or military ordnance; and
  - d. Wait to be instructed by the responding FSB supervisor on what actions shall be taken.

**D. Bomb Squad Call-Out Criteria**

1. Bomb Squad personnel shall respond when:
  - a. A suspected or actual bomb, explosive device, or military ordnance has been located;
  - b. Assistance is needed in conducting a search, and there is a high probability that a bomb, explosive device, or military ordnance exists;
  - c. A bomb, explosive device, or military ordnance has detonated;
  - d. A bomb, explosive device, or military ordnance is found or has been reported to the Department, such as an amnesty call;
  - e. Requested to respond outside the Department's jurisdiction as approved by the Bomb Squad Commander; and
  - f. Actual or suspected booby traps, including improvised firearms, have been located or are believed to exist.



## **2-25 BOMB THREATS AND BOMB EMERGENCIES**

### **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)**

None

**D. Rescinded Special Order(s)**

None

### **2-25-1 Purpose**

The purpose of this policy is to outline procedures for Albuquerque Police Department (Department) personnel when responding to, deploying for, and handling reports of bomb threats and bomb emergencies and to ensure Department personnel and community members are safe.

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2. An ECC Dispatcher shall:
  - a. Immediately dispatch Field Services Bureau (FSB) sworn personnel; and
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    - i. When directed by dispatched sworn personnel or an FSB supervisor, the ECC Dispatcher shall notify Albuquerque Fire Rescue (AFR) and provide them with deployment instructions to respond to the scene with the appropriate equipment.
3. Responding sworn personnel shall:
  - a. Leave their radios and mobile dispatch terminals (MDT) powered on during the search for a bomb or explosive device to ensure communication is maintained between sworn personnel and ECC personnel;
    - i. If responding sworn personnel locate a bomb or explosive device during a search, they shall move to a safe distance from the bomb or explosive device and take a position of cover before transmitting over the radio.
  - b. Make contact with the person in charge of the premises and the person who reported the bomb threat;
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    - i. Have previous bomb threats been received, and what were the outcomes of those threats?
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    - iii. Are there vulnerabilities on the property or in the building?
  - e. Ask any other questions that will assist them in determining the probability of a bomb or explosive device being on-site;
  - f. When the probability of an explosive device on-site has been established, make contact with the ECC Dispatcher over the telephone; and
    - i. The ECC Dispatcher shall make a subsequent notification to the FSB supervisor.
  - g. Advise the ECC Dispatcher regarding the deployment of AFR equipment;

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-25 (Formerly 1-28)**

**CPOAB Draft 05/22/2025**

- i. The ECC Dispatcher shall coordinate with AFR for their deployment.
4. The officer in charge (OIC) shall:
  - a. Make the final decision to search a public building or area; and
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1. Responding sworn personnel shall:
  - a. Develop a plan before they initiate a search for a bomb, explosive device, or military ordnance. The areas to be searched and the extent of the search will depend on:
    - i. The type of establishment;
    - ii. The known motivation of the bomber; and
    - iii. The accessibility of the building.
  - b. When possible, obtain a floor plan and assign assisting sworn personnel search areas;
    - i. Responding sworn personnel shall draft a floor plan if one is not available.
  - c. When feasible, request assistance from sworn personnel who are familiar with the areas to be searched; and
  - d. Advise additional sworn personnel involved in the search to refrain from picking up, touching, or moving any unfamiliar objects.
2. Responding sworn personnel searching the area shall:
  - a. When they find a suspicious item that may or may not contain a bomb, explosive device, or military ordnance, confirm that it does not belong in the area;
  - b. When they do not find a bomb, explosive device, or military ordnance, they shall only state that a device was not found; and
    - i. Sworn personnel shall not make statements about the presence of a bomb, explosive device, or military ordnance nor state "the area is all clear."
  - c. Discontinue the search when:
    - i. Requested to do so by the owner or their designee;
    - ii. Directed by a supervisor;
    - iii. Directed by Bomb Squad personnel; and
    - iv. They determine that the probability of finding a bomb, explosive device, or military ordnance by further search is minimal.
3. Responding sworn personnel shall not discourage the person in charge of the premises from continuing with a search after they depart from the scene.





**6**

**2-25-5 Procedures for Bomb Emergencies**

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    - ii. The location of the bomb, explosive device or military ordnance; and
    - iii. The quantity and characteristics of the bomb, explosive device or military ordnance.
  - b. Notify an ECC supervisor regarding the call for service and any information obtained;
  - c. Advise the caller to follow the business or property's established evacuation procedures; and
  - d. Advise them to take all available precautions.
2. The ECC Dispatcher shall:
  - a. When necessary, dispatch sworn personnel to assist with the evacuation and establish a perimeter; and
  - b. Notify AFR to respond to the scene with the appropriate emergency equipment.
3. Responding sworn personnel shall:
  - a. Leave their radios, and MDTs powered on during a search for a bomb, explosive device, or military ordnance;
    - i. If a bomb, explosive device, or military ordnance is located during a search, responding sworn personnel shall move away to be at a safe distance from the bomb, explosive device, or military ordnance and take a position of cover before transmitting over the radio.
  - b. Ensure all occupants are moved at least three hundred (300) feet or more, if feasible, from the immediate area;
  - c. Attempt to view the area around the bomb, explosive device, or military ordnance from a location that provides maximum protection;
  - d. Be responsible for perimeter security in the immediate area surrounding a known or suspected bomb, explosive device, or military ordnance;
  - e. When a suspected bomb, explosive device, or military ordnance is located, obtain preliminary information from witnesses, the calling party, or persons who are present at the scene; and
  - f. Relay the preliminary information to the Bomb Squad Supervisor as soon as possible.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-25 (Formerly 1-28)**

**CPOAB Draft 05/22/2025**

4. Responding sworn personnel shall not:

5

- a. Push, touch, pick up, or handle a suspected or known explosive device; or
- b. Permit AFR personnel into the secured area unless the bomb, explosive device, or military ordnance detonates and causes fire or injury to Department personnel.
  - i. If the detonation causes a fire or injury, responding sworn personnel shall allow AFR personnel to enter the area.
  - ii. The on-scene officer or supervisor shall advise the ECC Dispatcher of the desired route AFR personnel should use.
  - iii. The on-scene officer or supervisor shall advise AFR personnel about the possibility of a second bomb, explosive device, or military ordnance and shall advise AFR personnel to use caution when entering the area.

5. AFR has primary responsibility in the event of a fire or when emergency medical treatment is required.

6. FSB supervisors shall contact the Bomb Squad supervisor and request them to respond to the scene.

7. Bomb Squad personnel shall maintain primary responsibility for the bomb, explosive device, or military ordnance disposal and investigation.

- a. When Bomb Squad personnel respond to the scene of a known or suspected bomb, explosive device, or military ordnance and have been briefed by the OIC or their designee, they shall be responsible for containment, control, and/or removal from the area of the bomb, explosive device, or military ordnance.

**B. Exploded Bombs**

1. The ECC Dispatcher shall:

- a. Dispatch FSB sworn personnel to the location;
- b. Attempt to keep the reporting party on the phone while sworn personnel are responding;
- c. Notify the FSB supervisor of the call for service and situation;
- d. Attempt to obtain as much information as possible from the reporting party concerning the location of the explosion, injuries, and/or fire;
- e. Constantly update responding sworn personnel with any incoming information;
- f. Notify AFR personnel of the need for their response; and
- g. Notify the Bomb Squad Supervisor.

2. Responding sworn personnel shall establish a secured perimeter in the area surrounding the explosion.



**6**

**C. Delivery of Bombs to Department Facility**

1. When a community member delivers a bomb, explosive device, or military ordnance to a Department facility, Department personnel shall:
  - a. Attempt to detain the person who delivered the item;
  - b. Notify an FSB supervisor of the situation and location of the bomb, explosive device, or military ordnance;
  - c. Refrain from touching or moving the bomb, explosive device, or military ordnance; and
  - d. Wait to be instructed by the responding FSB supervisor on what actions shall be taken.

**D. Bomb Squad Call-Out Criteria**

1. Bomb Squad personnel shall respond when:
  - a. A suspected or actual bomb, explosive device, or military ordnance has been located;
  - b. Assistance is needed in conducting a search, and there is a high probability that a bomb, explosive device, or military ordnance exists;
  - c. A bomb, explosive device, or military ordnance has detonated;
  - d. A bomb, explosive device, or military ordnance is found or has been reported to the Department, such as an amnesty call;
  - e. Requested to respond outside the Department's jurisdiction as approved by the Bomb Squad Commander; and
  - f. Actual or suspected booby traps, including improvised firearms, have been located or are believed to exist.



## **2-37 MEAL BREAKS**

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

**A. Related SOP(s)**

2-10 Use of Emergency Communications (Formerly 1-07 and 1-7)

**B. Form(s)**

None

**C. Other Resource(s)**

None

**D. Rescinded Special Order(s)**

None

### **2-37-1 Purpose**

The purpose of this policy is to provide instructions for Albuquerque Police Department (Department) personnel regarding requests and procedures when taking a meal break.

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

It is the policy of the Department to balance the needs of the community and the demands for response to calls for service with the need for Department personnel to take a meal break.

### **N/A 2-37-3 Definitions**

None

### **7 2-37-4 Procedures**

**N/A** A. Department personnel working in a Field Service Bureau (FSB) capacity may request a meal break once during each shift unless their supervisor has scheduled a specific meal break for the employee.

1. Department personnel shall request to go out of service for a meal break from the Emergency Communications Center (ECC) Dispatcher using their Mobile Dispatch Terminal (MDT).

B. The ECC Dispatcher shall permit Department personnel to go out of service for the meal break if they determine that manning levels and the number of calls for service



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-37 (Formerly 4-16)**

**CPOAB Draft 05/15/2025**

holding in the queue are manageable or as authorized by the Department personnel's direct supervisor.

1. When the Computer-Aided Dispatch (CAD) system is operational, Department personnel shall:
  - a. Use their MDT to request clearance from the ECC Dispatcher to go out of service for a meal break;
  - b. Use their MDT to log 10-61 when they arrive for the meal break and 10-8 when they are back in service; and
  - c. Log the location of their meal break via the MDT.
2. If the CAD system is down, Department personnel working in a FSB capacity shall request clearance for meal breaks through the police radio, not over the telephone, in accordance with SOP Use of Emergency Communications (refer to SOP Use of Emergency Communications for sanction classifications and additional duties).

**N/A**

**7 2-37-5 Rules**

- A. No more than three (3) marked Department-issued vehicles and/or four (4) uniformed personnel shall be in the same place at the same time while on a meal break. Exceptions to this include:
  1. When Department personnel have pre-approval from their supervisor;
  2. When Department personnel take their meal break at a City-owned gym, a substation; or
  3. When attending a function that may be considered a meal break and has been pre-approved by the chain of command.
- B. Department personnel shall respond to emergencies or requests for assistance from community members during their meal breaks.
- C. Department personnel on a meal break shall be pulled from their break to respond to priority calls in their area command before sworn personnel from other area commands are dispatched.
- D. Department personnel working in an FSB capacity shall stay within their assigned area command during their meal break.
  1. Department personnel shall request approval from their supervisor before leaving their assigned area command for a meal break.
    - a. Department personnel shall notify their supervisors when they leave their assigned area command.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-37 (Formerly 4-16)**

**CPOAB Draft 05/15/2025**

- E. Department personnel working in a FSB capacity shall not take their meal breaks within one (1) hour from the beginning of their shift or within one (1) hour from the end of their shift unless their supervisor has given them prior authorization.
- F. Department personnel shall not take a meal break that exceeds one (1) hour without prior authorization from their supervisor.
- N/A**

 G. Department personnel attending training are not required to ask for a meal break.
  - 1. The designated instructor shall direct Department personnel when they may take a meal break.





## **2-37 MEAL BREAKS**

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

**A. Related SOP(s)**

2-10 Use of Emergency Communications (Formerly 1-07 and 1-7)

**B. Form(s)**

None

**C. Other Resource(s)**

None

**D. Rescinded Special Order(s)**

None

### **2-37-1 Purpose**

The purpose of this policy is to provide instructions for Albuquerque Police Department (Department) personnel regarding requests and procedures when taking a meal break.

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

It is the policy of the Department to balance the needs of the community and the demands for response to calls for service with the need for Department personnel to take a meal break.

### **N/A 2-37-3 Definitions**

None

### **7 2-37-4 Procedures**

**N/A** A. Department personnel working in a Field Service Bureau (FSB) capacity may request a meal break once during each shift unless their supervisor has scheduled a specific meal break for the employee.

1. Department personnel shall request to go out of service for a meal break from the Emergency Communications Center (ECC) Dispatcher using their Mobile Dispatch Terminal (MDT).

B. The ECC Dispatcher shall permit Department personnel to go out of service for the meal break if they determine that manning levels and the number of calls for service



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-37 (Formerly 4-16)**

**CPOAB Draft 05/15/2025**

holding in the queue are manageable or as authorized by the Department personnel's direct supervisor.

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  - a. Use their MDT to request clearance from the ECC Dispatcher to go out of service for a meal break;
  - b. Use their MDT to log 10-61 when they arrive for the meal break and 10-8 when they are back in service; and
  - c. Log the location of their meal break via the MDT.
- N/A

 2. If the CAD system is down, Department personnel working in a FSB capacity shall request clearance for meal breaks through the police radio, not over the telephone, as outlined in accordance with SOP Use of Emergency Communications (refer to SOP Use of Emergency Communications for sanction classifications and additional duties).

7

**2-37-5 Rules**

- A. No more than three (3) marked Department-issued vehicles and/or four (4) uniformed personnel shall be in the same place at the same time while on a meal break. Exceptions to this include:
  1. When Department personnel have pre-approval from their supervisor;
  2. When Department personnel take their meal break at a City-owned gym, a substation; or
  3. When attending a function that may be considered a meal break and has been pre-approved by the chain of command.
- B. Department personnel shall respond to emergencies or requests for assistance from community members during their meal breaks.
- C. Department personnel on a meal break shall be pulled from their break to respond to priority calls in their area command before sworn personnel from other area commands are dispatched.
- D. Department personnel working in an FSB capacity shall stay within their assigned area command during their meal break.
  1. Department personnel shall request approval from their supervisor before leaving their assigned area command for a meal break.
    - a. Department personnel shall notify their supervisors when they leave their assigned area command.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-37 (Formerly 4-16)**

**CPOAB Draft 05/15/2025**

- E. Department personnel working in a FSB capacity shall not take their meal breaks within one (1) hour from the beginning of their shift or within one (1) hour from the end of their shift unless their supervisor has given them prior authorization.
- F. Department personnel shall not take a meal break that exceeds one (1) hour without prior authorization from their supervisor.
- N/A**

 G. Department personnel attending training are not required to ask for a meal break.
  - 1. The designated instructor shall direct Department personnel when they may take a meal break.



## **2-60 PRELIMINARY AND FOLLOW-UP CRIMINAL INVESTIGATIONS**

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

#### **A. Related SOP(s)**

- 2-16 Reports (Formerly 1-05)
- 2-68 Interviews and Interrogations (Formerly 2-23)
- 2-70 Execution of Search Warrants (Formerly 2-16)
- 2-71 Search and Seizure without a Warrant (Formerly 2-17)
- 2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)
- 2-74 Submission of Felony Cases to the District Attorney (Formerly 2-39)
- 2-80 Arrests, Arrest Warrants, and Booking Procedures (Formerly 2-14)

#### **B. Form(s)**

PD 3117 After-Action Review (AAR) Form  
PD 4201 Request for Forensic Service

#### **C. Other Resource(s)**

*McClendon v. City of Albuquerque*, 95-cv-00024 (Doc. 1320, September 11, 2017)  
NMSA 1978, § 31-26-8 Procedures for Providing Victims with Preliminary Information;  
Law Enforcement Agencies

#### **D. Rescinded Special Order(s)**

None

### **2-60-1 Purpose**

The purpose of this policy is to outline the necessary procedures needed for every criminal investigation to ensure that the Albuquerque Police Department (Department) is actively working on and solving as many criminal investigations as resources allow.

### **2-60-2 Policy**

It is the policy of the Department to quickly and effectively investigate crimes and, in some cases, make referrals to specialized investigative units for their continued investigation. Given limited resources, decisions about continued follow-up investigations will consider solvability factors and identify, investigate, and prioritize violent crimes, cases for individuals who repeatedly commit the same types of crimes, and cases of high financial loss or dangerousness to the community.

An effective and ethical investigation combines quick and thorough identification of a crime, capturing physical and testimonial evidence, including evidence exculpatory to any person.



Investigations require the preservation of evidence by protecting the integrity of witness statements, physical evidence, and any identification of an individual.

**N/A 2-60-3 Definitions**

**A. Automated Fingerprint Identification System (AFIS)**

A biometric identification (ID) methodology that uses digital imaging technology to obtain, store, and analyze known and unknown fingerprint data.

**B. Call-Out**

A specialized investigative unit's response to the scene of a situation where specialized skills, knowledge, or training may be required to investigate based on available personnel and caseload considerations.

**C. Exculpatory Evidence**

Evidence favorable to the defendant in a criminal trial that exonerates or tends to exonerate the defendant of guilt. It is the opposite of inculpatory evidence, which tends to present guilt.

**D. Follow-up Investigation**

An extension of the preliminary investigation to gather additional evidence and information to prove the elements of the particular crime to make or support an arrest and prosecution of an individual.

**E. Inculpatory Evidence**

Evidence that shows or tends to show a person's involvement in an act or evidence that can establish guilt. In criminal law, the prosecution has a duty to provide all evidence to the defense, whether it favors the prosecution's case or the defendant's case.

**F. Individual**

A person believed by law enforcement personnel to be the possible suspect of a crime.

**G. Interview**

The questioning of a person who may or does possess information relevant to the matter under investigation.

**H. Investigative Action**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

Steps that are taken during an investigation include, but are not limited to, conducting interviews, interrogating individuals, gathering documents and correspondence, conducting searches, collecting real evidence, presenting individuals and objects for identification, forensic analysis, conducting investigative experiments, and documenting the progress of an investigation.

**I. Lead**

1. Any information or source which may help discover unknown facts about the situation or confirm information that was previously collected, including, but not limited to:
  - a. A person who may have knowledge about or access to information related to the investigation; and
  - b. Any source of information that would describe the individual(s) suspected of committing a crime, including any forensic data, such as:
    - i. Visible impression(s);
    - ii. Latent prints and trace evidence;
    - iii. Researching of available databases and files; and
    - iv. Anything that can be accomplished which might logically lead to case resolution.

**J. *Modus Operandi***

The operating method of an individual in a distinct pattern or particular way of behaving that comes to be associated with a particular individual.

**K. National Integrated Ballistics Information Network (NIBIN) Program**

The program in which the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) partners with other federal, state, and local law enforcement agencies for the purpose of identifying, targeting, and prosecuting individuals who commit a crime with a firearm and their sources of firearms.

**L. Next of Kin**

The nearest relative, spouse, child, parent, or sibling of the person who is under investigation.

**M. Outer Perimeter**

The area that extends beyond the inner perimeter and is far enough to allow all support personnel room to establish needed equipment and privacy to work on the inner perimeter.

**N. Preliminary Investigation**





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

1. The first response to a report that a crime has occurred focuses on determining whether a crime has been committed, who committed the crime, and the apprehension of the individual. The preliminary investigation includes the preservation of a crime scene, the collection of evidence, the identification of the individual who committed the offense, and the arrest of the individual identified.
2. The framework of a preliminary investigation is based on the following major tasks:
  - a. Verification that an offense has occurred;
  - b. Identification of the victim, the place of the crime, and the time of the crime;
  - c. Identification of solvability factors;
  - d. Communication of the circumstances of the crime; and
  - e. The identification of those investigative tasks completed and those yet to be done.

**O. Specialized Investigative Unit**

A group of Department personnel who specialize in specific areas of investigation.

**P. Warrant**

A legal document issued by a judge authorizing an arrest of an individual or a search of an individual, place, or object.

**6 2-60-4 Preliminary Investigations**

**A. The first officer(s) who arrives on the scene shall:**

1. Establish control of the scene by:
  - a. Considering the safety of responding Department personnel by:
    - i. Ensuring adequate personnel are present to control the scene; and
    - ii. Assessing risks by verifying there is no active threat.
  - b. Ensuring the safety of other persons at the scene;
  - c. Rendering medical aid if it can be done safely and request medical support;
  - d. Communicating with additional responding sworn personnel and the Emergency Communications Center (ECC); and
  - e. Prioritizing the preservation of physical evidence, the identification of witnesses, and overall scene management.
2. Determine the initial investigative factors, which include:
  - a. Determining whether a crime occurred;
  - b. Determining the size of the outer perimeter and whether additional crime scenes exist;
  - c. Identifying involved victims, individuals, and/or witnesses;
  - d. Identifying involved vehicles;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

- e. Identifying physical evidence; and
- f. Identifying available video and/or audio recordings.

3. Preserve the crime scene by:

- a. Taking all reasonable necessary steps to maintain the integrity of the crime scene and to ensure that a fair and thorough investigation is completed;
- b. Considering how large the outer and inner perimeters need to be and recognizing that it is easier to reduce the size of a perimeter than it is to expand it; and
  - i. Depending on the complexity and nature of the crime scene, the first responding supervisor shall determine the need for an outer and inner perimeter.
  - ii. Department personnel may use their Department-issued vehicle, the assistance of other Department personnel, and crime scene tape to establish and secure crime scene perimeters.
- c. Protecting and preserving short-lived evidence and any potential evidence that could be damaged or destroyed by environmental factors, or by foot or vehicle traffic.
  - i. On-scene Department personnel shall attempt to prevent animals from entering the outer and inner perimeters.

N/A

4. Control all persons present at the scene by:

- a. Preventing anyone from altering or destroying evidence;
- b. Verifying the identities and contact information of everyone present and separating all involved people, in accordance with SOP Interviews and Interrogations (refer to SOP Interviews and Interrogations for sanction classifications and additional duties);
- c. Preventing all unauthorized persons from entering the outer and inner perimeters, such as Department personnel who are not assigned to the case, media, bystanders, etc.;
- d. Removing all persons to an area away from the inner perimeter; and
- e. Establishing and designating Department personnel to maintain a log of all persons who enter the inner perimeter of a crime scene involving death or great bodily harm.
  - i. The primary officer shall document the information from the log in a Supplemental Report within the Department's records management system.

N/A

B. The Field Services Bureau (FSB) supervisor shall contact the appropriate specialized investigative unit supervisor to determine whether a call-out is needed or if the case should be referred to the specialized investigative unit as described in the specialized investigative unit's Standard Operating Procedure (SOP).

- 1. When specialized investigative unit personnel take case responsibility and respond to the scene, responding sworn personnel shall:
  - a. Continue securing the scene; and



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

- b. Keep witnesses separated until specialized investigative unit personnel arrive.
- 2. When specialized investigative unit personnel take case responsibility but do not respond to the scene, responding sworn personnel shall:
  - a. Send the initial Uniform Incident Report to the appropriate specialized investigative unit investigator before the end of their shift unless otherwise outlined by the specialized investigative unit's SOP;
  - b. Attach supporting documents from their preliminary investigation, such as copies of warrants or outside agency reports, to their Uniform Incident Report in the Department's records management system;
  - c. Copy and attach the original documents, such as photo lineups, to the case number record in the Department's records management system; and
  - d. Tag the original documents into evidence within seven (7) days of receiving the documents.

**C. Conducting the Preliminary Investigation**

**1. The primary officer shall:**

**N/A**

- a. Ensure physical evidence is identified and secured as soon as possible;
  - i. The primary officer shall ensure that the physical evidence is collected, in accordance 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).
  - ii. When appropriate, the primary officer shall ensure that the physical evidence is submitted in a timely manner for forensic analysis.
  - iii. If necessary, the primary officer shall request a Crime Scene Specialist (CSS) to assist with gathering, securing, and documenting evidence.
  - iv. If a warrant is needed, the primary officer shall follow the procedures in accordance with SOP Execution of Search Warrants (refer to SOP Execution of Search Warrants for sanction classifications and additional duties).
- b. Identify the involved persons and witnesses, and attempt to interview those subjects if an interview can be completed. If an interview cannot be completed, it shall be documented in an officer's report;
- c. Determine whether an on-scene arrest is appropriate, in accordance with SOP Arrests, Arrest Warrants, and Booking Procedures (refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanction classifications and additional duties), or if an arrest warrant is needed, in accordance with SOP Search and Seizure without a Warrant (refer to SOP Search and Seizure without a Warrant for sanction classifications and additional duties);
- d. Complete any related documentation including, but not limited to:
  - i. Uniform Incident Report;
  - ii. Criminal Complaint; and
  - iii. Pre-Booking Worksheet.

**N/A**

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

- e. Ensure all tasks necessary to complete the preliminary investigation are complete; and
- f. Ensure the scene is clear by:
  - i. Ensuring that any Department property is removed, including, but not limited to, traffic cones, crime scene tape, and barricades;
  - ii. Notifying persons who were displaced due to the investigation that the preliminary investigation has been concluded and the scene is cleared;
  - iii. Providing victims or witnesses with the case number, the name of the primary officer, and whom the victims may contact for follow-up questions; and
  - iv. Following the provisions outlined in NMSA 1978, § 31-26-8 procedures for providing victims with preliminary information; law enforcement agencies.

**D. Concluding the Preliminary Investigation**

1. At the conclusion of a preliminary investigation, the primary officer shall consider whether there is additional information that may supplement the prosecution or if the case should be referred to a specialized investigative unit for follow-up investigation.
  - a. If the primary officer transfers the case to a specialized investigative unit for follow-up, they shall refer the initial Uniform Incident Report to the specialized investigative unit sergeant before the end of the primary officer's shift unless otherwise outlined in one (1) of the following specialized investigative unit SOPs:
    - i. Armed Robbery Unit;
    - ii. Homicide Unit;
    - iii. Crimes Against Children Investigations;
    - iv. Child Exploitation Detail (CED);
    - v. Missing Persons Unit;
    - vi. Cold Case Unit;
    - vii. Gun Violence Reduction Unit (GVRU);
    - viii. Investigative Services Division; and
    - ix. Impact Teams.
  - b. If the case remains with the primary officer, they shall continue as the case agent.
    - i. The case agent shall be responsible for any necessary follow-up investigation unless directed otherwise by their immediate supervisor.

**7 2-60-5 Investigation Types**

**A. Arson Investigations**

1. For cases involving arson or suspected arson, sworn personnel shall assist Albuquerque Fire Rescue (AFR) personnel with securing and controlling the scene.
2. If sworn personnel determine that the arson is a misdemeanor, they shall:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

**N/A**

- a. Take the appropriate law enforcement action; and
- b. Be responsible for any follow-up investigation.

3. If sworn personnel determine that the arson is a felony, AFR Arson Unit personnel will conduct all follow-up investigations.
4. If sworn personnel determine that the arson is committed incident to a crime that results in death or a life-threatening injury, they shall request Violent Crimes Section and Criminalistics Section personnel to respond to the scene.
5. When Department personnel are dispatched to or discover a fire that they extinguish, they shall notify AFR personnel.

**B. Burglary Investigations**

1. An Impact Teams Detective shall be responsible for investigating a burglary when:
  - a. A warrant is needed;
  - b. Multiple victims have been identified;
  - c. Multiple individuals are on-scene; or
  - d. The complexity of the case is time-intensive.
2. Sworn personnel shall notify the on-call Impact Teams Detective when an individual is in custody.
  - a. The Impact Teams Detective shall determine whether they will respond and assume case responsibility.
  - b. If the Impact Teams Detective assumes case responsibility, sworn personnel shall document in their Uniform Incident Report who took responsibility for the case.
3. The Impact Teams supervisor shall resolve conflicts regarding case responsibility.
4. FSB personnel or a Crime Scene Specialist (CSS) shall be responsible for completing and forwarding the initial Uniform Incident Report to the Impact Teams Detective.

**C. Shoplifting Investigations**

**N/A**

1. The District Attorney's (DA) Office accepts the business employee/security officer's work address and work phone number instead of their residence information for the Uniform Incident Report, provided the merchant agrees to the following:

**N/A**

- a. The merchant maintains an up-to-date home address and home phone number on the employee/security officer in case sworn personnel need their contact information; and



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

**N/A**

- b. The merchant ensures that the employee/security officer is notified to attend court.
  - i. If the merchant does not agree to a. and b., sworn personnel shall include the employee/security officer's home address and phone number in their Uniform Incident Report.

**N/A**

- 2. Sworn personnel may arrest an individual suspected of misdemeanor shoplifting without exigent circumstances or an arrest warrant when they have probable cause to believe the individual has shoplifted.
- 3. Sworn personnel shall abide by the provisions of the *McClendon* Settlement Agreement when a warrantless arrest for an individual who has committed misdemeanor shoplifting is required.
- 4. Sworn personnel shall leave stolen merchandise for a misdemeanor or felony crime with the merchant.

**N/A**

- a. The merchant may take photographs of recovered merchandise and place the merchandise back in stock for sale.
  - i. Sworn personnel shall recommend that the employee/security officer take a photograph to maintain the evidence's chain of custody.

**N/A**

- b. If the merchant takes a photograph, they will maintain the photograph(s) and price tag(s) from the merchandise as evidence to be used in the court hearing.
- 5. Sworn personnel shall forward shoplifting cases involving the same suspected individual(s), vehicle(s), or similar patterns to Organized Crime Unit personnel.

**N/A**

- 6. Sworn personnel investigating a shoplifting case shall complete a Criminal Trespass Notification-Order Not to Return form, consistent with SOP Trespass Notification (refer to SOP Trespass Notification for sanction classifications and additional duties).

**D. White-Collar Crime Investigations**

- 1. Organized Crime Unit personnel shall investigate all felony white-collar crimes over \$10,000.
- 2. Impact Teams Detectives shall investigate all felony white-collar crimes under \$10,000.

**E. In incidents in which a victim contacts the Department and indicates they are actively following their stolen vehicle and or property in the commission of a felony crime, the following steps shall be taken:**

- 1. A supervisor shall be advised of the call via radio and respond;
- 2. A request through dispatch shall be made instructing the victim to terminate following the individual as the Department cannot ensure the victim's safety;





3. FSB shall respond and contact the victim to obtain additional information;
4. FSB shall attempt to locate and contact the alleged individual;
5. If the stolen vehicle or property proceeds to a residence or private property and is outside the scope of the FSB, or a warrant is required, a Detective shall be notified by the appropriate division;
6. If the vehicle or property is tracked by global positioning systems (GPS) or a monitoring company, and FSB is unable to locate the vehicle or property, FSB will contact the appropriate Investigations Bureau personnel to assume tracking responsibility; and
7. FSB and Investigations Sergeants shall document the reason continued tracking was denied in the Computer-Aided Dispatch (CAD).

**6 2-60-6 Follow-up Investigations**

**A. The specialized investigative unit supervisor shall:**

1. Review all Uniform Incident Reports that FSB sworn personnel have submitted;
2. Assign cases to the appropriate specialized investigative unit detective;
3. Consider the case solvability factors and the likelihood of prosecution. Solvability factors include:
  - a. The identification of witnesses to the crime;
  - b. The identification, location, and description of the individual suspected of committing a crime;
  - c. Significant *Modus Operandi*, meaning that solving one (1) incident may close multiple cases;
  - d. Vehicle identifiers, including the make, model, license plate number, or Vehicle Identification Number (VIN);
  - e. When sworn personnel collect traceable evidence, such as items with serial numbers;
  - f. If sworn personnel seize significant physical evidence, such as biological evidence; and
  - g. If social media, cell phones, or video surveillance is available.
4. Stay apprised of the status of all investigations from their subordinates by regularly reviewing reports in the Department's records management system; and
5. Ensure the progress of the investigation follows the procedures outlined in the specialized investigative unit's SOP.

**B. The specialized investigative unit detective shall:**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

1. Thoroughly review all existing Uniform Incident Reports, videos, and collected evidence to prepare an investigative plan;
  - a. The specialized investigative detective shall determine whether they need to interview additional individuals, further evidence needs to be collected, or if evidence needs to be forensically processed.
  - b. The specialized investigative unit detective shall conduct interviews with all identified witnesses and individuals suspected of committing the crime as quickly as possible, preferably in person.
  - c. The specialized investigative unit detective shall follow the procedures outlined in each specialized investigative unit's SOP.
2. Update their report, including new person information and narrative, in the Department's record management system for any investigative action taken by the end of their next work shift;
3. Review the preliminary investigation for situations that involve witness statements or physical evidence based on the solvability factors and a likelihood of prosecution with follow-up investigation;
4. Complete a Supplemental Report that documents the following leads and any action the specialized investigative unit detective takes by the end of their next work shift:
  - a. Crime Stoppers tips that provide previously unknown information to the case;
  - b. NIBIN presumptive matches;
  - c. AFIS presumptive matches on an individual suspected of committing a crime;
  - d. Deoxyribonucleic acid (DNA) presumptive matches on an individual suspected of committing a crime;
  - e. When they submit a Request for Forensic Service form to compare or analyze discovered evidence;
  - f. When they write warrants for cellular devices or social media accounts of any individuals of interest or material witnesses; or
  - g. When another law enforcement representative provides information that identifies a person of interest or material evidence they gained from their knowledge or actions.
5. Restrict reports in the Department's record management system that are actively being investigated and deemed to contain sensitive information at the discretion of their supervisor; and
6. Prepare cases for prosecution, consistent with SOP Submission of Felony Cases to the District Attorney (refer to SOP Submission of Felony Cases to the District Attorney for sanction classifications and additional duties).

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

- 5** C. When the case agent changes divisions or specialized investigative units, they shall only maintain their cases with written approval from the Investigative Bureau Deputy Chief of Police.

**N/A 2-60-7 Investigative Tools**

- A. Sworn personnel are encouraged to consult with a prosecutor early and often during the investigation for guidance to make a case prosecutable.

- 7** B. At the start of a follow-up investigation, sworn personnel shall document their investigative plan in a Supplemental Report, including:

1. Necessary interviews;

- a. Sworn personnel shall determine which witnesses and individuals shall be interviewed.
- b. Sworn personnel shall review the initial interviews to determine whether additional interviews are needed.

2. Evidence review; and

- a. Sworn personnel shall determine whether all evidence necessary for the case has been collected.
- b. When needed, sworn personnel shall initiate analysis of the evidence.

3. Determine whether warrants are needed.

- C. Sworn personnel are encouraged to use all available resources, such as the Real-Time Crime Center (RTCC), to retrieve a thorough background history on persons involved in the investigation, to check for available video surveillance, and any other evidence or information.

- D. Sworn personnel may consider the following steps when conducting follow-up investigations:

1. Review and analyze all previous Uniform Incident Reports and reports from other agencies;

**N/A**

2. Conduct additional interviews and interrogations as described in SOP Interviews and Interrogations when necessary (refer to SOP Interviews and Interrogations for sanction classifications and additional duties);

3. Review Department identification records;

4. Seek additional information from other sworn personnel, informants, etc.;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

5. Review any available forensic analysis results from the Scientific Evidence Division (SED);
6. Arrange for dissemination of information to other law enforcement agencies or media as appropriate;
7. Plan, organize, and conduct searches when necessary;
8. Collect physical evidence;
9. Identify and apprehend the individuals suspected of committing a crime;
10. Check criminal background and histories;
11. Determine the involvement of the individuals who are suspected of committing a crime in other crimes; and
12. Prepare cases for court presentations and assist in the prosecutions.



## **2-60 PRELIMINARY AND FOLLOW-UP CRIMINAL INVESTIGATIONS**

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

#### **A. Related SOP(s)**

- 2-16 Reports (Formerly 1-05)
- 2-68 Interviews and Interrogations (Formerly 2-23)
- 2-70 Execution of Search Warrants (Formerly 2-16)
- 2-71 Search and Seizure without a Warrant (Formerly 2-17)
- 2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)
- 2-74 Submission of Felony Cases to the District Attorney (Formerly 2-39)
- 2-80 Arrests, Arrest Warrants, and Booking Procedures (Formerly 2-14)

#### **B. Form(s)**

PD 3117 After-Action Review (AAR) Form  
PD 4201 Request for Forensic Service

#### **C. Other Resource(s)**

*McClendon v. City of Albuquerque*, 95-cv-00024 (Doc. 1320, September 11, 2017)  
NMSA 1978, § 31-26-8 Procedures for Providing Victims with Preliminary Information;  
Law Enforcement Agencies

#### **D. Rescinded Special Order(s)**

~~SO 24 04 Amendment to SOP 2-60 Preliminary and Follow Up Criminal Investigations~~  
None

### **2-60-1 Purpose**

The purpose of this policy is to outline the necessary procedures needed for every criminal investigation to ensure that the Albuquerque Police Department (Department) is actively working on and solving as many criminal investigations as resources allow.

### **2-60-2 Policy**

It is the policy of the Department to quickly and effectively investigate crimes and, in some cases, make referrals to specialized investigative units for their continued investigation. Given limited resources, decisions about continued follow-up investigations will consider solvability factors and identify, investigate, and prioritize violent crimes, cases for individuals who repeatedly commit the same types of crimes, and cases of high financial loss or dangerousness to the community.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

An effective and ethical investigation combines quick and thorough identification of a crime, capturing physical and testimonial evidence, including evidence exculpatory to any person. Investigations require the preservation of evidence by protecting the integrity of witness statements, physical evidence, and any identification of an individual.

**N/A 2-60-3 Definitions**

**A. Automated Fingerprint Identification System (AFIS)**

A biometric identification (ID) methodology that uses digital imaging technology to obtain, store, and analyze known and unknown fingerprint data.

**B. Call-Out**

A specialized investigative unit's response to the scene of a situation where specialized skills, knowledge, or training may be required to investigate based on available personnel and caseload considerations.

**C. Exculpatory Evidence**

Evidence favorable to the defendant in a criminal trial that exonerates or tends to exonerate the defendant of guilt. It is the opposite of inculpatory evidence, which tends to present guilt.

**D. Follow-up Investigation**

An extension of the preliminary investigation to gather additional evidence and information to prove the elements of the particular crime to make or support an arrest and prosecution of an individual.

**E. Inculpatory Evidence**

Evidence that shows or tends to show a person's involvement in an act or evidence that can establish guilt. In criminal law, the prosecution has a duty to provide all evidence to the defense, whether it favors the prosecution's case or the defendant's case.

**F. Individual**

A person believed by law enforcement personnel to be the possible suspect of a crime.

**G. Interview**

The questioning of a person who may or does possess information relevant to the matter under investigation.





#### H. Investigative Action

Steps that are taken during an investigation include, but are not limited to, conducting interviews, interrogating individuals, gathering documents and correspondence, conducting searches, collecting real evidence, presenting individuals and objects for identification, forensic analysis, conducting investigative experiments, and documenting the progress of an investigation.

#### I. Lead

1. Any information or source which may help discover unknown facts about the situation or confirm information that was previously collected, including, but not limited to:
  - a. A person who may have knowledge about or access to information related to the investigation; and
  - b. Any source of information that would describe the individual(s) suspected of committing a crime, including any forensic data, such as:
    - i. Visible impression(s);
    - ii. Latent prints and trace evidence;
    - iii. Researching of available databases and files; and
    - iv. Anything that can be accomplished which might logically lead to case resolution.

#### J. *Modus Operandi*

The operating method of an individual in a distinct pattern or particular way of behaving that comes to be associated with a particular individual.

#### K. National Integrated Ballistics Information Network (NIBIN) Program

The program in which the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) partners with other federal, state, and local law enforcement agencies for the purpose of identifying, targeting, and prosecuting individuals who ~~committed~~ commit a crime with a firearm and their sources of firearms.

#### L. Next of Kin

The nearest relative, spouse, child, parent, or sibling of the person who is under investigation.

#### M. Outer Perimeter



The area that extends beyond the inner perimeter and is far enough to allow all support personnel room to establish needed equipment and privacy to work on the inner perimeter.

**N. Preliminary Investigation**

1. The first response to a report that a crime has occurred focuses on determining whether a crime has been committed, who committed the crime, and the apprehension of the individual. The preliminary investigation includes the preservation of a crime scene, the collection of evidence, the identification of the individual who committed the offense, and the arrest of the individual identified.
2. The framework of a preliminary investigation is based on the following major tasks:
  - a. Verification that an offense has occurred;
  - b. Identification of the victim, the place of the crime, and the time of the crime;
  - c. Identification of solvability factors;
  - d. Communication of the circumstances of the crime; and
  - e. The identification of those investigative tasks completed and those yet to be done.

**O. Specialized Investigative Unit**

A group of Department personnel who specialize in specific areas of investigation.

**P. Warrant**

A legal document issued by a judge authorizing an arrest of an individual or a search of an individual, place, or object.

**6 2-60-4 Preliminary Investigations**

**A. The first officer(s) who arrives on the scene shall:**

1. Establish control of the scene by:
  - a. Considering the safety of responding Department personnel by:
    - i. Ensuring adequate personnel are present to control the scene; and
    - ii. Assessing risks by verifying there is no active threat.
  - b. Ensuring the safety of other persons at the scene;
  - c. Rendering medical aid if it can be done safely and request medical support;
  - d. Communicating with additional responding sworn personnel and the Emergency Communications Center (ECC); and
  - e. Prioritizing the preservation of physical evidence, the identification of witnesses, and overall scene management.
2. Determine the initial investigative factors, which include:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

- a. Determining whether a crime occurred;
- b. Determining the size of the outer perimeter and whether additional crime scenes exist;
- c. Identifying involved victims, individuals, and/or witnesses;
- d. Identifying involved vehicles;
- e. Identifying physical evidence; and
- f. Identifying available video and/or audio recordings.

3. Preserve the crime scene by:

- a. Taking all reasonable necessary steps to maintain the integrity of the crime scene and to ensure that a fair and thorough investigation is completed;
- b. Considering how large the outer and inner perimeters need to be and recognizing that it is easier to reduce the size of a perimeter than it is to expand it; and
  - i. Depending on the complexity and nature of the crime scene, the first responding supervisor shall determine the need for an outer and inner perimeter.
  - ii. Department personnel may use their Department-issued vehicle, the assistance of other Department personnel, and crime scene tape to establish and secure crime scene perimeters.
- c. Protecting and preserving short-lived evidence and any potential evidence that could be damaged or destroyed by environmental factors, or by foot or vehicle traffic.
  - i. On-scene Department personnel shall attempt to prevent animals from entering the outer and inner perimeters.

N/A

4. Control all persons present at the scene by:

- a. Preventing anyone from altering or destroying evidence;
- b. Verifying the identities and contact information of everyone present and separating all involved people, in accordance ~~consistent~~ with SOP Interviews and Interrogations (refer to SOP Interviews and Interrogations for sanction classifications and additional duties);
- c. Preventing all unauthorized persons from entering the outer and inner perimeters, such as Department personnel who are not assigned to the case, media, bystanders, etc.;
- d. Removing all persons to an area away from the inner perimeter; and
- e. Establishing and designating Department personnel to maintain a log of all persons who enter the inner perimeter of a crime scene involving death or great bodily harm.
  - i. The primary officer shall document the information from the log in a Supplemental Report within the Department's records management system.

N/A

- B. The Field Services Bureau (FSB) supervisor shall contact the appropriate specialized investigative unit supervisor to determine whether a call-out is needed or if the case



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-60 (Formerly 2-24)

CPOAB Draft 05/29/2025

should be referred to the specialized investigative unit as described in the specialized investigative unit's Standard Operating Procedure (SOP).

1. When specialized investigative unit personnel take case responsibility and respond to the scene, responding sworn personnel shall:
  - a. Continue securing the scene; and
  - b. Keep witnesses separated until specialized investigative unit personnel arrive.
2. When specialized investigative unit personnel take case responsibility but do not respond to the scene, responding sworn personnel shall:
  - a. Send the initial Uniform Incident Report to the appropriate specialized investigative unit investigator before the end of their shift unless otherwise outlined by the specialized investigative unit's SOP;
  - b. Attach supporting documents from their preliminary investigation, such as copies of warrants or outside agency reports, to their Uniform Incident Report in the Department's records management system;
  - c. Copy and attach the original documents, such as photo lineups, to the case number record in the Department's records management system; and
  - d. Tag the original documents into evidence within seven (7) days of receiving the documents.

C. Conducting the Preliminary Investigation

1. The primary officer shall:

- a. Ensure physical evidence is identified and secured as soon as possible;
  - i. The primary officer shall ensure that the physical evidence is collected, ~~consistent~~ in accordance 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).
  - ii. When appropriate, the primary officer shall ensure that the physical evidence is submitted in a timely manner for forensic analysis.
  - iii. If necessary, the primary officer shall request a Crime Scene Specialist (CSS) to assist with gathering, securing, and documenting evidence.
  - iv. If a warrant is needed, the primary officer shall follow the procedures ~~outlined~~ in accordance with SOP Execution of Search Warrants (refer to SOP Execution of Search Warrants for sanction classifications and additional duties).
- b. Identify the involved persons and witnesses, and attempt to interview those subjects if an interview can be completed. If an interview cannot be completed, it shall be documented in an officer's report;
- c. Determine whether an on-scene arrest is appropriate, in accordance ~~consistent~~ with SOP Arrests, Arrest Warrants, and Booking Procedures (refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanction classifications and additional duties), or if an arrest warrant is needed, in

N/A

N/A

N/A



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

accordance consistent with SOP Search and Seizure without a Warrant (refer to SOP Search and Seizure without a Warrant for sanction classifications and additional duties);

- d. Complete any related documentation including, but not limited to:
  - i. Uniform Incident Report;
  - ii. Criminal Complaint; and
  - iii. Pre-Booking Worksheet.
- e. Ensure all tasks necessary to complete the preliminary investigation are complete; and
- f. Ensure the scene is clear by:
  - i. Ensuring that any Department property is removed, including, but not limited to, traffic cones, crime scene tape, and barricades;
  - ii. Notifying persons who were displaced due to the investigation that the preliminary investigation has been concluded and the scene is cleared;
  - iii. Providing victims or witnesses with the case number, the name of the primary officer, and whom the victims may contact for follow-up questions; and
  - iv. Following the provisions outlined in NMSA 1978, § 31-26-8 procedures for providing victims with preliminary information; law enforcement agencies.

**D. Concluding the Preliminary Investigation**

- 1. At the conclusion of a preliminary investigation, the primary officer shall consider whether there is additional information that may supplement the prosecution or if the case should be referred to a specialized investigative unit for follow-up investigation.
  - a. If the primary officer transfers the case to a specialized investigative unit for follow-up, they shall refer the initial Uniform Incident Report to the specialized investigative unit sergeant before the end of the primary officer's shift unless otherwise outlined in one (1) of the following specialized investigative unit SOPs:
    - i. Armed Robbery Unit;
    - ii. Homicide Unit;
    - iii. Crimes Against Children Investigations;
    - iv. Child Exploitation Detail (CED);
    - v. Missing Persons Unit;
    - vi. Cold Case Unit;
    - vii. Gun Violence Reduction Unit (GVRU);
    - viii. Investigative Services Division; and
    - ix. Impact Teams.
  - b. If the case remains with the primary officer, they shall continue as the case agent.
    - i. The case agent shall be responsible for any necessary follow-up investigation unless directed otherwise by their immediate supervisor.



A. Arson Investigations

1. For cases involving arson or suspected arson, sworn personnel shall assist Albuquerque Fire Rescue (AFR) personnel with securing and controlling the scene.
2. If sworn personnel determine that the arson is a misdemeanor, they shall:
  - a. Take the appropriate law enforcement action; and
  - b. Be responsible for any follow-up investigation.
3. If sworn personnel determine that the arson is a felony, AFR Arson Unit personnel will conduct all follow-up investigations.
4. If sworn personnel determine that the arson is committed incident to a crime that results in death or a life-threatening injury, they shall request Violent Crimes Section and Criminalistics Section personnel to respond to the scene.
5. When Department personnel are dispatched to or discover a fire that they extinguish, they shall notify AFR personnel.

N/A

B. Burglary Investigations

1. An Impact Teams Detective shall be responsible for investigating a burglary when:
  - a. A warrant is needed;
  - b. Multiple victims have been identified;
  - c. Multiple individuals are on-scene; or
  - d. The complexity of the case is time-intensive.
2. Sworn personnel shall notify the on-call Impact Teams Detective when an individual is in custody.
  - a. The Impact Teams Detective shall determine whether they will respond and assume case responsibility.
  - b. If the Impact Teams Detective assumes case responsibility, sworn personnel shall document in their Uniform Incident Report who took responsibility for the case.
3. The Impact Teams supervisor shall resolve conflicts regarding case responsibility.
4. FSB personnel or a Crime Scene Specialist (CSS) shall be responsible for completing and forwarding the initial Uniform Incident Report to the Impact Teams Detective.

C. Shoplifting Investigations





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

N/A

1. The District Attorney's (DA) Office accepts the business employee/security officer's work address and work phone number instead of their residence information for the Uniform Incident Report, provided the merchant agrees to the following:

N/A

- a. The merchant maintains an up-to-date home address and home phone number on the employee/security officer in case sworn personnel need their contact information; and

N/A

- b. The merchant ensures that the employee/security officer is notified to attend court.
  - i. If the merchant does not agree to a. and b., sworn personnel shall include the employee/security officer's home address and phone number in their Uniform Incident Report.

N/A

2. Sworn personnel may arrest an individual suspected of misdemeanor shoplifting without exigent circumstances or an arrest warrant when they have probable cause to believe the individual has shoplifted.
3. Sworn personnel shall abide by the provisions of the *McClendon* Settlement Agreement when a warrantless arrest for an individual who has committed misdemeanor shoplifting is required.
4. Sworn personnel shall leave stolen merchandise for a misdemeanor or felony crime with the merchant.

N/A

- a. The merchant may take photographs of recovered merchandise and place the merchandise back in stock for sale.
  - i. Sworn personnel shall recommend that the employee/security officer take a photograph to maintain the evidence's chain of custody.

N/A

- b. If the merchant takes a photograph, they will maintain the photograph(s) and price tag(s) from the merchandise as evidence to be used in the court hearing.
5. Sworn personnel shall forward shoplifting cases involving the same suspected individual(s), vehicle(s), or similar patterns to Organized Crime Unit personnel.

N/A

6. Sworn personnel investigating a shoplifting case shall complete a Criminal Trespass Notification-Order Not to Return form, consistent with SOP Trespass Notification (refer to SOP Trespass Notification for sanction classifications and additional duties).

**D. White-Collar Crime Investigations**

1. Organized Crime Unit personnel shall investigate all felony white-collar crimes over \$10,000.
2. Impact Teams Detectives shall investigate all felony white-collar crimes under \$10,000.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

- E. In incidents in which a victim contacts the Department and indicates they are actively following their stolen vehicle and or property in the commission of a felony crime, the following steps shall be taken:
1. A supervisor shall be advised of the call via radio and respond;
  2. A request through dispatch shall be made instructing the victim to terminate following the individual as the Department cannot ensure the victim's safety;
  3. FSB shall respond and contact the victim to obtain additional information;
  4. FSB shall attempt to locate and contact the alleged individual;
  5. If the stolen vehicle or property proceeds to a residence or private property and is outside the scope of the FSB, or a warrant is required, a Detective shall be notified by the appropriate division;
  6. If the vehicle or property is tracked by global positioning systems (GPS) or a monitoring company, and FSB is unable to locate the vehicle or property, FSB will contact the appropriate Investigations Bureau personnel to assume tracking responsibility; and
  7. FSB and Investigations Sergeants shall document the reason continued tracking was denied in the Computer-Aided Dispatch (CAD).

**6 2-60-6 Follow-up Investigations**

- A. The specialized investigative unit supervisor shall:
1. Review all Uniform Incident Reports that FSB sworn personnel have submitted;
  2. Assign cases to the appropriate specialized investigative unit detective;
  3. Consider the case solvability factors and the likelihood of prosecution. Solvability factors include:
    - a. The identification of witnesses to the crime;
    - b. The identification, location, and description of the individual suspected of committing a crime;
    - c. Significant *Modus Operandi*, meaning that solving one (1) incident may close multiple cases;
    - d. Vehicle identifiers, including the make, model, license plate number, or Vehicle Identification Number (VIN);
    - e. When sworn personnel collect traceable evidence, such as items with serial numbers;
    - f. If sworn personnel seize significant physical evidence, such as biological evidence; and
    - g. If social media, cell phones, or video surveillance is available.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

4. Stay apprised of the status of all investigations from their subordinates by regularly reviewing reports in the Department's records management system; and
5. Ensure the progress of the investigation follows the procedures outlined in the specialized investigative unit's SOP.

B. The specialized investigative unit detective shall:

1. Thoroughly review all existing Uniform Incident Reports, videos, and collected evidence to prepare an investigative plan;
  - a. The specialized investigative detective shall determine whether they need to interview additional individuals, further evidence needs to be collected, or if evidence needs to be forensically processed.
  - b. The specialized investigative unit detective shall conduct interviews with all identified witnesses and individuals suspected of committing the crime as quickly as possible, preferably in person.
  - c. The specialized investigative unit detective shall follow the procedures outlined in each specialized investigative unit's SOP.
2. Update their report, including new person information and narrative, in the Department's record management system for any investigative action taken by the end of their next work shift;
3. Review the preliminary investigation for situations that involve witness statements or physical evidence based on the solvability factors and a likelihood of prosecution with follow-up investigation;
4. Complete a Supplemental Report that documents the following leads and any action the specialized investigative unit detective takes by the end of their next work shift:
  - a. Crime Stoppers tips that provide previously unknown information to the case;
  - b. NIBIN presumptive matches;
  - c. AFIS presumptive matches on an individual suspected of committing a crime;
  - d. Deoxyribonucleic acid (DNA) presumptive matches on an individual suspected of committing a crime;
  - e. When they submit a Request for Forensic Service form to compare or analyze discovered evidence;
  - f. When they write warrants for cellular devices or social media accounts of any individuals of interest or material witnesses; or
  - g. When another law enforcement representative provides information that identifies a person of interest or material evidence they gained from their knowledge or actions.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

5. Restrict reports in the Department's record management system that are actively being investigated and deemed to contain sensitive information at the discretion of their supervisor; and

**N/A**

6. Prepare cases for prosecution, consistent with SOP Submission of Felony Cases to the District Attorney (refer to SOP Submission of Felony Cases to the District Attorney for sanction classifications and additional duties).

**5**

- C. When the case agent changes divisions or specialized investigative units, they shall only maintain their cases with written approval from the Investigative Bureau Deputy Chief of Police.

**N/A**

**2-60-7**

**Investigative Tools**

- A. Sworn personnel are encouraged to consult with a prosecutor early and often during the investigation for guidance to make a case prosecutable.

**7**

- B. At the start of a follow-up investigation, sworn personnel shall document their investigative plan in a Supplemental Report, including:

1. Necessary interviews;

- a. Sworn personnel shall determine which witnesses and individuals shall be interviewed.  
b. Sworn personnel shall review the initial interviews to determine whether additional interviews are needed.

2. Evidence review; and

- a. Sworn personnel shall determine whether all evidence necessary for the case has been collected.  
b. When needed, sworn personnel shall initiate analysis of the evidence.

3. Determine whether warrants are needed.

- C. Sworn personnel are encouraged to use all available resources, such as the Real-Time Crime Center (RTCC), to retrieve a thorough background history on persons involved in the investigation, to check for available video surveillance, and any other evidence or information.

- D. Sworn personnel may consider the following steps when conducting follow-up investigations:

1. Review and analyze all previous Uniform Incident Reports and reports from other agencies;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-60 (Formerly 2-24)**

**CPOAB Draft 05/29/2025**

**N/A**

2. Conduct additional interviews and interrogations as described in SOP Interviews and Interrogations when necessary (refer to SOP Interviews and Interrogations for sanction classifications and additional duties);
3. Review Department identification records;  
3.
4. Seek additional information from other sworn personnel, informants, etc.;
5. Review any available forensic analysis results from the Scientific Evidence Division (SED);  
5.
6. Arrange for dissemination of information to other law enforcement agencies or media as appropriate;
7. Plan, organize, and conduct searches when necessary;
8. Collect physical evidence;
9. Identify and apprehend the individuals suspected of committing a crime;
10. Check criminal background and histories;
11. Determine the involvement of the individuals who are suspected of committing a crime in other crimes; and
12. Prepare cases for court presentations and assist in the prosecutions.



## **2-73 COLLECTION, SUBMISSION, AND DISPOSITION OF EVIDENCE AND PROPERTY**

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

#### **A. Related SOP(s)**

1-41 Evidence Unit (Formerly 5-6)

#### **B. Form(s)**

PD 1338 Permission to Search

PD 4201 Request for Forensic Service

PD 4202 Laboratory Firearms Evidence Trace Request Metro/Property Court Receipt

#### **C. Other Resource(s)**

None

#### **D. Rescinded Special Order(s)**

SO 24-58 Amendment to SOP 2-73 Collection, Submission, and Disposition of Evidence and Property

SO 24-157 Amendment to SOP 2-73 Collection, Submission, and Disposition of Evidence and Property

### **2-73-1 Purpose**

It is the purpose of the Albuquerque Police Department (Department) to collect, submit, store, and dispose of evidence and property according to applicable laws, regulations, policies, and procedures.

### **2-73-2 Policy**

It is the policy of the Department to ensure a proper chain of custody for property and evidence and to provide for the safe, efficient, and careful handling and preservation of property and evidence that is under the Department's control.

### **N/A 2-73-3 Definitions**

#### **A. Bar Coded Evidence Analysis Statistical Tracking System (BEAST) Categories**

1. The classification that is selected in the Property Evidence Management System (PEMS) that organizes evidence into one (1) of three (3) categories, including:

a. Evidence: Item(s) with an evidentiary value associated with a crime(s);





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- b. Found:
  - i. Item(s) that are found or abandoned will be held for a period of up to ninety (90) days or one (1) year for a firearm. These items may or may not have an evidentiary value.
  - ii. Department personnel shall use this category instead of the Destruction category.
- c. Return to Owner: Item(s) that are found to have no evidentiary value and are being held for a period of up to ninety (90) days for the purpose of returning them to the owner.

**B. Crime Scene**

The location where a crime took place or an area containing evidence from a crime itself.

**C. Digital Evidence**

Data which is stored on electronic devices.

**D. Digital Image Video Recovery Team (DIVRT)**

A group of professional staff members who are specially trained in the techniques of digital data image recovery and seizure. The DIVRT conducts evidentiary searches of electronic media and reports the findings to the employee assigned to investigate the case.

**E. Digital Image Video Recovery Team (DIVRT) Toolkit**

A specialty kit used to document, remove, package, and transport digital evidence.

**F. Last Point of Contact**

The original custodian officer who transferred the custody of an individual to another officer. Once the transfer is completed, the original custodian officer will no longer have contact with the in-custody individual.

**G. Personal Protective Equipment (PPE)**

Protective clothing, helmets, goggles, or other garments or equipment designed to protect the wearer's body from injury or infection.

**H. Prohibited Items**

Food, drinks, anything subject to spoilage, and anything that poses a risk to evidence integrity or the safety of the evidence technician(s).

**I. Property Evidence Management System (PEMS)**



The Department's digital evidence management software system used to tag, protect, and preserve evidence, and to maintain all non-evidentiary items.

J. Tag

The process of entering collected property and evidence into the PEMS for storage of the items stored at the Metropolitan Forensic Science Center (MFSC) (or "Crime Lab").

**7 2-73-4 Collection of Property and Evidence**

A. When feasible, Department personnel shall use proper personal protective equipment (PPE), including nitrile gloves, when collecting property and evidence.

B. Money

1. Department personnel shall be required to count any money that is collected in full view of their On Body Recording Device (OBRD).

a. This process shall ensure that the counting is in clear view and audible on the OBRD recording.

b. After counting, the money must be securely placed into a designated evidence bag, adhering to the Department's protocols for sealing and labeling.

2. When needed, if on-scene conditions do not permit, or the amount of money is too large to be counted effectively onsite, the supervisor of the rank of lieutenant or higher shall be notified, who can authorize relocation. OBRD recording shall continue until such time as the money is counted and placed into a designated evidence bag.

C. Photographs

1. When Department personnel take crime scene photographs, they shall take overall, mid-range, and close-up photographs of the crime scene, individuals, and evidence.

a. When needed, Department personnel shall take photographs with and without scales.

2. Department personnel shall take photographs of the following incidents:

a. All uses of force, including shows of force;

i. This includes any physical evidence related to lawful objectives, such as criminal trespass signs.

b. Felony crimes where there is evidence to process;

c. Fatal and serious injury vehicle crashes;

d. Crashes involving City vehicles, including Department vehicles;



- e. All individuals charged with resisting arrest;
- f. All individuals charged with battery or aggravated battery on a police officer;
- g. Any injury of a police officer; and
- h. Damage to community member property as a result of official police action.

### 3. Photographs of Victims and Individuals

- a. Unconscious Victims and Individuals
  - i. Department personnel may photograph unconscious individuals for the preservation of evidence, including inside medical facilities.
  - ii. Department personnel may photograph unconscious victims of a crime consistent with the following rules:
    - 1. Department personnel shall not take photographs of victims who, will be examined by a Sexual Assault Nurse Examiner (SANE), are children, and/or persons who are under guardianship.
    - 2. Department personnel shall not manipulate an unconscious victim's body, clothing, or coverings when taking the photograph.
    - 3. Department personnel may only take photographs of evidence that is in plain view.
- b. If Department personnel are photographing an unconscious person in a medical facility and medical personnel ask Department personnel who are taking photographs to stop, they shall stop.
  - i. Department personnel shall document in a Supplemental Report why photographs were not taken and, if feasible, the name of the medical facility employee who ordered them to stop taking photographs.
- c. Department personnel do not need to obtain permission from in-custody individuals to photograph them.
  - i. When an in-custody individual refuses to cooperate, Department personnel may take photographs of the individual from a distance and shall document the circumstances in a Supplemental Report.

6

### 4. Photographs Following a Use of Force

- a. For all uses of force, with the exception of show of force, a Crime Scene Specialist (CSS) shall photograph:
  - i. Individual(s);
  - ii. Involved officer(s); and
  - iii. Any weapon systems used during the force incident.
- b. If circumstances arise where Department personnel cannot take photographs according to the Department's Standard Operating Procedure (SOP) or training, they shall document the circumstances in a Uniform Incident Report.

### D. Towing and Sealing of Vehicles

- 1. CSS Unit or Major Crime Scene Team (MCST) personnel shall process the exterior of the vehicle and seal the vehicle for evidence processing.



- a. Department personnel who process the vehicle shall follow the tow service to the MFSC to maintain the chain of custody.
2. Department personnel shall only have vehicles that are involved in a homicide, life-threatening injuries, criminal sexual penetration, or vehicles that require special tools for processing towed and stored at the MFSC.
3. The Department case agent must process vehicles within two (2) weeks.
  - a. If the vehicle is not processed within two (2) weeks, the MCST Detective shall have it towed to the original tow service company's yard.
4. After processing the vehicle, the Department case agent shall contact the original tow company to tow the vehicle to their yard.
  - a. Without permission from the Scientific Evidence Division (SED) Commander, Department personnel shall not release vehicles to the owner or responsible party from the MFSC.

**6 2-73-5 Tagging and Submission of Property and Evidence**

**A. Accountability for Property, Evidence, and Found Items**

1. Department personnel who collect property, evidence, and/or found items shall be responsible for the custody of these items until they have been tagged into the Evidence Room, substation drop boxes, or lockers.
2. Department personnel shall tag all items they have found, items for safekeeping, and evidentiary items using PEMS.
  - a. A supervisor's signature and completed log sheet are required to authorize the use of hard copy evidence tags for exigent or unusual circumstances, such as PEMS outages.

**B. General Rules for Tagging**

1. When tagging items into the Evidence Room, Department personnel shall:
  - a. Ensure that any items of evidence and safekeeping have been thoroughly searched to prevent the submission of prohibited and/or hazardous material that may compromise the safety and security of the evidence room, Evidence Unit personnel, and MFSC;
    - i. Prohibited items will only be entered into evidence when authorized by the SED Commander or their designee.
    - ii. Criminal charges will not be filed as a result of such safekeeping searches unless approved by the District Attorney's (DA) Office or City Attorney's



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- Office. Any items of potential evidentiary value discovered during a search of safekeeping property shall be packaged and labeled independently.
- b. Tag all items of evidence, items for safekeeping, and found items into the Evidence Room by using PEMS and deposit the items in a substation drop box by the end of the employee's shift;
    - i. Only due to exigent or unusual circumstances may a supervisor authorize exceptions to this; however, the evidence must be placed in a secure location within a police building, such as a safe, a locker, or a cabinet that can be secured under the direct control of the supervisor.
    - ii. Due to the nature of some evidence handling and processing, MCST and CSS are not required to have all evidence tagged into and submitted by the end of shift, but shall still follow the chain of custody rules.
      - 1. The evidence must be placed in a secure location within the Crime Lab, such as a safe, a locker, or a cabinet that can be secured under the direct control of the supervisor.
    - iii. The tagging employee shall seal all evidence tagged either in plastic or paper bags.
    - iv. The employee shall ensure that the sealed evidence bag has the initials of the employee tagging the items and the date across the seal written in permanent ink before placing the evidence in a locker.
    - v. Failure to place initials and date across the seal shall result in rejection of the evidence by Evidence Unit personnel.
  - c. Seal all audiotapes and CD/DVD in a 6x9 manila envelope with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
  - d. When acquiring and storing Images:
    - i. Capture images through digital cameras that are authorized by the MFSC Photography Unit;
    - ii. Archive and maintain images in their original state;
    - iii. Archive and maintain any digital evidentiary images in any format;
    - iv. Assume responsibility for transferring all images captured on temporary media to a CD-R at the completion of the call for service;
    - v. When establishing chain of custody for digital images, complete a film envelope and tag the envelope into evidence; and
    - vi. Never make copies of digital images for any unofficial use.
  - e. Ensure that the evidence does not become intermingled with evidence from other cases;
    - i. Department personnel shall obtain a case number and record it in the "Case #" field in PEMS or the appropriate location on the evidence tag.
  - f. When tagging large and multiple items;
    - i. Secure items that will not reasonably fit in the evidence lockers at the area command in the Evidence Room that is located behind the lockers;
      - 1. Area Command Evidence Storage Room Security.
        - A. Area Commanders shall maintain a key log for this room.
        - B. Area Commanders and area command lieutenants shall be the only personnel who are issued keys, excluding Evidence Unit personnel, to the Evidence Room.



- C. Responsibility for the keys shall not be delegated unless a sergeant is upgraded to acting lieutenant.
    - D. Duplicate keys shall not be made unless authorized by the Area Commander.
    - ii. Department personnel shall not force large items into lockers; and
    - iii. Department personnel shall immediately take fragile items or investigative evidence for urgent cases to the MFSC at 5350 Second Street NW.
  - g. When evidence in a case involves multiple items such as televisions, computers, etc., in quantities exceeding ten (10) items, store the items in the Evidence Room behind the lockers;
  - h. When large amounts of evidence requiring truck transport are recovered at a crime scene, for personnel who are tagging the items, contact the Emergency Communications Center (ECC) Dispatcher and request that the Evidence Unit Supervisor respond to the scene;
  - i. Store ammunition in the lowest available empty locker; and
  - j. Shall not tag perishable items, volatile/flammable liquids, fuels, and lighters as evidence.
    - i. If the item is needed for prosecution, Department personnel shall have it sampled and photographed by a CSS. After being photographed, Department personnel shall return the item to the owner or have it properly disposed.
    - ii. Department personnel do not need to tag used narcotic test kits.
- C. Use of PEMS for Tagging Items
1. When tagging items into PEMS, Department personnel shall:
    - a. Include the appropriate case number;
    - b. Ensure all property and evidence is submitted to the Evidence Unit through the PEMS;
    - c. Completely fill out the mandatory PEMS entry fields in order for the entry to be valid; and
      - i. If the owner of the property or evidence is unknown, Department personnel shall not be listed as the owner or finder of the property or evidence. They shall list the owner or finder as "unknown".
    - d. Utilize the "evidence" designation within PEMS for all items collected as part of Serious Crimes, Homicide, or MATF Call-Out.
      - i. The disposition of these items, to include either destruction or release back to their owners, can only be authorized by the primary investigative detective overseeing the case.

7

D. Drugs and Drug-Related Items

1. When tagging drugs and drug-related items, Department personnel shall:





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- a. Tag controlled substances separately from containers or packaging, when possible, and heat sealed in plastic bags with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
    - i. When tagging pills, capsules, etc., into evidence, tagging personnel shall count the individual pills and note the number on the evidence tag in the area designated "remarks" or the "Quantity" field on the PEMS screen.
  - b. In cases where more than one (1) controlled substance is collected, the substances of the same type, such as cocaine, heroin, methamphetamine, and dry marijuana, shall be grouped into one (1) sealed, initialed plastic bag per substance type;
  - c. Package and tag narcotics evidence separately from other items; and
    - i. Fentanyl in powder or pill form shall be double bagged by:
      1. Placing the fentanyl in a plastic bag and heat-sealing the bag. This will be bag one (1).
      2. Bag one (1) shall be placed into another plastic bag and heat-sealed.
      3. Only one (1) evidence tag is needed.
      4. The evidence tag shall be placed on the second evidence tag only.
    - ii. Fentanyl in pill form, if found in packaging, shall be double bagged in the packaging it was found.
    - iii. Fentanyl patches are to be treated as any other drug item. Packaged in plastic and heat sealed in one (1) bag.
    - iv. Red and black Fentanyl warning stickers are to be affixed to the outside of any packaging suspected to contain fentanyl.
    - v. The Investigative Support Division (ISD) is exempt from this process and shall adhere to their division SOP, but will follow the double bagging procedure and affix the red and black Fentanyl warning stickers.
    - vi. If there is a concern that an item has residual Fentanyl, it shall be packaged in plastic and heat sealed, to include latent packets.
  - d. Secure green freshly pulled marijuana in a paper bag or box with an evidence tag attached to it and the words "Green or wet Marijuana" added in the remarks section of the tag or the "Weight Box" in the narcotics screen of PEMS.
    - i. Evidence Unit Technicians shall dry the marijuana.
    - ii. When the marijuana is dry, Evidence Unit Technicians shall notify the employee who tagged the marijuana to come to the main Evidence Room to package and seal it in plastic bags.
    - iii. Under no circumstances shall green, undried marijuana be placed into evidence in plastic bags or other sealed containers.
2. Department personnel may place multiple syringes in a sharps container that is puncture-resistant when tagging them.
    - a. Department personnel shall place all sharp items in plastic tubes, which shall be heat-sealed in plastic bags.
  3. Department personnel shall not tag drug manufacturing or agricultural equipment and chemicals such as grow lights and irrigation equipment as evidence.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- a. If the item is needed for prosecution, Department personnel shall include instructions on how to photograph and destroy the item(s) on the search warrant.

**E. Medications**

1. When tagging medication, Department personnel shall:

- a. With the expectation of medication being returned to the owner, tag it separately from other drugs or paraphernalia in its original container in a clear plastic bag;
  - i. When feasible, Department personnel shall not mix medication or store it in a bag outside the original container.
- b. When tagging medications as found, or for safekeeping, tag it under the owner or finder's identification and contact information, including, but not limited to, the owner or finder's name, address, and phone number and enter it into the evidence history by tagging personnel; and
- c. When tagging prescription medication that belonged to a deceased individual and it was seized as part of the preliminary investigation, the medication is not to be released to the next of kin.
  - i. Upon completion of the investigation, Department personnel shall destroy the medication, in accordance with SOP Evidence Unit.

**F. Jewelry**

1. When tagging jewelry, Department personnel shall:

- a. Tag the jewelry separately from any other items;
- b. Seal the jewelry in plastic bags; and
- c. Itemize the jewelry in the description field of PEMS.

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**G. Firearms**

1. When tagging firearms, Department personnel shall:

- a. Heat-seal all firearms in plastic bags, with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
  - i. Firearms shall not be disassembled before being tagged.
  - ii. Only one (1) firearm may be tagged per bag.
  - iii. Evidence tags for firearms shall be attached to the plastic bag.
- b. Seal emptied magazines in small plastic bags and seal them in the plastic heat-sealed bag with the firearm;
  - i. If necessary, National Integrated Ballistic Information (NIBIN) Unit personnel shall complete the Laboratory Firearms Evidence Trace Request.
- c. Use the plastic barrel plugs or ties that have been provided by the Evidence Unit to clear the chamber of firearms that are being tagged into evidence;
  - i. Pens or similar writing devices shall not be used to clear the chamber of firearms.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- ii. Under no circumstances shall Department personnel use tape or metal wire of any kind to affix ammunition, magazines, or holsters to the firearm.
  - d. Properly categorize firearms that they have tagged into storage at the evidence warehouse within the PEMS by selecting one (1) of the following three (3) categories, including:
    - i. Evidence;
    - ii. Found; or
    - iii. Return to Owner.
  - e. Accurately enter all required information for firearms into the PEMS and shall ensure that it is properly categorized. The PEMS prompts the employee to fill out the sections on firearms and knives with any known information;
    - i. After completing this step, the system internally retains the information on firearms for a set period of time to allow for proper testing, evidence collection, and review by Department NIBIN personnel and Crime Gun Intelligence Center (CGIC) personnel.
      - 1. This excludes firearms that are tagged under the category of "Return to Owner" in the PEMS.
  - f. Tag pellet or ball bearing (BB) firearms the same as regular evidence;
    - i. Pellet or BB firearms shall be tagged by affixing the evidence tag directly to the plastic bag.
    - ii. Pellet or BB firearms shall be noted as "toy gun".
  - g. Tag unfired ammunition and/or fired cartridge casings that are found in the firearm magazine or cylinder separate from the firearm and packaged separately; and
  - h. Submit fired cartridge casings for the NIBIN System in the following manner:
    - i. Collect all fired cartridge casings; and
    - ii. If an investigative lead is made, a Request for Forensic Service form is required from the Firearms and Tool Marks Unit (FATM) for further analysis. The submitting personnel shall receive a copy of the report.
2. Department personnel shall not tag or store black powder in evidence lockers at the area commands.
- a. Department personnel shall give black powder to Evidence Unit personnel. Once Evidence Unit personnel receive the black powder, it is turned over to the Department's Bomb Squad.
3. Department personnel shall not dismantle any firearm, such as removing the slide or any other internal parts.
- a. Dismantling a firearm restricts the NIBIN/CGIC testing processes.
  - b. Rendering the firearm(s) safe for tagging purposes is still required as indicated in this SOP.
4. Supervisors shall ensure when reviewing Uniform Incident Reports that any recovered firearm(s) are tagged into storage at the evidence warehouse as described in this SOP.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- a. Evidence Unit personnel use information about firearms within a Uniform Incident Report for the purpose of tracking, retaining, and disposing of firearms.

**H. Knives**

1. When tagging knives, Department personnel shall:
  - a. Close pocket or folding knives, when possible;
  - b. Keep hunting knives in the knife sheath unless trace evidence may be destroyed; and
  - c. Protect the edges of long knives, razor blades, and any other objects with sharp cutting edges by covering the edge with cardboard or other suitable material and with the material taped securely into place to prevent accidental injury.

**I. Money**

1. When tagging money, Department personnel shall:
  - a. Separate any money, regardless of the amount, from any other item and seal it in a plastic bag with the initials of the employee who is tagging the items and the date across the seal written in permanent ink; and
  - b. Tag and deposit all money, regardless of amount, in an area command evidence locker or mail-type drop box.
2. Department personnel shall not tag money as an item for safekeeping without the owner or finder's name, address, and phone number.
  - a. Found money shall be tagged as "unknown" in the owner field of PEMS.
3. Department personnel may not tag money as evidence unless instructed to do so by the case agent.
  - a. Tagging money for evidentiary purposes on narcotics-related offenses is not authorized unless the probability of federal prosecution and federal forfeiture action has been established.
  - b. For consideration for forfeiture, the Department's policy is to adopt a minimum threshold of \$2,500.

**7**

**J. Personal Electronic Devices**

1. When tagging personal electronic devices, Department personnel shall
  - a. Make efforts to ensure all personal electronic devices are disconnected from transmitting or receiving any electronic data;



- b. Be heat sealed inside a standard plastic evidence bag with the initials of the employee who is tagging the items and the date across the seal written in permanent ink; and
- c. Only tag one (1) device per bag.

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**K. Safekeeping Property**

1. Department personnel may tag property into PEMS as safekeeping when:
  - a. They have exhausted all other possibilities of disposing of the property;
  - b. The owner is known; and/or
  - c. The owner has a permanent mailing address; and/or
2. Department personnel shall utilize the Return to Owner category when tagging items for safekeeping.
3. Evidence Unit personnel shall not accept contraband for safekeeping.
4. Department personnel may leave objects or articles of a non-evidentiary nature with next of kin or secured at the scene at the time of the preliminary investigation.
  - a. Property items taken into police custody shall be tagged into evidence for safekeeping.
5. Department personnel shall document in their Uniform Incident Report when the property was left with next of kin at the scene, tagged into evidence, or disposed of due to safety or health concerns.
  - a. Department shall run their OBRD when disposing of property due to safety or health concerns.
6. Evidence Unit personnel shall not release items tagged for safekeeping to anyone other than the court or a person authorized to receive them by either a court order or the Department employee who tagged the item.

**L. Office of the Medical Investigator (OMI)**

- a. The OMI is responsible for all evidence on the body of a deceased person.

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**2-73-6 Viewing and Checking Out Evidence**

**A. Viewing and Checking Out Evidence from the Evidence Unit**

1. Department personnel shall:
  - a. When they need items of evidence for court, notify the Evidence Unit within twenty-four (24) hours or one (1) working day prior to the anticipated court date;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- b. Capture all information about the viewing and releasing of evidence in the PEMS;
    - c. Have an official interest in the evidence and present proper identification to view or check out evidence from the Evidence Unit;
      - i. The Department employee's immediate supervisor shall receive notice when the checked-out property is not returned, or a signed Metro/Property Court Receipt is not returned to the Evidence Unit after three (3) working days.
    - d. Be responsible for the chain of custody of all evidence checked out for court appearances; and
      - i. At no time shall the evidence be out of the immediate control of the officer or authorized court personnel.
      - ii. Evidence that was taken to court that was admitted into court as evidence must be documented on a Metro/Property Evidence Court Receipt or similar form and returned to the Evidence Unit at the completion of the case.
      - iii. Evidence in cases covering extended periods of time shall be checked back into evidence or temporarily secured in the court's evidence storage area pending the completion of the case.
    - e. Direct all questions from the public about items in evidence to the Evidence Unit
      - i. The public shall be advised to contact the Evidence Unit at (505) 823-4600 before proceeding to the MFSC.
  2. The DA's Office shall specifically state which items, if any, may be opened for inspection when they approve evidence viewings.
    - a. Any items not specifically listed may be visually inspected; however, no packaging shall be opened or removed.
    - b. No personal electronic devices shall be turned on and/or manipulated to view any data without explicit permission from the DA's Office.
  3. The following documentation is required for people other than Department personnel to view evidence:
    - a. A court order signed by a judge;
    - b. Authorization from the City Attorney, Department Attorney, or the DA's Office; or
    - c. Authorization from the Metropolitan Court Liaison Office on officer prosecution cases.
  4. Department personnel wanting to view or check out evidence shall make an appointment with the Evidence Unit seventy-two (72) hours or three (3) working days before the viewing and/or checking out of the items.

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**B. Examination of Evidence by Outside Agencies**

1. When necessary, it is the responsibility of Department personnel who collect the evidence to tag, package, and send such items to other agencies for examination.





- a. The MCST Team shall assist in whatever way possible to ensure that the proper procedures are followed by the responsible officer.

**6 2-73-7 Disposition of Evidence**

**A. General Guidelines**

1. Evidence Unit personnel shall follow the requirements outlined in state statutes and shall require disposition authority from either the DA's Office, the City Legal Department, the investigating officer, and/or a Department supervisor or Bernalillo County Sheriff's Office (BCSO) supervisor, as appropriate, before disposing of property or evidence that is held by the Department.
2. The investigating officer or their supervisor must authorize the disposal of evidence for felony cases in which the DA's Office has indicated they will not pursue adjudication.
3. When the original or tagging officer is no longer with the Department or BCSO, the appropriate area commander shall complete the Disposition Review Letter through a Department Memorandum indicating the disposition of evidence.
  - a. Investigating sworn personnel must authorize the release of evidence in felony cases that is acceptable to the DA to release or dispose of.
  - b. Sworn personnel must report the disposition of all cases when returning evidence to the Evidence Unit and indicate that the evidence is no longer needed.
    - i. Evidence Unit personnel shall send requests for the status of cases to sworn personnel on cases that have met statutory requirements or have received authorization from the DA to dispose of the related evidence.
    - ii. Sworn personnel shall advise Evidence Unit Technicians that the items in question are to be disposed of, or they shall identify the detective who assumed investigative responsibility for the case.
    - iii. If an item is to be retained, the officer shall advise Evidence Unit personnel of the case status.
    - iv. The retain date provided by the officer shall be considered the officer's authorization for final disposition processing when it is acceptable to the DA or has met the statutory requirements.
    - v. If after fifteen (15) calendar days, the officer does not respond to the request for a status from Evidence Unit personnel, the officer shall consider the request as being unacknowledged and report it to their immediate supervisor.
    - vi. Each fifteen (15) day period after the request goes unacknowledged, a request for a status shall be sent to the next level in the officer's chain of command.
    - vii. If the request goes unacknowledged through the rank of Commander, Evidence Unit personnel shall assume that the evidentiary items that are the

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

subject of the request are no longer needed. Any misdemeanor evidence may be disposed of, in accordance with SOP Evidence Unit.

4. Department personnel who are separating from City employment are required to meet with Evidence Unit personnel before their departure.
  - a. Department personnel must supply the Evidence Unit Manager with case disposition on all cases involving items of evidence tagged throughout the employee's career.
    - i. The Evidence Unit Manager shall not sign off on the Out-Processing form unless this process is complete.
    - ii. Failure to complete the process may result in the delay of the employee's departure process.
    - iii. When the employee who originally tagged the evidence is unknown, or is no longer employed with the Department, the area command where the incident took place shall assume evidence disposition responsibility.
    - iv. The last known area commander or their designee shall be sent a Disposition Review Letter requesting them to research the case the evidence was tagged for and determine if it can be disposed of.
    - v. The Evidence Unit requires a supervisor's authority to dispose of evidence that was tagged by an employee who no longer works for the Department. The supervisor authorizing the disposition shall complete the research and return the Disposition Review Letter to the Evidence Unit.

**B. Disposition of Found Items**

1. Department personnel shall:
  - a. Attempt to identify the owner and return the property; and
  - b. If contact with the owner cannot be made during their work shift, they shall tag the item into evidence as a found item.
2. Department personnel shall obtain pertinent information from the finding party, including their name, address, and phone number.
  - a. This information shall be listed on the evidence tag or entered into PEMS.
  - b. If contact is made with the owner after the item has been tagged into evidence, Department personnel shall provide the owner the case number to assist them in the return of the item. Officers shall then email [APDEVIDENCE@cabq.gov](mailto:APDEVIDENCE@cabq.gov) with the owner's information (name, address, date of birth), the APD case number and item #'s to be updated in PEMS.
3. When unclaimed personal property, excluding firearms, has been left in the possession of the Department and has remained unclaimed by the true owner for more than ninety (90) days, Evidence Unit personnel shall notify the finder by mail, and advise them that they may take possession of the property within ninety (90) days.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- a. If the property is not claimed by the finding party within ninety (90) days, it shall be disposed of as provided by law.

**C. Authority to Release or Dispose of Case Evidence**

1. After a case has been assigned to a detective or case agent, the original officer relinquishes authority for that case.
  - a. The detective or case agent who assumes investigative responsibility for the case shall have the authority to release or dispose of case evidence.
  - b. If the detective or case agent is not listed in PEMS, they shall provide Evidence Unit personnel with documentation showing the authority to release or dispose of the evidence.
2. Sworn personnel shall not mislead Evidence Unit personnel into believing they have the authority to dispose of evidence when, in fact, they do not.
  - a. Sworn personnel shall not sign off to release or dispose of evidence as a favor to friends or community members.
  - b. If a request is made by community members or as favors to friends to release evidence, the officer shall instruct the person(s) to contact the detective or case agent in charge of the case.

2

**D. Evidence Disposition Guidelines**

1. Evidence Unit personnel shall retain custody of:
  - a. Felony evidence involving homicides, vehicular homicides, all sex crimes, child abuse involving great bodily harm, including deoxyribonucleic acid (DNA) samples from questionable suicides, if available, indefinitely, unless clear disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
  - b. Evidence for sex crimes involving sexual assault evidence kits (SAEK), including juvenile matters, indefinitely, unless clear disposition authorization is obtained from a judicial authority;
  - c. Felony evidence for sex crimes that do not involve SAEKs indefinitely, unless clear disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
  - d. Misdemeanor evidence involving sex crimes that do not involve SAEKs and have been in the custody of the Evidence Unit for five (5) years. A juvenile victim who has reached eighteen (18) years old plus one (1) year if such a victim exists, and has no outstanding arrest warrants for defendant/co-defendant shall be reviewed and approved for disposition by the assigned case agent or an Investigative Bureau supervisor, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- e. Felony evidence that has been in the custody of the Evidence Unit for the term of the statute of limitations of the respective charge(s) (e.g., ten (10) years for a second-degree felony) and has no outstanding arrest warrants for the defendant/co-defendant shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
  - f. Misdemeanor evidence involving domestic violence, or sex crimes that has been in the custody of the Evidence/Disposition Unit for five (5) years and has no outstanding arrest warrants for the defendant and/or /co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
  - g. Misdemeanor evidence that has been in the custody of the Evidence Unit for three (3) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
  - h. Suicide evidence involving a DNA sample shall be retained in the custody of the Evidence Unit indefinitely, unless clear disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority; and
  - i. Suicide evidence that does not involve a DNA sample and has been in the custody of the Evidence Unit for three (3) years shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority; and
  - j. All Driving While Intoxicated (DWI) case evidence, regardless of the statute of limitations and case dispositions, will be retained. DWI evidence shall not be destroyed and/or disposed of, nor returned, unless authorized by the Deputy Chief overseeing the Crime Lab.
2. Department personnel shall process property for safekeeping, and found property for disposition per state statutes.
- a. In the case of firearms in the process of being disposed of, Evidence Unit personnel are authorized to open packages to verify serial numbers through the National Crime Information Center (NCIC) database prior to destroying the firearms.

**E. Amending Evidence Tags**

- 1. If Department personnel tagged an item into evidence for safekeeping or as a found item, then it is later determined to be stolen, the tagging officer must notify the Evidence Unit of the updated information.



**7 2-73-8 Digital Image Video Recovery Team (DIVRT)/Regional Computer Forensics Laboratory (RCFL) Task Force Officer (TFO)**

A. DIVRT/RCFL TFO personnel shall:

1. Collect digital evidence in connection with criminal investigations and/or searches;
2. Seize all digital evidence according to the procedures that ensure the integrity of the seized items;
3. Tag seized items as evidence or turn them over to the case agent; and
4. Attempt to extract digital evidence from electronic devices.

B. Department personnel shall make requests for digital extraction through the DIVRT/RCFL TFO.



## **2-73 COLLECTION, SUBMISSION, AND DISPOSITION OF EVIDENCE AND PROPERTY**

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

#### **A. Related SOP(s)**

1-41 Evidence Unit (Formerly 5-6)

#### **B. Form(s)**

PD 1338 Permission to Search

PD 4201 Request for Forensic Service

PD 4202 Laboratory Firearms Evidence Trace Request Metro/Property Court Receipt

#### **C. Other Resource(s)**

None

#### **D. Rescinded Special Order(s)**

~~SO 23-71 Amendment to SOP 2-73 Collection, Submission, and Disposition of Evidence and Property~~

~~SO 23-126 Amendment to SOP 73 Collection, Submission, and Disposition of Evidence and Property~~

[SO 24-58 Amendment to SOP 2-73 Collection, Submission, and Disposition of Evidence and Property](#)

[SO 24-157 Amendment to SOP 2-73 Collection, Submission, and Disposition of Evidence and Property](#)

### **2-73-1 Purpose**

It is the purpose of the Albuquerque Police Department (Department) to collect, submit, store, and dispose of evidence and property according to applicable laws, regulations, policies, and procedures.

### **2-73-2 Policy**

It is the policy of the Department to ensure a proper chain of custody for property and evidence and to provide for the safe, efficient, and careful handling and preservation of property and evidence that is under the Department's control.

**N/A**

### **2-73-3 Definitions**

A. Bar Coded Evidence Analysis Statistical Tracking System (BEAST) Categories





1. The classification that is selected in the Property Evidence Management System (PEMS) that organizes evidence into one (1) of three (3) categories, including:
  - a. Evidence: Item(s) with an evidentiary value associated with a crime(s);
  - b. Found:
    - i. Item(s) that are found or abandoned will be held for a period of up to ninety (90) days or one (1) year for a firearm. These items may or may not have an evidentiary value.
    - ii. Department personnel shall use this category instead of the Destruction category.
  - c. Return to Owner: Item(s) that are found to have no evidentiary value and are being held for a period of up to ninety (90) days for the purpose of returning them to the owner.

**B. Crime Scene**

The location where a crime took place or an area containing evidence from a crime itself.

**C. Digital Evidence**

Data which is stored on electronic devices.

**D. Digital Image Video Recovery Team (DIVRT)**

A group of professional staff members ~~civilian personnel~~ who are specially trained in the techniques of digital data image recovery and seizure. The DIVRT conducts evidentiary searches of electronic media and reports the findings to the employee assigned to investigate the case.

**E. Digital Image Video Recovery Team (DIVRT) Toolkit**

A specialty kit used to document, remove, package, and transport digital evidence.

**F. Last Point of Contact**

The original custodian officer who transferred the custody of an individual to another officer. Once the transfer is completed, the original custodian officer will no longer have contact with the in-custody individual.

**G. Personal Protective Equipment (PPE)**

Protective clothing, helmets, goggles, or other garments or equipment designed to protect the wearer's body from injury or infection.

**H. Prohibited Items**



Food, drinks, anything subject to spoilage, and anything that poses a risk to evidence integrity or the safety of the evidence technician(s).

**H.I. \_\_\_\_\_ Property Evidence Management System (PEMS)**

The Department's digital evidence management software system used to tag, protect, and preserve evidence, and to maintain all non-evidentiary items.

**H.J. Tag**

The process of entering collected property and evidence into the PEMS for storage of the items stored at the Metropolitan Forensic Science Center (MFSC) (or "Crime Lab").

**7 2-73-4 Collection of Property and Evidence**

A. When feasible, Department personnel shall use proper personal protective equipment (PPE), including nitrile gloves, when collecting property and evidence.

**B. Money**

1. Department personnel shall be required to count any money that is collected in full view of their On Body Recording Device (OBRD).

a. This process shall ensure that the counting is in clear view and audible on the OBRD recording.

b. After counting, the money must be securely placed into a designated evidence bag, adhering to the Department's protocols for sealing and labeling.

2. When needed, if on-scene conditions do not permit, or the amount of money is too large to be counted effectively onsite, the supervisor of the rank of lieutenant or higher shall be notified, who can authorize relocation. OBRD recording shall continue until such time as the money is counted and placed into a designated evidence bag.

**C. Photographs**

1. When Department personnel take crime scene photographs, they shall take overall, mid-range, and close-up photographs of the crime scene, individuals, and evidence.

a. When needed, Department personnel shall take photographs with and without scales.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

2. Department personnel shall take photographs of the following incidents:

- a. All uses of force, including shows of force;
  - i. This includes any physical evidence related to lawful objectives, such as criminal trespass signs.
- b. Felony crimes where there is evidence to process;
- c. Fatal and serious injury vehicle crashes;
- d. Crashes involving City vehicles, including Department vehicles;
- e. All individuals charged with resisting arrest;
- f. All individuals charged with battery or aggravated battery on a police officer;
- g. Any injury of a police officer; and
- h. Damage to community member ~~civilian~~ property as a result of official police action.

3. Photographs of Victims and Individuals

- a. Unconscious Victims and Individuals
  - i. Department personnel may photograph unconscious individuals for the preservation of evidence, including inside medical facilities.
  - ii. Department personnel may photograph unconscious victims of a crime consistent with the following rules:
    - 1. Department personnel shall not take photographs of victims who, will be examined by a Sexual Assault Nurse Examiner (SANE), are children, and/or persons who are under guardianship.
    - 2. Department personnel shall not manipulate an unconscious victim's body, clothing, or coverings when taking the photograph.
    - 3. Department personnel may only take photographs of evidence that is in plain view.
- b. If Department personnel are photographing an unconscious person in a medical facility and medical personnel ask Department personnel who are taking photographs to stop, they shall stop.
  - i. Department personnel shall document in a Supplemental Report why photographs were not taken and, if feasible, the name of the medical facility employee who ~~that~~ ordered them to stop taking photographs.
- c. Department personnel do not need to obtain permission from in-custody individuals to photograph them.
  - i. When an in-custody individual refuses to cooperate, Department personnel may take photographs of the individual from a distance and shall document the circumstances in a Supplemental Report.

6

4. Photographs Following a Use of Force

- a. For all uses of force, with the exception of show of force, a Crime Scene Specialist (CSS) shall photograph:
  - i. Individual(s);
  - ii. Involved officer(s); and
  - iii. Any weapon systems used during the force incident.



- b. If circumstances arise where Department personnel cannot take photographs according to the Department's Standard Operating Procedure (SOP) or training, they shall document the circumstances in a Uniform Incident Report.

**D. Towing and Sealing of Vehicles**

1. CSS Unit or Major Crime Scene Team (MCST) personnel shall process the exterior of the vehicle and seal the vehicle for evidence processing.
  - a. Department personnel who process the vehicle shall follow the tow service to the MFSC to maintain the chain of custody.
2. Department personnel shall only have vehicles that are involved in a homicide, life-threatening injuries, criminal sexual penetration, or vehicles that require special tools for processing towed and stored at the MFSC.
3. The Department case agent must process vehicles within two (2) weeks.
  - a. If the vehicle is not processed within two (2) weeks, the MCST Detective shall have it towed to the original tow service company's yard.
4. After processing the vehicle, the Department case agent shall contact the original tow company to tow the vehicle to their yard.
  - a. Without permission from the Scientific Evidence Division (SED) Commander, Department personnel shall not release vehicles to the owner or responsible party from the MFSC.

**6 2-73-5 Tagging and Submission of Property and Evidence**

**A. Accountability for Property, Evidence, and Found Items**

1. Department personnel who collect property, evidence, and/or found items shall be responsible for the custody of these items until they have been tagged into the Evidence Room, substation drop boxes, or lockers.
2. Department personnel shall tag all items they have found, items for safekeeping, and evidentiary items using PEMS.
  - a. A supervisor's signature and completed log sheet ~~is~~ are required to authorize the use of hard copy evidence tags for exigent or unusual circumstances, such as PEMS outages.

**B. General Rules for Tagging**

1. When tagging items into the Evidence Room, Department personnel shall:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- a. Ensure that any items of evidence and safekeeping have been thoroughly searched to prevent the submission of prohibited and/or hazardous material that may compromise the safety and security of the evidence room, Evidence Unit personnel, and MFSC;:-
  - i. Prohibited items will only be entered into evidence when authorized by the SED Commander or their designee.
  - ii. Criminal charges will not be filed as a result of such safekeeping searches unless approved by the District Attorney's (DA) Office or City Attorney's Office. Any items of potential evidentiary value discovered during a search of safekeeping property shall be packaged and labeled independently.
- ~~a.b.~~ Tag all items of evidence, items for safekeeping, and found items into the Evidence Room by using PEMS as outlined in SOP Evidence Unit (refer to SOP for sanction classifications and additional duties), and deposit the items in a substation drop box by the end of the employee's shift;
  - i. Only due to exigent or unusual circumstances may a supervisor authorize exceptions to this; however, the evidence must be placed in a secure location within a police building, such as a safe, a locker, or a cabinet that can be secured under the direct control of the supervisor.
  - ii. Due to the nature of some evidence handling and processing, MCST and CSS are not required to have all evidence tagged into and submitted by the end of shift, but shall still follow the chain of custody rules.
    - 1. The evidence must be placed in a secure location within the Crime Lab, such as a safe, a locker, or a cabinet that can be secured under the direct control of the supervisor.
  - iii. The tagging employee shall seal all evidence tagged either in plastic or paper bags.
  - iv. The employee shall ensure that the sealed evidence bag has the initials of the employee tagging the items and the date across the seal written in permanent ink before placing the evidence in a locker.
  - v. Failure to place initials and date across the seal shall result in rejection of the evidence by Evidence Unit personnel.
- ~~b.c.~~ Seal all audiotapes and CD/DVD in a 6x9 manila envelope with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
- ~~c.d.~~ When acquiring and storing Images;:-
  - i. Capture images through digital cameras that are authorized by the MFSC Photography Unit;:-
  - ii. Archive and maintain images in their original state;:-
  - iii. Archive and maintain any digital evidentiary images in any format;:-
  - iv. Assume responsibility for transferring all images captured on temporary media to a CD-R at the completion of the call for service;:-
  - v. When establishing chain of custody for digital images, complete a film envelope and tag the envelope into evidence; and:-
  - vi. Never make copies of digital images for any unofficial use.
- ~~d.e.~~ Ensure that the evidence does not become intermingled with evidence from other cases;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- i. Department personnel shall obtain a case number and record it in the "Case #" field in PEMS or the appropriate location on the evidence tag.
- e.f. When tagging large and multiple items;
  - i. Secure items that will not reasonably fit in the evidence lockers at the area command in the Evidence Room that is located behind the lockers;
    - 1. Area Command Evidence Storage Room Security.
      - A. Area Commanders shall maintain a key log for this room.
      - B. Area Commanders and area command lieutenants shall be the only personnel who are issued keys, excluding Evidence Unit personnel, to the Evidence Room.
      - C. Responsibility for the keys shall not be delegated unless a sergeant is upgraded to acting lieutenant.
      - D. Duplicate keys shall not be made unless authorized by the Area Commander.
  - ii. Department personnel shall not force large items into lockers; and
  - iii. Department personnel shall immediately take fragile items or investigative evidence for urgent cases to the MFSC at 5350 Second Street NW.
- g. When evidence in a case involves multiple items such as televisions, computers, etc., in quantities exceeding ten (10) items, store the items in the Evidence Room behind the lockers;
- h. When large amounts of evidence requiring truck transport are recovered at a crime scene, for personnel who are tagging the items, contact the Emergency Communications Center (ECC) Dispatcher and request that the Evidence Unit Supervisor respond to the scene;
- i. Store ammunition in the lowest available empty locker; and
- j. Shall not tag perishable items, volatile/flammable liquids, fuels, and lighters as evidence.
  - i. If the item is needed for prosecution, Department personnel shall have it sampled and photographed by a CSS. After being photographed, Department personnel shall return the item to the owner or have it properly disposed.
  - ii. Department personnel do not need to tag used narcotic test kits.

**C. Use of PEMS for Tagging Items**

- 1. When tagging items into PEMS, Department personnel shall:
  - a. Include the appropriate case number;
  - b. Ensure all property and evidence is submitted to the Evidence Unit through the PEMS; ~~and~~
  - c. Completely fill out the mandatory PEMS entry fields in order for the entry to be valid; and ~~-~~
    - i. If the owner of the property or evidence is unknown, Department personnel shall not be listed as the owner or finder of the property or evidence. They shall list the owner or finder as "unknown".
  - d. Utilize the "evidence" designation within PEMS for all items collected as part of Serious Crimes, Homicide, or MATF Call-Out.





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- i. The disposition of these items, to include either destruction or release back to their owners, can only be authorized by the primary investigative detective overseeing the case.

**7**

**D. Drugs and Drug-Related Items**

**1. When tagging drugs and drug-related items, Department personnel shall:**

- a. Tag controlled substances separately from containers or packaging, when possible, and heat sealed in plastic bags with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
  - i. When tagging pills, capsules, etc., into evidence, tagging personnel shall count the individual pills and note the number on the evidence tag in the area designated "remarks" or the "Quantity" field on the PEMS screen.
- b. In cases where more than one (1) controlled substance is collected, the substances of the same type, such as cocaine, heroin, methamphetamine, and dry marijuana, shall be grouped into one (1), sealed, initialed plastic bag per substance type;
- c. Package and tag narcotics evidence separately from other items; and
  - i. Fentanyl in powder or pill form shall be double bagged by:
    1. Placing the fentanyl in a plastic bag and heat-sealing the bag. This will be bag one (1).
    2. Bag one (1) shall be placed into another plastic bag and heat-sealed.
    3. Only one (1) evidence tag is needed.
    4. The evidence tag shall be placed on the second evidence tag only.
  - ii. Fentanyl in pill form, if found in packaging, shall be double bagged in the packaging it was found.
  - iii. Fentanyl patches are to be treated as any other drug item. Packaged in plastic and heat sealed in one (1) bag.
  - iv. Red and black Fentanyl warning stickers are to be affixed to the outside of any packaging suspected to contain fentanyl.
  - v. The Investigative Support Division (ISD) is exempt from this process and shall adhere to their division SOP, but will follow the double bagging procedure and affix the red and black Fentanyl warning stickers.
  - vi. If there is a concern that an item has residual Fentanyl, it shall be packaged in plastic and heat sealed, to include latent packets.
- d. Secure green freshly pulled marijuana in a paper bag or box with an evidence tag attached to it and the words "Green or wet Marijuana" added in the remarks section of the tag or the "Weight Box" in the narcotics screen of PEMS.
  - i. Evidence Unit Technicians shall dry the marijuana.
  - ii. When the marijuana is dry, Evidence Unit Technicians shall notify the employee who tagged the marijuana to come to the main Evidence Room to package and seal it in plastic bags.
  - iii. Under no circumstances shall green, undried marijuana be placed into evidence in plastic bags or other sealed containers.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

2. Department personnel may place multiple syringes in a sharps container that is puncture-resistant when tagging them.
  - a. Department personnel shall place all sharp items in plastic tubes, which shall be heat-sealed in plastic bags.
3. Department personnel shall not tag drug manufacturing or agricultural equipment and chemicals such as grow lights and irrigation equipment as evidence.
  - a. If the item is needed for prosecution, Department personnel shall include instructions on how to photograph and destroy the item(s) on the search warrant.

**E. Medications**

1. When tagging medication, Department personnel shall:
  - a. With the expectation of medication being returned to the owner, tag it separately from other drugs or paraphernalia in its original container in a clear plastic bag;
    - i. When feasible, Department personnel shall not mix medication or store it in a bag outside the original container.
  - b. When tagging medications as found, or for safekeeping, tag it under the owner or finder's identification and contact information, including, but not limited to, the owner or finder's name, address, and phone number and enter it into the evidence history by tagging personnel; and.
  - c. When tagging prescription medication that belonged to a deceased individual and it was seized as part of the preliminary investigation, the medication is not to be released to the next of kin.
    - i. Upon completion of the investigation, Department personnel shall destroy the medication, consistent in accordance with SOP Evidence Unit.

**F. Jewelry**

1. When tagging jewelry, Department personnel shall:
  - a. Tag the jewelry separately from any other items;
  - b. Seal the jewelry in plastic bags; and
  - c. Itemize the jewelry in the description field of PEMS.

**6**

**G. Firearms**

1. When tagging firearms, Department personnel shall:
  - a. Heat-seal all firearms in plastic bags, with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
    - i. Firearms shall not be disassembled before being tagged.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-73 (Formerly 2-08)

CPOAB Draft 05/15/2025

- ii. Only one (1) firearm may be tagged per bag.
    - iii. Evidence tags for firearms shall be attached to the plastic bag.
  - b. Seal emptied magazines in small plastic bags and seal them in the plastic heat-sealed bag with the firearm;
    - i. If necessary, National Integrated Ballistic Information (NIBIN) Unit personnel shall complete the Laboratory Firearms Evidence Trace Request.
  - c. Use the plastic barrel plugs or ties that have been provided by the Evidence Unit to clear the chamber of firearms that are being tagged into evidence;
    - i. Pens or similar writing devices shall not be used to clear the chamber of firearms.
    - ii. Under no circumstances shall Department personnel use tape or metal wire of any kind to affix ammunition, magazines, or holsters to the firearm.
  - d. Properly categorize firearms that they have tagged into storage at the evidence warehouse within the PEMS by selecting one (1) of the following three (3) categories, including:
    - i. Evidence;
    - ii. Found; or
    - iii. Return to Owner.
  - e. Accurately enter all required information for firearms into the PEMS and shall ensure that it is properly categorized. The PEMS prompts the employee to fill out the sections on firearms and knives with any known information;
    - i. After completing this step, the system internally retains the information on firearms for a set period of time to allow for proper testing, evidence collection, and review by Department NIBIN personnel and Crime Gun Intelligence Center (CGIC) personnel.
      - 1. This excludes firearms that are tagged under the category of "Return to Owner" in the PEMS.
  - f. Tag pellet or ball bearing (BB) firearms the same as regular evidence;
    - i. Pellet or BB firearms shall be tagged by affixing the evidence tag directly to the plastic bag.
    - ii. Pellet or BB firearms shall be noted as "toy gun".
  - g. Tag unfired ammunition and/or fired cartridge casings that are found in the firearm magazine or cylinder separate from the firearm and packaged separately; and
  - h. Submit fired cartridge casings for the NIBIN System in the following manner:
    - i. Collect all fired cartridge casings; and
    - ii. ~~If Department personnel suspect a recovered firearm is involved in other shootings, with or without casings, they shall submit a Request for Forensic Service form for the recovered firearm to be examined;~~
    - iii. ii. If an investigative lead is made, a Request for Forensic Service form is required from the Firearms and Tool Marks Unit (FATM) for further analysis. The submitting personnel shall receive a copy of the report; ~~and~~
    - iv. ~~These guidelines ensure the NIBIN System operates properly and presents Department personnel with information that assists in the investigation(s).~~
- 2. Department personnel shall not tag or store black powder in evidence lockers at the area commands.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- a. Department personnel shall give black powder to Evidence Unit personnel. Once Evidence Unit personnel receive the black powder, it is turned over to the Department's Bomb Squad.
3. Department personnel shall not dismantle any firearm, such as removing the slide or any other internal parts.
  - a. Dismantling a firearm restricts the NIBIN/CGIC testing processes.
  - b. Rendering the firearm(s) safe for tagging purposes is still required as indicated in this ~~Standard Operating Procedure (SOP)~~.
4. Supervisors shall ensure when reviewing Uniform Incident Reports that any recovered firearm(s) are tagged into storage at the evidence warehouse as described in this SOP.
  - a. Evidence Unit personnel use information about firearms within a Uniform Incident Report for the purpose of tracking, retaining, and disposing of firearms.

**H. Knives**

1. When tagging knives, Department personnel shall:
  - a. Close pocket or folding knives, when possible;
  - b. Keep hunting knives in the knife sheath unless trace evidence may be destroyed; and
  - c. Protect the edges of long knives, razor blades, and any other objects with sharp cutting edges by covering the edge with cardboard or other suitable material and with the material taped securely into place to prevent accidental injury.

**I. Money**

1. When tagging money, Department personnel shall:
  - a. Separate any money, regardless of the amount, from any other item and seal it in a plastic bag with the initials of the employee who is tagging the items and the date across the seal written in permanent ink; and
  - b. Tag and deposit all money, regardless of amount, in an area command evidence locker or mail-type drop box.
2. Department personnel shall not tag money as an item for safekeeping without the owner or finder's name, address, and phone number.
  - a. Found money shall be tagged as "unknown" in the owner field of PEMS.
3. Department personnel may not tag money as evidence unless instructed to do so by the case agent.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-73 (Formerly 2-08)

CPOAB Draft 05/15/2025

- a. Tagging money for evidentiary purposes on narcotics-related offenses is not authorized unless the probability of federal prosecution and federal forfeiture action has been established.
- b. For consideration for forfeiture, the Department's policy is to adopt a minimum threshold of \$2,500.

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J. Personal Electronic Devices

1. When tagging personal electronic devices, Department personnel shall
  - a. Make efforts to ensure all personal electronic devices are disconnected from transmitting or receiving any electronic data;
  - b. Be heat sealed inside a standard plastic evidence bag with the initials of the employee who is tagging the items and the date across the seal written in permanent ink; and
  - c. Only tag one (1) device per bag.

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K. Safekeeping Property

1. Department personnel may tag property into PEMS as safekeeping when:
  - a. They have exhausted all other possibilities of disposing of the property;
  - b. The owner is known; and/or ~~and/or~~  
—The owner has a permanent mailing address; and/or  
c.
- ~~2.~~ The Department personnel shall utilize the Return to Owner category when tagging items for safekeeping.
- ~~2.3.~~ Evidence Unit personnel shall not accept contraband for safekeeping.
- ~~3.4.~~ Department personnel may leave objects or articles of a non-evidentiary nature with next of kin or secured at the scene at the time of the preliminary investigation.
  - a. Property items taken into police custody shall be tagged into evidence for safekeeping.
- ~~4.5.~~ Department personnel shall document in their Uniform Incident Report when the property was left with next of kin at the scene, tagged into evidence, or disposed of due to safety or health concerns.
  - a. Department shall run their ~~On-Body Recording Device (OBRD)~~ when disposing of property due to safety or health concerns.



5.6. Evidence Unit personnel shall not release items tagged for safekeeping to anyone other than the court or a person authorized to receive them by either a court order or the Department employee who tagged the item.

L. Office of the Medical Investigator (OMI)

a. The OMI is responsible for all evidence on the body of a deceased person.

**5 2-73-6 Viewing and Checking Out Evidence**

A. Viewing and Checking Out Evidence from the Evidence Unit

1. Department personnel shall:

- a. When they need items of evidence for court, notify the Evidence Unit within twenty-four (24) hours or one (1) working day prior to the anticipated court date;
- b. Capture all information about the viewing and releasing of evidence in the PEMS;
- c. Have an official interest in the evidence and present proper identification to view or check out evidence from the Evidence Unit;
  - i. The Department employee's immediate supervisor shall receive notice when the checked-out property is not returned, or a signed Metro/Property Court Receipt is not returned to the Evidence Unit after three (3) working days.
- d. Be responsible for the chain of custody of all evidence checked out for court appearances; and
  - i. At no time shall the evidence be out of the immediate control of the officer or authorized court personnel.
  - ii. Evidence that was taken to court that was admitted into court as evidence must be documented on a Metro/Property Evidence Court Receipt or similar form and returned to the Evidence Unit at the completion of the case.
  - iii. Evidence in cases covering extended periods of time shall be checked back into evidence or temporarily secured in the court's evidence storage area pending the completion of the case.
- e. Direct all questions from the public about items in evidence to the Evidence Unit
  - i. The public shall be advised to contact the Evidence Unit at (505) 823-4600 before proceeding to the MFSC.

2. The ~~District Attorney's~~ (DA's) Office shall specifically state which items, if any, may be opened for inspection when they approve evidence viewings.

- a. Any items not specifically listed may be visually inspected; however, no packaging shall be opened or removed.
- b. No personal electronic devices shall be turned on and/or manipulated to view any data without explicit permission from the DA's Office.

3. The following documentation is required for people other than Department personnel to view evidence:





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- a. A court order signed by a judge;
  - b. Authorization from the City Attorney, Department Attorney, or the DA's Office; or
  - c. Authorization from the Metropolitan Court Liaison Office on officer prosecution cases.
4. Department personnel wanting to view or check out evidence shall make an appointment with the Evidence Unit seventy-two (72) hours or three (3) working days before the viewing and/or checking out of the items.

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**B. Examination of Evidence by Outside Agencies**

1. When necessary, it is the responsibility of Department personnel who collect the evidence to tag, package, and send such items to other agencies for examination.
  - a. The MCST Team shall assist in whatever way possible to ensure that the proper procedures are followed by the responsible officer.

**6**

**2-73-7**

**Disposition of Evidence**

**A. General Guidelines**

1. Evidence Unit personnel shall follow the requirements outlined in state statutes and shall require disposition authority from either the DA's Office, the City Legal Department, the investigating officer, and/or a Department supervisor or Bernalillo County Sheriff's Office (BCSO) supervisor, as appropriate, before disposing of property or evidence that is held by the Department.
2. The investigating officer or their supervisor must authorize the disposal of evidence for felony cases in which the District Attorney's A's Office has indicated they will not pursue adjudication.
3. When the original or tagging officer is no longer with the Department or BCSO, the appropriate area commander shall complete the Disposition Review Letter through a Department Memorandum indicating the disposition of evidence.
  - a. Investigating sworn personnel must authorize the release of evidence in felony cases that is acceptable to the DA to release or dispose of.
  - b. Sworn personnel must report the disposition of all cases when returning evidence to the Evidence Unit and indicate that the evidence is no longer needed.
    - i. Evidence Unit personnel shall send requests for the status of cases to sworn personnel on cases that have met statutory requirements or have received authorization from the DA to dispose of the related evidence.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-73 (Formerly 2-08)

CPOAB Draft 05/15/2025

N/A

- ii. Sworn personnel shall advise Evidence Unit Technicians that the items in question are to be disposed of, or they shall identify the detective who assumed investigative responsibility for the case.
  - iii. If an item is to be retained, the officer shall advise Evidence Unit personnel of the case status.
  - iv. The retain date provided by the officer shall be considered the officer's authorization for final disposition processing when it is acceptable to the DA or has met the statutory requirements.
  - v. If after fifteen (15) calendar days, the officer does not respond to the request for a status from Evidence Unit personnel, the officer shall consider the request as being unacknowledged and report it to their immediate supervisor.
  - vi. Each fifteen (15) day period after the request goes unacknowledged, a request for a status shall be sent to the next level in the officer's chain of command.
  - vii. If the request goes unacknowledged through the rank of Commander, Evidence Unit personnel shall assume that the evidentiary items that are the subject of the request are no longer needed. Any misdemeanor evidence may be disposed of, consistent in accordance with SOP Evidence Unit ~~(refer to SOP Evidence Unit for sanction classifications and additional duties).~~
4. Department personnel who are separating from City employment are required to meet with Evidence Unit personnel before their departure.
- a. Department personnel must supply the Evidence Unit Manager with case disposition on all cases involving items of evidence tagged throughout the employee's career.
    - i. The Evidence Unit Manager shall not sign off on the Out-Processing form unless this process is complete.
    - ii. Failure to complete the process may result in the delay of the employee's departure process.
    - iii. When the employee who originally tagged the evidence is unknown, or is no longer employed with the Department, the area command where the incident took place shall assume evidence disposition responsibility.
    - iv. The last known area commander or their designee shall be sent a Disposition Review Letter requesting them to research the case the evidence was tagged for and determine if it can be disposed of.
    - v. The Evidence Unit requires a supervisor's authority to dispose of evidence that was tagged by an employee who no longer works for the Department. The supervisor authorizing the disposition shall complete the research and return the Disposition Review Letter to the Evidence Unit.

B. Disposition of Found Items

- 1. Department personnel shall:
  - a. Attempt to identify the owner and return the property; and



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- b. If contact with the owner cannot be made during their work shift, they shall tag the item into evidence as a found item.
  2. Department personnel shall obtain pertinent information from the finding party, including their name, address, and phone number.
    - a. This information shall be listed on the evidence tag or entered into PEMS.
    - b. If contact is made with the owner after the item has been tagged into evidence, Department personnel shall provide the owner the case number to assist them in the return of the item. Officers shall then email [APDEVIDENCE@cabq.gov](mailto:APDEVIDENCE@cabq.gov) with the owner's information (name, address, date of birth), the APD case number# and item #'s to be updated in PEMS.
  3. When unclaimed personal property, excluding firearms, has been left in the possession of the Department and has remained unclaimed by the true owner for more than ninety (90) days, Evidence Unit personnel shall notify the finder by mail, and advise them that they may take possession of the property within ninety (90) days.
    - a. If the property is not claimed by the finding party within ninety (90) days, it shall be disposed of as provided by law.

**C. Authority to Release or Dispose of Case Evidence**

1. After a case has been assigned to a detective or case agent, the original officer relinquishes authority for that case.
  - a. The detective or case agent who assumes investigative responsibility for the case shall have the authority to release or dispose of case evidence.
  - b. If the detective or case agent is not listed in PEMS, they shall provide Evidence Unit personnel with documentation showing the authority to release or dispose of the evidence.

**2**

2. Sworn personnel shall not mislead Evidence Unit personnel into believing they have the authority to dispose of evidence when, in fact, they do not.
    - a. Sworn personnel shall not sign off to release or dispose of evidence as a favor to friends or community members.
    - b. If a request is made by community members or as favors to friends to release evidence, the officer shall instruct the person(s) to contact the detective or case agent in charge of the case.

**D. Evidence Disposition Guidelines**

1. Evidence Unit personnel shall retain custody of:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

- a. Felony evidence involving homicides, vehicular homicides, all sex crimes, child abuse involving great bodily harm, including deoxyribonucleic acid (DNA) samples from questionable suicides, if available, indefinitely, unless clear disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
- b. Evidence for sex crimes involving sexual assault evidence kits (SAEK), including juvenile matters, indefinitely, unless clear disposition authorization is obtained from a judicial authority;
- c. Felony evidence for sex crimes that do not involve SAEKs indefinitely, unless clear disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
- d. Misdemeanor evidence involving sex crimes that do not involve SAEKs and have been in the custody of the Evidence Unit for five (5) years. A juvenile victim who has reached eighteen (18) years old plus one (1) year if such a victim exists, and has no outstanding arrest warrants for defendant/co-defendant shall be reviewed and approved for disposition by the assigned case agent or an Investigative Bureau supervisor, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
- e. Felony evidence that has been in the custody of the Evidence Unit for the term of the statute of limitations of the respective charge(s) (e.g., ten (10) years for a second-degree felony) and has no outstanding arrest warrants for the defendant/co-defendant shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
- f. Misdemeanor evidence involving domestic violence, ~~Driving While Intoxicated (DWI)~~, or sex crimes that has been in the custody of the Evidence/Disposition Unit for five (5) years and has no outstanding arrest warrants for the defendant and/or /co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
- g. Misdemeanor evidence that has been in the custody of the Evidence Unit for three (3) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
- h. Suicide evidence involving a DNA sample shall be retained in the custody of the Evidence Unit indefinitely, unless clear disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority; and
- i. Suicide evidence that does not involve a DNA sample and has been in the custody of the Evidence Unit for three (3) years shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority: and



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-73 (Formerly 2-08)**

**CPOAB Draft 05/15/2025**

i. All Driving While Intoxicated (DWI) case evidence, regardless of the statute of limitations and case dispositions, will be retained. DWI evidence shall not be destroyed and/or disposed of, nor returned, unless authorized by the Deputy Chief overseeing the Crime Lab.

2. Department personnel shall process property for safekeeping, and found property for disposition per state statutes.
  - a. In the case of firearms in the process of being disposed of, Evidence Unit personnel are authorized to open packages to verify serial numbers through the National Crime Information Center (NCIC) database prior to destroying the firearms.

E. Amending Evidence Tags

1. If Department personnel tagged an item into evidence for safekeeping or as a found item, then it is later determined to be stolen, the tagging officer must notify the Evidence Unit of the updated information.

**7 2-73-8 Digital Image Video Recovery Team (DIVRT)/Regional Computer Forensics Laboratory (RCFL) Task Force Officer (TFO)**

A. DIVRT/RCFL TFO personnel shall:

1. Collect digital evidence in connection with criminal investigations and/or searches;
2. Seize all digital evidence according to the procedures that ensure the integrity of the seized items;
3. Tag seized items as evidence or turn them over to the case agent; and
4. Attempt to extract digital evidence from electronic devices.

B. Department personnel shall make requests for digital extraction through the DIVRT/RCFL TFO.



## **2-76 COURT**

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

#### **A. Related SOP(s)**

1-31 Court Services Unit (Formerly 2-06 and 8-14)

#### **B. Form(s)**

State of New Mexico Bernalillo County Metropolitan Court Motion for Continuance (CR-030)

#### **C. Other Resource(s)**

ROA 1994, § 3-3-4 Gifts and Donations Prohibited

#### **D. Rescinded Special Order(s)**

SO 24-178 Amendment to SOP 2-76 Court

### **2-76-1 Purpose**

The purpose of this policy is to detail the procedures and expectations for Albuquerque Police Department (Department) personnel while appearing and testifying at a court hearing.

### **2-76-2 Policy**

It is the policy of the Department to ensure that Department personnel are properly notified about appearing and testifying at court and Motor Vehicle Division (MVD) hearings to ensure that they appear at the scheduled times and that they are properly prepared and attired.

### **N/A 2-76-3 Definitions**

None

### **6 2-76-4 Procedures**

#### **A. Notification of Court Appearances**

##### **1. Department personnel shall:**

- a. Check the Court Docket that is posted on SharePoint each work week; and
- b. Check their email for any subpoena or court hearing notices.





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

2. Defense attorney subpoenas will be served to Department personnel through the Court Services Unit. If Department personnel are served by a defense attorney in person, they shall accept and notify the Court Services Unit.
3. Notifications to Courts of Vacation, Leave Time, or Schedule Changes
  - a. Department personnel must submit an online Court Services Request Leave form to Court Services Unit personnel a minimum of thirty (30) calendar days before taking an extended amount of leave or attending training.
    - i. Department personnel are prohibited from submitting more than four (4) consecutive weeks leave requests for their regular days off without approval from their chain of command.
    - ii. Department personnel shall notify the United States Attorney's Office to reschedule any cases pending in the U.S. District Court.
    - iii. If Department personnel do not submit the online Court Services Request Leave form a minimum of thirty (30) calendar days before taking extended leave or attending training, they shall not be relieved of their responsibility to appear in court when they have been properly notified.
    - iv. Department personnel are permitted to submit a Court Services Request Leave form for a short period of leave of one (1) day within one (1) business day before taking the leave, when they have verified no court is scheduled on the day requested, prior to taking the short notice leave.
  - b. Department personnel shall notify Court Services Unit personnel of permanent schedule changes.
    - i. Department personnel shall notify Court Services Unit personnel of extended temporary duty (TDY) assignments or schedule changes over forty-five (45) days.

N/A

**B. Logging Out for Court Appearances**

1. On-duty Department personnel shall log on to their Mobile Dispatch Terminal (MDT) when en route to a court hearing and shall clear when the hearing is complete.
2. Off-duty Department personnel who are en route to a court appearance shall log on with a court-out status (10-92) and shall specify the court at which the hearing will be held.

**C. Courtroom Attire and Securing Weapons**

1. For U.S. District Court and Second Judicial District Court hearings:
  - a. Department personnel shall appear in formal business attire, which may include a suit; or



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

- b. Department personnel may wear their Department-approved duty uniform in an emergency only, with authorization from the court and at a preliminary hearing.
2. For Bernalillo County Metropolitan Court hearings, MVD hearings, pretrial interviews, and the Second Judicial Children's Court:
  - a. Department personnel may appear in semi-formal business attire, which may include business attire or a suit. Suit jackets are optional; or
  - b. Department personnel may wear the Department-approved duty uniform unless they are appearing for personal reasons that are unrelated to their official duties.
3. Upon entering any courthouse, when required, sworn personnel shall secure all firearms in a lock box at the courthouse's security checkpoint.
  - a. However, sworn personnel who are responding to a call for service or an emergency at the courthouse or when they are assigned to the courthouse are exempt from this requirement.

**D. Expert Witness Fees for Testimony in Civil Cases**

1. Only Department personnel who are named in a subpoena for a civil case shall accept service of the subpoena. Civil subpoenas may only be served in person to the employee named in the subpoena.
  - a. Department personnel who fail to obey a subpoena may be considered in contempt of court.
  - b. Department personnel shall accept service of civil case subpoenas naming them, whether or not fees are attached.
2. If the civil case involves a pending claim or lawsuit against Department personnel, the Department, or the City of Albuquerque, or if Department personnel believe that there may be a potential liability, Department personnel shall notify the Risk Management Division within twenty-four (24) hours of being subpoenaed.
- 5 3. Department personnel who appear in civil court during their normal duty hours shall endorse the offered check as "Payable to the City of Albuquerque Only". Department personnel shall then give the check and the subpoena to City of Albuquerque Fiscal Division personnel in City Hall.
- 5 4. If Department personnel are no longer required to appear in court, any checks received shall be returned to the issuing party.
- 5 5. Department personnel who appear in civil court while off-duty may either keep the check or submit overtime in the same manner as for other court overtime. If the employee elects to submit overtime, they shall endorse the offered check as "Payable to the City of Albuquerque Only". Department personnel shall then give



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

the check and the subpoena to City of Albuquerque Fiscal Division personnel in City Hall.

**E. Contact with Attorneys**

**1. Criminal Cases**

- a. For any and all criminal cases in which an arrest has been made and/or pending in court, all communication between involved sworn personnel and defense counsel shall be coordinated through the District Attorney's (DA) Office or other relevant prosecuting authority.
  - i. For purposes of this subsection, involved sworn personnel includes the arresting officer and any officer listed on the State's witness list.
  - ii. For cases in which an arrest has been made, or the matter is currently pending, sworn personnel shall notify the DA's Office of any contact from a defense attorney outside of court and outside of the presence of DA's Office personnel. Sworn personnel shall also immediately notify a supervisor.
  - iii. This provision does not apply to officer-prosecuted cases in Bernalillo County Metropolitan Court, unless the DA's Office files an entry of appearance.
  - iv. This provision is not meant to interfere with otherwise valid court orders, to include subpoenas.
- b. Pursuant to § 3-3-4 of the Revised Ordinances of Albuquerque, 1994, receipt of gifts or favors by City employees in exchange for the performance or non-performance of duties is prohibited. Sworn personnel are further prohibited from receiving gifts or favors from attorneys handling criminal cases in which the officer appeared as a witness, and regardless of whether the criminal case is pending or closed.

**2. Civil Cases**

- a. When Department personnel are contacted by private attorney(s) on civil cases in which the City of Albuquerque has no interest, Department personnel shall:
  - i. Refer the attorney(s) to the relevant Uniform Incident Reports;
  - ii. If the attorney insists on discussing the case without the benefit of a court-directed deposition, refer the attorney to the Risk Management Division for discussion with the City Legal Department; and
  - iii. If the City Legal Department approves an informal conference between Department personnel and the private attorney, Risk Management Division personnel shall notify the employee and the following guidelines shall apply.
    1. On-duty Department personnel may respond to short questions from private attorneys by telephone, whenever possible.
    2. If a telephone conference is not sufficient, Department personnel may schedule a conference with the private attorney.
      - A. Department personnel shall follow the procedures for expert witness fees outlined in this Standard Operating Procedure.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

**F. Court, Pretrial, MVD Hearing Attendance, and Missed Court**

1. All Department personnel directed to appear in court hearings, pretrial interviews, or MVD hearings shall appear and be prepared to testify. A special court notice, the posted court, and MVD hearing notices, or subpoenas are considered an order to appear.
  - a. Department executive personnel shall grant an exception to the requirement to appear for such hearings if the employee is needed elsewhere for the betterment of the Department. Department executive personnel shall review each exception on a case-by-case basis and determine the precedence the exception holds over the hearing in question.
  - b. Department personnel shall wait for the Defense Attorney(s) to arrive for Metropolitan Court pretrial hearings for fifteen (15) minutes from the time of the scheduled hearing.
  - c. If an attorney calls to inform Department personnel that they will be late, they shall wait an additional fifteen (15) minutes if they are not expected in another court case. The same expectation shall be requested of defense attorney(s) when Department personnel inform the attorney(s) that they will be late.
  - d. Department personnel shall arrive at or before their court case or hearing's scheduled time.
  - e. Department personnel shall abide by all court rules and regulations when appearing for court.
  - f. Department personnel shall log on with a court-out status (10-92), specify the court in attendance, and shall indicate the case number in the Computer-Aided Dispatch (CAD) entry comments section.
  - g. When Department personnel attend Metro Court virtually, they are responsible for checking in through the Metro Court Check-in kiosk. To access the virtual kiosk, type <https://app.metrocourt.state.nm.us/officercheckinkiosk/#/> in your toolbar. Department personnel will sign into the system using the APD universal login:  
User: metrocheckin@cabq.gov  
Password: APDcheckin!1
2. When Department personnel receive more than one (1) court notification requiring concurrent appearances, the higher court notice shall take precedence over the lower court(s). In addition, court hearings shall take precedence over MVD hearings.
3. When Department personnel are notified of a conflicting hearing of a higher court, they may notify Court Services Unit personnel of the conflict and shall attend the higher court hearing.
4. Priority of attendance is as follows:
  - a. U.S. District Court;
  - b. Second Judicial District Court;



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

- c. Felony DA pretrial interviews;
  - d. Bernalillo County Metropolitan Court;
  - e. Misdemeanor pretrial interviews;
  - f. Children's Court;
  - g. MVD hearings; and
  - h. All other notices or interviews.
5. When Department personnel are scheduled for court or MVD hearings and are unable to appear or will be late due to unforeseen conditions, they shall notify Court Services Unit personnel or court personnel at the earliest possible time and before the scheduled appearance. Failure of Department personnel to properly notify Court Services Unit personnel or court personnel of their absence from or tardiness for a court hearing shall be considered failing to attend the hearing.
6. When Department personnel contact Court Services Unit personnel and get their voicemail, they shall leave a message on the voicemail system to include their name, man number, the court hearing information, and the reason they are unable to attend the court hearing.
- a. For Bernalillo County Metropolitan Court, U.S. District Court, and Second Judicial District Court notifications, Department personnel shall notify Court Services Unit personnel on the scheduled court day only.
    - i. Court Services Unit personnel shall notify the appropriate court personnel.
  - b. For grand jury notifications or preliminary hearings, Department personnel shall:
    - i. Notify the presenting Assistant DA of their absence and any witness change; and
    - ii. When available, inform the Assistant DA of an officer who was involved in the case that may be able to testify on their behalf.
  - c. For U.S. District Court notifications, Department personnel shall notify the United States Attorney's Office or shall notify the presenting federal Assistant DA Monday through Friday, 0800 to 1700 hours.
7. Sworn personnel may be excused for missing a court hearing for certain reasons including, but not limited to:
- a. They are ill or have a family emergency; and
    - i. Supervisors, at their discretion, may require a doctor's note if personnel call in sick for court.
  - b. They are on a call for service and are unable to attend the court hearing.
    - i. Department executive personnel may grant an exception if the employee is needed elsewhere for the betterment of the Department.
    - ii. Department executive personnel shall review each exception on a case-by-case basis and determine the precedence the exception holds over the hearing in question.
8. Court Continuances



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

- a. Officer Prosecuted Cases:
  - i. Department personnel requesting a continuance of less than twenty (20) days shall be responsible for contacting defendants or their counsel for objection as required by the Bernalillo County Metropolitan Court.
    - 1. Department personnel shall not submit a continuance fewer than five (5) working days before the scheduled court hearing.
  - ii. Department personnel may obtain a Motion for Continuance form from Court Services Unit personnel.
- b. Criminal Cases (Felonies, DWIs, and Domestic Violence):
  - i. Department personnel requesting a continuance with less than twenty (20) days shall contact the assigned prosecutor.

9. Sworn personnel are prohibited from purposefully missing court as follows:

4

- a. At the request of another individual, to include another officer in order to benefit that officer's family or friend, or at the request of an attorney or defendant; or
- b. In exchange for money, gifts, or anything of value.

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G. Jury Duty Fees

- 1. Department personnel who are called for jury duty shall be paid their regular salary while serving.
- 2. Department personnel shall relinquish any payments that they receive for serving jury to City Fiscal Division personnel.

H. Conflict of Interest Testimony

- 1. Department personnel who are subpoenaed to testify in a court case in which they have not been involved in as a witness, victim, investigator, or reporting officer shall determine the nature of the testimony.
  - a. If it appears that the employee will be asked to testify about Department personnel, the Department, or an outside law enforcement agency, they shall contact Risk Management Division personnel before giving any testimony or being deposed.

N/A

- I. Court Services Unit personnel shall send case files for officer prosecution to the officer, in accordance with SOP Court Services Unit (refer to SOP Court Services Unit for sanction classifications and additional duties).





## **2-76 COURT**

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

#### **A. Related SOP(s)**

1-31 Court Services Unit (Formerly 2-06 and 8-14)

#### **B. Form(s)**

State of New Mexico Bernalillo County Metropolitan Court Motion for Continuance (CR-030)

#### **C. Other Resource(s)**

ROA 1994, § 3-3-4 Gifts and Donations Prohibited None

#### **D. Rescinded Special Order(s)**

SO 24-178 Amendment to SOP 2-76 Court None

### **2-76-1 Purpose**

The purpose of this policy is to detail the procedures and expectations for Albuquerque Police Department (Department) personnel while appearing and testifying at a court hearing.

### **2-76-2 Policy**

It is the policy of the Department to ensure that Department personnel are properly notified about appearing and testifying at court and Motor Vehicle Division (MVD) hearings to ensure that they appear at the scheduled times and that they are properly prepared and attired.

N/A

### **2-76-3 Definitions**

None

6

### **2-76-4 Procedures**

#### **A. Notification of Court Appearances**

##### **1. Department personnel shall:**

- a. Check the Court Docket that is posted on SharePoint each work week; and
- b. Check their email for any subpoena or court hearing notices.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-76 (Formerly 2-01)

CPOAB Draft 05/29/2025

2. Defense attorney subpoenas will be served to Department personnel through the Court Services Unit. If Department personnel are served by a defense attorney in person, they shall ~~must~~ accept and notify the Court Services Unit.
3. Notifications to Courts of Vacation, Leave Time, or Schedule Changes
  - a. Department personnel must submit an online Court Services Request Leave form to Court Services Unit personnel a minimum of ~~thirty-two~~ (32) calendar days before taking an extended amount of leave or attending training.
    - i. Department personnel are prohibited from submitting more than four (4) consecutive weeks leave requests for their regular days off without approval from their chain of command.
    - ii. Department personnel shall notify the United States Attorney's Office to reschedule any cases pending in the U.S. District Court.
    - iii. If Department personnel do not submit the online Court Services Request Leave form a minimum of ~~thirty-two~~ (32) calendar days before taking extended leave or attending training, they shall not be relieved of their responsibility to appear in court when they have been properly notified.
    - iv. Department personnel are permitted to submit a Court Services Request Leave form for a short period of leave of one (1) day within one (1) business day before taking the leave, when they have verified no court is scheduled on the day requested, prior to taking the short notice leave.
  - b. Department personnel shall notify Court Services Unit personnel of permanent schedule changes.
    - i. Department personnel shall notify Court Services Unit personnel of extended temporary duty (TDY) assignments or schedule changes over forty-five (45) days.

N/A

B. Logging Out for Court Appearances

1. On-duty Department personnel shall log on to their Mobile Dispatch Terminal (MDT) when en route to a court hearing and shall clear when the hearing is complete.
2. Off-duty Department personnel who are en route to a court appearance shall log on with a court-out status (10-92) and shall specify the court at which the hearing will be held.

C. Courtroom Attire and Securing Weapons

1. For U.S. District Court and Second Judicial District Court hearings:
  - a. Department personnel shall appear in formal business attire, which may include a suit; or



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

- b. Department personnel may wear their Department-approved duty uniform in an emergency only, with authorization from the court and at a preliminary hearing.
  2. For Bernalillo County Metropolitan Court hearings, MVD hearings, pretrial interviews, and the Second Judicial Children's Court:
    - a. Department personnel may appear in semi-formal business attire, which may include business attire or a suit. Suit jackets are optional; or
    - b. Department personnel may wear the Department-approved duty uniform unless they are appearing for personal reasons that are unrelated to their official duties.
  3. Upon entering any courthouse, when required, sworn personnel shall secure all firearms in a lock box at the courthouse's security checkpoint.
    - a. However, sworn personnel who are responding to a call for service or an emergency at the courthouse or when they are assigned to the courthouse are exempt from this requirement.

**D. Expert Witness Fees for Testimony in Civil Cases**

1. Only Department personnel who are named in a subpoena for a civil case shall accept service of the subpoena. Civil subpoenas may only be served in person to the employee named in the subpoena.
  - a. Department personnel who fail to obey a subpoena may be considered in contempt of court.
  - b. Department personnel shall accept service of civil case subpoenas naming them, whether or not fees are attached.
2. If the civil case involves a pending claim or lawsuit against Department personnel, the Department, or the City of Albuquerque, or if Department personnel believe that there may be a potential liability, Department personnel shall notify the Risk Management Division within twenty-four (24) hours of being subpoenaed.
- 5 3. Department personnel who appear in civil court during their normal duty hours shall endorse the offered check as "Payable to the City of Albuquerque Only". Department personnel shall then give the check and the subpoena to City of Albuquerque Fiscal Division personnel in City Hall.
- 5 4. If Department personnel are no longer required to appear in court, any checks received shall be returned to the issuing party.
- 5 5. Department personnel who appear in civil court while off-duty may either keep the check or submit overtime in the same manner as for other court overtime. If the employee elects to submit overtime, they shall endorse the offered check as "Payable to the City of Albuquerque Only". Department personnel shall then give



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

the check and the subpoena to City of Albuquerque Fiscal Division personnel in City Hall.

E. Contact with Attorneys

1. Criminal Cases

- a. For any and all criminal cases in which an arrest has been made and/or pending in court, all communication between involved sworn personnel and defense counsel shall be coordinated through the District Attorney's (DA) Office or other relevant prosecuting authority.
- i. For purposes of this subsection, involved sworn personnel includes the arresting officer and any officer listed on the State's witness list.
- ii. For cases in which an arrest has been made, or the matter is currently pending, sworn personnel shall notify the District Attorney's Office of any contact from a defense attorney outside of court and outside of the presence of District Attorney's Office personnel. Sworn personnel shall also immediately notify a supervisor.
- iii. This provision does not apply to officer-prosecuted cases in Bernalillo County Metropolitan Court, unless the District Attorney's Office files an entry of appearance.
- iv. This provision is not meant to interfere with otherwise valid court orders, to include subpoenas.
- a. Pursuant to § 3-3-4 of the Revised Ordinances of Albuquerque, 1994, receipt of gifts or favors by City employees in exchange for the performance or non-performance of duties is prohibited. Sworn personnel are further prohibited from receiving gifts or favors from attorneys handling criminal cases in which the officer appeared as a witness, and regardless of whether the criminal case is pending or closed. When Department personnel are contacted by defense attorneys on criminal cases, they shall notify the District Attorney's Office of any request.

b.

2. Civil Cases

- a. When Department personnel are contacted by private attorney(s) on civil cases in which the City of Albuquerque has no interest, Department personnel shall:
- i. Refer the attorney(s) to the relevant Uniform Incident Reports;
- ii. If the attorney insists on discussing the case without the benefit of a court-directed deposition, refer the attorney to the Risk Management Division for discussion with the City Legal Department; and
- iii. If the City Legal Department approves an informal conference between Department personnel and the private attorney, Risk Management Division personnel shall notify the employee and the following guidelines shall apply.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

1. On-duty Department personnel may respond to short questions from private attorneys by telephone, whenever possible.
2. If a telephone conference is not sufficient, Department personnel may schedule a conference with the private attorney.
  - A. Department personnel shall follow the procedures for expert witness fees outlined in this Standard Operating Procedure.

**F. Court, Pretrial, MVD Hearing Attendance, and Missed Court**

1. All Department personnel directed to appear in court hearings, pretrial interviews, or MVD hearings ~~shall~~<sup>must</sup> appear and be prepared to testify. A special court notice, the posted court, and MVD hearing notices, or subpoenas are considered an order to appear.
  - a. Department executive personnel shall grant an exception to the requirement to appear for such hearings if the employee is needed elsewhere for the betterment of the Department. Department executive personnel shall review each exception on a case-by-case basis and determine the precedence the exception holds over the hearing in question.
  - b. Department personnel shall wait for the Defense Attorney(s) to arrive for Metropolitan Court pretrial hearings for fifteen (15) minutes from the time of the scheduled hearing.
  - c. If an attorney calls to inform Department personnel that they will be late, they shall wait an additional fifteen (15) minutes if they are not expected in another court case. The same expectation shall be requested of defense attorney(s) when Department personnel inform the attorney(s) that they will be late.
  - d. Department personnel shall arrive at or before their court case or hearing's scheduled time.
  - e. Department personnel shall abide by all court rules and regulations when appearing for court.
  - f. Department personnel shall log on with a court-out status (10-92), specify the court in attendance, and shall indicate the case number in the Computer-Aided Dispatch (CAD) entry comments section.
  - g. When Department personnel attend Metro Court virtually, they are responsible for checking in through the Metro Court Check-in kiosk. To access the virtual kiosk, type <https://app.metrocourt.state.nm.us/officercheckinkiosk/#/> in your toolbar. Department personnel will sign into the system using the APD universal log-in:  
User: metrocheckin@cabq.gov  
Password: APDchecking!1
2. When Department personnel receive more than one (1) court notification requiring concurrent appearances, the higher court notice shall take precedence over the lower court(s). In addition, court hearings shall take precedence over MVD hearings.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

3. When Department personnel are notified of a conflicting hearing of a higher court, they may notify Court Services Unit personnel of the conflict and shall attend the higher court hearing.
4. Priority of attendance is as follows:
  - a. U.S. District Court;
  - b. Second Judicial District Court;
  - c. Felony DA pretrial interviews;
  - d. Bernalillo County Metropolitan Court;
  - e. Misdemeanor pretrial interviews;
  - f. Children's Court;
  - g. MVD hearings; and
  - h. All other notices or interviews.
5. When Department personnel are scheduled for court or MVD hearings and are unable to appear or will be late due to unforeseen conditions, they shall notify Court Services Unit personnel or court personnel at the earliest possible time and before the scheduled appearance. Failure of Department personnel to properly notify Court Services Unit personnel or court personnel of their absence from or tardiness for a court hearing shall be considered failing to attend the hearing.
6. When Department personnel contact Court Services Unit personnel and get their voicemail, they shall leave a message on the voicemail system to include their name, man number, the court hearing information, and the reason they are unable to attend the court hearing.
  - a. For Bernalillo County Metropolitan Court, U.S. District Court, and Second Judicial District Court notifications, Department personnel shall notify Court Services Unit personnel on the scheduled court day only.
    - i. Court Services Unit personnel shall notify the appropriate court personnel.
  - b. For grand jury notifications or preliminary hearings, Department personnel shall:
    - i. Notify the presenting Assistant ~~District Attorney~~ of their absence and any witness change; and
    - ii. When available, inform the Assistant ~~District Attorney~~ of an officer ~~that~~ who was involved in the case that may be able to testify on their behalf.
  - c. For U.S. District Court notifications, Department personnel shall notify the United States Attorney's Office or shall notify the presenting federal Assistant ~~District Attorney~~ Monday through Friday, 0800 to 1700 hours.
7. Sworn personnel may be excused for missing a court hearing for certain reasons including, but not limited to:
  - a. They are ill or have a family emergency; and
    - i. Supervisors, at their discretion, may require a doctor's note if should ~~if should~~ personnel call in sick for court.
  - b. They are on a call for service and are unable to attend the court hearing.





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

- i. Department executive personnel may grant an exception if the employee is needed elsewhere for the betterment of the Department.
- ii. Department executive personnel shall review each exception on a case-by-case basis and determine the precedence the exception holds over the hearing in question.
- ~~iii.~~

8. Court Continuances

- a. Officer Prosecuted Cases:
  - i. Department personnel requesting a continuance of less than twenty (20) days shall be responsible for contacting defendants or their counsel for objection as required by the Bernalillo County Metropolitan Court.
    1. Department personnel shall not submit a continuance fewer than five (5) working days before the scheduled court hearing.
  - ii. Department personnel may obtain a Motion for Continuance form from Court Services Unit personnel.
- b. Criminal Cases (Felonies, DWIs, and Domestic Violence):
  - i. Department personnel requesting a continuance with less than twenty (20) days shall contact the assigned prosecutor.

9. Sworn personnel are prohibited from purposefully missing court as follows:

- a. At the request of another individual, to include another officer in order to benefit that officer's family or friend, or at the request of an attorney or defendant; or
- ~~b.~~ In exchange for money, gifts, or anything of value.

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G. Jury Duty Fees

1. Department personnel who are called for jury duty shall be paid their regular salary while serving.
2. Department personnel shall relinquish any payments that they receive for serving jury to City Fiscal Division personnel.

H. Conflict of Interest Testimony

1. Department personnel who are subpoenaed to testify in a court case in which they have not been involved in as a witness, victim, investigator, or reporting officer shall determine the nature of the testimony.
  - a. If it appears that the employee will be asked to testify about Department personnel, the Department, or an outside law enforcement agency, they shall contact Risk Management Division personnel before giving any testimony or

N/A



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76 (Formerly 2-01)**

**CPOAB Draft 05/29/2025**

being deposed.

- I. Court Services Unit personnel shall send case files for officer prosecution to the officer, ~~consistent~~ in accordance with SOP Court Services Unit (refer to SOP Court Services Unit for sanction classifications and additional duties).

REDLINED



## **2-108 ELECTRONIC COMMUNICATIONS PRIVACY ACT PROCEDURES**

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

#### **A. Related SOP(s)**

2-70 Execution of Search Warrants (Formerly 2-16)

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

#### **B. Form(s)**

Order of Delayed Notification/Non-Disclosure

PD 1308 Notification Letter

Return and Inventory Form

#### **C. Other Resource(s)**

NMSA 1978, §§ 10-16F-1 to 10-16F-6 Electronic Communications Privacy Act

#### **D. Rescinded Special Order(s)**

SO 25-08 Amendment to SOP 2-108 Electronic Communications Privacy Act

### **2-108-1 Purpose**

The purpose of this policy is to provide guidance to Albuquerque Police Department (Department) personnel to ensure compliance with the provisions of the Electronic Communications Privacy Act (ECPA).

### **2-108-2 Policy**

It is the policy of the Department to educate Department personnel in writing regarding agency policies and procedures governing the procurement, testing, adoption, deployment, use, access, and retirement of technology and data it provides consistent with the ECPA.

### **N/A 2-108-3 Definitions**

#### **A. Electronic Communications Privacy Act (ECPA)**

NMSA 1978, §§ 10-16F-1 to 10-16F-6, which provides protections for electronic communications and imposes requirements on law enforcement when dealing with electronic communication.

#### **B. Electronic Information**



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-108**

**CPOAB Draft 05/29/2025**

Electronic Communication Information and Electronic Device Information.

**6 2-108-4 Procedures**

**A. Electronic Information Search Warrant Procedures**

**1. Department personnel shall:**

- a. Complete an affidavit for a search warrant for electronic information, which shall include any orders for delayed notification and/or non-disclosure if they exist;
  - i. Warrants for electronic data must include:
    - 1. Date range for records to be seized;
    - 2. The persons or accounts targeted;
    - 3. The applications or services requested; and
    - 4. The types of information sought.
- b. Request approval for the search warrant from a District Attorney and District or Metropolitan Court Judge in accordance with SOP Collection, Submission, and Disposition of Evidence and Property;
- c. Obtain a delay of notification and/or non-disclosure if the absence of such an order would produce an adverse result such as:
  - i. Danger to life or physical safety of a natural person;
  - ii. Flight from prosecution;
  - iii. Destruction of or tampering with evidence;
  - iv. Intimidation of a potential witness; or
  - v. Serious jeopardy to an investigation.
- d. Obtain an order to seal in situations where the investigation would be compromised, or evidence would be destroyed if the warrant is publicly available;
- e. Execute the warrant;
- f. Complete the Return and Inventory Form, including the date, which is when the Electronic Information is received; and
- g. Give notice to the target of the search warrant the day the warrant is executed, which is the day the Electronic Information is extracted and received, unless the court signs an order allowing delayed notification or the warrant is sealed. The process for giving notice to the target is as follows:
  - i. Department personnel shall submit each of the following items immediately upon issuance to [warrants@cabq.gov](mailto:warrants@cabq.gov) or the Criminal Investigation Division's Monday.com.
    - 1. Copy of the signed warrant with the affidavit;
    - 2. Copy of any signed orders from the judge; and
    - 3. Copy of the letter(s) giving notice to the target (only if submitting via email to [warrants@cabq.gov](mailto:warrants@cabq.gov)).

2. Department personnel shall not destroy or dispose of Electronic Information without first obtaining a declination letter from the District Attorney's Office indicating their approval.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-108**

**CPOAB Draft 05/29/2025**

**B. Notification to the Target of an Electronic Information Warrant**

1. When a warrant for Electronic Information is executed and where an individual is identified, on the same day the warrant is executed or in the case of an emergency involving danger of death or serious physical injury to a natural person, within seventy-two (72) hours after obtaining the Electronic Information, Department personnel shall:
  - a. Send a letter to all identified targets of the investigation using the Letter of Notification;
  - b. Include a copy of the signed warrant with an affidavit, or in the case of an emergency involving danger of death or serious physical injury to a natural person, a written statement of the facts giving rise to the emergency; and
  - c. Notification may be made through first-class or registered mail, electronic mail, in person, or by other means reasonably calculated to be effective
2. When a warrant for Electronic Information is executed and where an individual is deceased or NOT identified, Department personnel shall do the following the same day the warrant is executed:
  - a. Address the Letter of Notification to the Attorney General's Office and email it to [ecparecords@nmag.gov](mailto:ecparecords@nmag.gov) or submit it through the Attorney General's Office Law Enforcement Reporting Application (LERA) portal, along with a copy of the signed search warrant with an affidavit within three (3) days.
3. When a warrant for Electronic Information is executed, which includes a delay of notification granted by the court, Department personnel shall send the following documents to the target of the warrant, or the Attorney General's Office, if the target is deceased or unidentified, at the time the delay of notification expires:
  - a. Letter of Notification; and
  - b. Copy of the signed warrant with an affidavit.
4. When a warrant for Electronic Information is executed, which includes an order to seal is granted by the court, Department personnel shall not notify the target until the seal expires or the warrant is unsealed due to one of the following:
  - a. Arraignment in the State, Metropolitan, or United States District Court on charges resulting from the execution of the search warrant;
  - b. Upon arrest of the individual(s); or
  - c. Further order of the District Judge or Supervisor or Superior Judge to the District Judge, or United States District Judge.

**C. Sealing Process for Electronic Information**

1. Department personnel shall:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-108**

**CPOAB Draft 05/29/2025**

**N/A**

- a. Store electronically seized evidence in the following locations;
  - i. Physical cell phones, computers, or digital video surveillance systems (hardware) shall be tagged into the Evidence Unit at the Crime Lab in accordance with SOP Collection, Submission, and Disposition of Evidence and Property;
  - ii. Permanently store pure digital data, such as data taken off a cell phone, social media website via a search warrant return, computer system, or cell phone records, in the following ways, in this preferred order:
    1. Uploaded to Cellebrite Guardian, which is a Department-approved digital evidence system; or
    2. If Department personnel do not have access to Cellebrite Guardian, the evidence shall be saved to a portable flash drive, or hard disk drive, and tagged into the Evidence Unit at the Crime Lab in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.
  - iii. Upload digital video surveillance to Evidence.com under the appropriate case number.
    1. If the video uses a proprietary software player, the software player shall be uploaded to Evidence.com in addition to the video; or
    2. If personnel cannot access Evidence.com, they shall tag physical copies of the surveillance video into evidence.

**N/A**

**7 2-108-5 Tracking and Reporting Requirements**

A. Department personnel shall:

1. Forward all warrants, exigent data requests, or wiretaps which fall under the provisions of the ECPA, including warrants that are denied by a district attorney, judge, or service provider to [warrants@cabq.gov](mailto:warrants@cabq.gov) or use Monday.com to provide the warrants to the Digital Intelligence Team (DIT); and
2. Provide a copy of the data obtained to the DIT or the number of records obtained via search warrant, exigent data requests, or wiretaps, including but not limited to:
  - a. Electronic communication content;
  - b. Location information;
  - c. Electronic device information, excluding location information; and
  - d. Other electronic communication information.

**6 2-108-7 Cellular Phone Pings**

- 7** A. If Department personnel request cellular phone pings from the Emergency Communication Center (ECC), the ECC Dispatcher shall add the ping information to the call to include location information and the number of pings.
- B. The ECC Dispatcher shall forward the Computer-Aided Dispatch (CAD) number and any related supporting documents to [warrants@cabq.gov](mailto:warrants@cabq.gov) at the conclusion of any call for which an officer has requested pings.





- C. Once the incident has concluded, the Department personnel who requests a ping shall obtain a warrant and follow the procedures documented in this SOP for notification and tracking requirements.

**4 2-108-8 Annual Reporting of ECPA Data**

- A. Consistent with the provisions of the ECPA, the Digital Intelligence Team shall be responsible for ensuring an annual report of all ECPA-related data are compiled and sent to the New Mexico Attorney General's Office prior to February 1<sup>st</sup> of each calendar year.

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## **2-108 ELECTRONIC COMMUNICATIONS PRIVACY ACT PROCEDURES**

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

#### **A. Related SOP(s)**

- 2-70 Execution of Search Warrants (Formerly 2-16)
- 2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

#### **B. Form(s)**

~~Application for the Order~~  
~~ECPA Tracking Form~~  
Order of Delayed Notification/Non-Disclosure  
PD 1308 Notification Letter  
Return and Inventory Form

#### **C. Other Resource(s)**

NMSA 1978, §§ 10-16F-1 to 10-16F-6 Electronic Communications Privacy Act

#### **D. Rescinded Special Order(s)**

~~SO 23-04 Amendment to SOP 2-108 Electronic Communications Privacy Act Procedures~~  
25-08 Amendment to SOP 2-108 Electronic Communications Privacy Act

### **2-108-1 Purpose**

The purpose of this policy is to provide guidance to Albuquerque Police Department (Department) personnel to ensure compliance with the provisions of the Electronic Communications Privacy Act (ECPA).

### **2-108-2 Policy**

It is the policy of the Department to educate Department personnel in writing regarding agency policies and procedures governing the procurement, testing, adoption, deployment, use, access, and retirement of technology and data it provides consistent with the ECPA. ~~It is also the policy of the Department to review and update ECPA policies and procedures on a regular basis, and whenever the technology, its use, or the use of the data it provides significantly changes.~~

**N/A**

### **2-108-3 Definitions**

~~A. Authorized Possessor~~



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-108

CPOAB Draft 05/29/2025

~~A natural person who owns and possesses an electronic device or a natural person who, with the owner's consent, possesses an electronic device.~~

~~B. Electronic Communication~~

~~The transfer of a sign, a signal, a writing, an image, a sound, a datum, or intelligence of any nature in whole or in part by wire, radio, electromagnetic, photoelectric, or photo-optical system.~~

~~C. Electronic Communication Information~~

~~Information about an electronic communication or the use of an electronic communication service, excluding subscriber information, but including the contents, sender, recipients, format, or the sender's or recipients' precise or approximate location at any point during the communication; the time or date the communication was created, sent or received; and, any information, including an internet protocol address, pertaining to a person or device participating in the communication.~~

~~D.~~ A.        Electronic Communications Privacy Act (ECPA)

NMSA 1978, §§ 10-16F-1 to 10-16F-6, which provides protections for electronic communications and imposes requirements on law enforcement when dealing with electronic communication.

~~E. Electronic Device~~

~~A device that stores, generates, or transmits information in electronic form.~~

~~F. Electronic Device Information~~

~~Information stored on or generated through the operation of an electronic device. This includes the current or prior locations of the device.~~

~~G.~~ B.        Electronic Information

Electronic Communication Information and Electronic Device Information.

~~H. Government Entity~~

~~A department, agency, or political subdivision of the state. A "government entity" can also refer to a natural person acting for or on the behalf of the state or a political subdivision of the state.~~

~~I. Service Provider~~

~~An entity or person offering an electronic communication service.~~



~~J. Specific Consent~~

~~Consent provided directly to a government entity seeking information. "Specific consent" has also been defined by the ECPA as including consent provided when the government entity is the addressee, the intended recipient, or a member of the intended audience of an electronic communication, regardless of whether the originator of the communication had actual knowledge that the addressee, intended recipient or member of the specific audience is a government entity, except where the government entity has taken deliberate steps to hide the government entity's government association.~~

~~K. Subscriber Information~~

~~The name, street address, telephone number, email address, or other similar type of contact information provided by a subscriber to a service provider to establish or maintain an account or communication channel; a subscriber or account number or identifier; or, the length and type of service used by a user or a service provider subscriber.~~

**6 2-108-4 Procedures**

A. Electronic Information Search Warrant Procedures

1. Department personnel shall:

a. Complete an affidavit for a search warrant for electronic information, which shall will include all pertinent data as well as a any court orders for delayed notification and/or non-disclosure if they exist;

i. Warrants for electronic data must include:

1. Date range for records to be seized;

2. The persons or accounts targeted;

3. The applications or services requested; and

a=4. The types of information sought.

N/A

~~b. Request approval for the search warrant from a District Attorney and District or Metropolitan Court Judge in accordance with SOP Collection, Submission, and Disposition of Evidence and Property. Follow SOPs for requesting approval for the search warrant from a District Attorney and District or Metropolitan Court Judge. Brief their supervisor about the circumstances of the warrant and obtain the District Attorney's approval;~~

N/A

~~c. Present the warrant to a District Court judge for review;~~

~~i. If the judge approves the warrant, the officer shall consult with their supervisor. After consulting with their supervisor, Department personnel shall execute the search warrant in accordance with SOP Execution of Search Warrants;~~

b.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-108

CPOAB Draft 05/29/2025

- c. Obtain a delay of notification and/or non-disclosure if the absence of such an order would produce an adverse result such as:
  - i. Danger to life or physical safety of a natural person;
  - ii. Flight from prosecution;
  - iii. Destruction of or tampering with evidence;
  - iv. Intimidation of a potential witness; or
  - v. Serious jeopardy to an investigation.
- d. Obtain an order to seal in situations where the investigation would be compromised, or evidence would be destroyed if the warrant is publicly available;
- e. Execute the warrant;
- ~~d.f.~~ Complete the Return and Inventory Form, including the date, which is when the Electronic Information is received; and
- ~~e.g.~~ Give notice to the target of the search warrant the day the warrant is executed, which is the day the Electronic Information is extracted and received, unless the court signs an order allowing delayed notification or the warrant is sealed. The process for giving notice to the target is as follows:
  - i. Department personnel shall submit each of the following items immediately upon issuance to [warrants@cabq.gov](mailto:warrants@cabq.gov); or the Criminal Investigation Division's Monday.com board.
    - 1. Copy of the signed warrant with the affidavit;
    - 2. ~~CA~~ Copy of any signed orders from the judge; and
    - 3. Copy of the letter(s) giving notice to the target (only if submitting via email to warrants@cabq.gov).
- ~~f. Review the Electronic Information received and determine what information is unrelated to the objective of the warrant, or is not exculpatory to the target of the warrant; and~~
- ~~i. The case agent shall tag unrelated information into evidence as "sealed".~~
- ~~g. If an investigation requires review of information sealed into evidence, seek a subsequent warrant and include an updated affidavit with probable cause on why a review is needed.~~
- ~~i. If a review of information sealed into evidence is conducted, Department personnel shall repeat the notification and sealing processes.~~

- 2. Department personnel shall not destroy or dispose of ~~sealed~~ Electronic Information without first obtaining a declination letter from the District Attorney's Office indicating their approval.

B. Notification to the Target of an Electronic Information Warrant

- 1. When a warrant for Electronic Information is executed and where an individual is identified, on the same day the warrant is executed or in the case of an emergency involving danger of death or serious physical injury to a natural person, within seventy-two (72) hours after obtaining the Electronic Information, Department personnel shall:



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-108

CPOAB Draft 05/29/2025

- a. Send a letter to all identified targets of the investigation using the Letter of Notification;
  - b. Include a copy of the signed warrant with an affidavit, or in the case of an emergency involving danger of death or serious physical injury to a natural person, a written statement of the facts giving rise to the emergency; and
  - c. Notification may can be made through first-class or registered mail, electronic mail, in person, or by other means reasonably calculated to be effective
  - ~~c. Complete a Uniform Incident Report when notice was sent and how it was sent (e.g., email, certified mail, etc.), including any documents showing proof of notice.~~
2. When a warrant for Electronic Information is executed and where an individual is deceased or NOT identified ~~or deceased~~, Department personnel shall do the following the same day the warrant is executed:
  - ~~a. Address~~ Send the Letter of Notification to the Attorney General's Office and email following it to [ecparecords@nmag.gov](mailto:ecparecords@nmag.gov) or submit it through the Attorney General's Office Law Enforcement Reporting Application (LERA) portal, along with a copy of the signed search warrant with an affidavit within three (3) days. and [warrants@cabq.gov](mailto:warrants@cabq.gov); and
  - ~~i. The Letter of Notification shall be addressed to the Attorney General stating a warrant was issued for Electronic Information as part of an investigation or an emergency requiring immediate access. The Letter of Notification shall include a description of the Electronic Information, as well as a description of the investigation or emergency; and~~
  - ~~ii. Copy of signed warrant with affidavit.~~
  - ~~b. Complete a Uniform Incident Report when notice was sent, including any documents showing proof of notice.~~
  - a.
3. When a warrant for Electronic Information is executed, which includes a delay of notification granted by the court, Department personnel shall send the following documents to the target of the warrant, (or the Attorney General's Office, if the target is deceased or unidentified,) ~~at the time before~~ the delay of notification expires:
  - a. Letter of Notification; and
  - b. Copy of the signed warrant with an affidavit;
  - ~~c. Summary of the Electronic Information obtained, including:~~
    - ~~i. The number and type of records; and~~
    - ~~ii. Statement of the grounds why the court delayed notification.~~
  - ~~d. Completed Uniform Incident Report when notice was sent and how the notice was sent.~~
4. When a warrant for Electronic Information is executed, which includes an order to seal is granted by the court, Department personnel shall not notify the target until the seal expires or the warrant is unsealed due to one of the following:





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-108

CPOAB Draft 05/29/2025

- a. Arraignment in the State, Metropolitan, or United States District Court on charges resulting from the execution of the search warrant;
- b. Upon arrest of the individual(s); or;
- ~~4.c. Further order of the District Judge, or Supervisor or Superior Judge to the District Judge, or United States District Judge. If no target is identified, or the target is deceased, Department personnel shall send the above documents to the Attorney General's Office at [ecparecords@nmag.gov](mailto:ecparecords@nmag.gov).~~

C. Sealing Process for Electronic Information

1. Department personnel shall:

- a. Store electronically seized evidence in the following locations;
  - i. Physical cell phones, computers, or digital video surveillance systems (hardware) shall be tagged into the Evidence Unit at the Crime Lab in accordance with SOP Collection, Submission, and Disposition of Evidence and Property;
  - ii. Permanently store pure digital data, such as data taken off a cell phone, social media website via a search warrant return, computer system, or cell phone records, in the following ways, in this preferred order:
    - 1. Uploaded to Cellebrite Guardian, which is a Department-approved digital evidence system; or
    - 2. If Department personnel do not have access to Cellebrite Guardian, the evidence shall be saved to a portable flash drive, or hard disk drive, and tagged into the Evidence Unit at the Crime Lab in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.
  - iii. Upload digital video surveillance to Evidence.com under the appropriate case number.
    - 1. If the video uses a proprietary software player, the software player shall be uploaded to Evidence.com in addition to the video; or
    - 2. If personnel cannot access Evidence.com, they shall tag physical copies of the surveillance video into evidence.

~~2. In addition to normal viewing and the check-out procedures outlined in SOP Collection, Submission, and Disposition of Evidence and Property, Department personnel must have probable cause and a court order to view ECPA evidence.~~

~~a. Department personnel shall have an order signed by a judge and present the order to Evidence Unit personnel before Evidence Unit personnel may release the evidence.~~

**7 2-108-5 Tracking and Reporting Requirements**

A. Department personnel shall:

- 1. Forward all warrants, exigent data requests, or wire-taps which fall under the provisions of the ECPA, including warrants that are denied by a district



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-108

CPOAB Draft 05/29/2025

attorney, judge, or service provider to warrants@cabq.gov or use Monday.com to provide the warrants to the Digital Intelligence Team (DIT); and

~~1. all warrants which fall under the provisions of the ECPA to warrants@cabq.gov;~~  
~~2.~~

~~2. Complete~~ Provide a copy of the data obtained to the DIT or the number of records obtained via search warrant, exigent data requests, or wire-taps, including but not limited to:

~~3. an ECPA Tracking Form within seventy two (72) hours of executing any ECPA related search warrant, which is the day the Electronic Information is extracted and received, and forward the completed form to warrants@cabq.gov; and~~

a. ~~Sworn~~ Electronic communication content;

b. Location information;

c. Electronic device information, excluding location information; and

~~a.d. Other electronic communication information. personnel do not need to list the full name of identified targets for the ECPA Tracking Form. Sworn personnel may use an identifier of their choosing.~~

6

~~3. Count the number of records received.~~

~~a. A record is a single piece of Electronic Information and not a collection of Electronic Information such as a download, CD, or DVD. Examples of records include the following but are not limited to:~~

~~i. One (1) text message;~~

~~ii. One (1) Global Positioning System (GPS) ping;~~

~~iii. One (1) photograph;~~

~~iv. One (1) email; and~~

~~v. One (1) Facebook message.~~

**~~2-108-6~~ Procedures for Court Order Requests**

~~A. Department personnel shall:~~

~~1. Obtain an Order of Delayed Notification and/or Non Disclosure using the Order of Delayed Notification/Non Disclosure Form, if the absence of such an order would produce an adverse result, such as:~~

~~a. Danger to life or physical safety of a natural person;~~

~~b. Flight from prosecution;~~

~~c. Destruction of or tampering with evidence;~~

~~d. Intimidation of a potential witness; or~~

~~e. Serious jeopardy to an investigation.~~

~~2. File any proposed Order of Delayed Notification and/or Non Disclosure and ensure the warrant affidavit articulates grounds for the delay of notification/non disclosure;~~

7



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-108**

**CPOAB Draft 05/29/2025**

- ~~3. Forward any signed ECPA court order to [warrants@cabq.gov](mailto:warrants@cabq.gov) for tracking purposes; and~~
- ~~4. Seek an Order to Seal in situations where an investigation will be compromised, or evidence will be destroyed if the warrant is publicly available.~~
  - ~~a. The warrant affidavit must articulate grounds for sealing the warrant and any related documents.~~

**6 2-108-7 Cellular Phone Pings**

- ~~A. Department personnel shall not use emergency pings until they have made alternative attempts to locate their target, including, but not limited to:~~
  - ~~1. Providing all known facts to the Real Time Crime Center (RTCC) for assistance; and~~
  - ~~2. Checking known residences and/or workplaces.~~
- ~~B. Department personnel shall obtain supervisory approval prior to requesting cellular phone location information or "pings" through the Emergency Communications Center (ECC).~~
- ~~C. Once the incident has concluded, the officer who requests a ping shall write the Application for the Order using the Application for the Order Form and email it to Judge Cindy Loos at [albdccl@nmcourts.gov](mailto:albdccl@nmcourts.gov) or the on-call judge.~~
  - ~~1. The judge will call the officer, swear them in, and, if satisfied, sign and e-file the warrant and provide the officer with a copy of the warrant.~~

- 7** ~~D. The officer shall forward a copy of the signed warrant to [warrants@cabq.gov](mailto:warrants@cabq.gov) and long with a completed ECPA Tracking Form.~~

- 7** ~~E.~~ A. If Department personnel an officer requests cellular phone pings from the Emergency Communication Center (ECC), the ECC Dispatcher shall add the ping information to the call to include location information and the number of pings.

- ~~4.~~ B. The ECC Dispatcher shall forward the Computer-Aided Dispatch (CAD) number and any related supporting documents to [warrants@cabq.gov](mailto:warrants@cabq.gov) at the conclusion of any call for which an officer has requested pings.

- C. Once the incident has concluded, the Department personnel who requests a ping shall obtain a warrant and follow the procedures documented in this SOP above for notification and tracking requirements.

- ~~F. On the same day the warrant is executed or in the case of an emergency involving danger of death or serious physical injury to a natural person, within seventy two (72) hours after obtaining Electronic Information, sworn personnel shall:~~



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-108**

**CPOAB Draft 05/29/2025**

- ~~1. Send a letter to all identified targets of the investigation using the Target Notification Template;~~
  - ~~2. Include a copy of the signed warrant with an affidavit or a written statement of the facts giving rise to the emergency; and~~
  - ~~3. Complete a Uniform Incident Report when and how the notice was sent.~~
- ~~G. If a target is not identified or deceased on the same day the warrant is executed, or information is obtained in an emergency unless delayed notification is granted, sworn personnel shall:~~
- ~~1. Send the following to ecparecords@nmag.gov and warrants@cabq.gov:~~
    - ~~a. A letter to the Attorney General stating "a warrant was issued for (describe data) as part of a (name charge(s)) investigation" or describing the emergency requiring immediate access; and~~
    - ~~b. A copy of the signed warrant with affidavit.~~
  - ~~2. Complete a Uniform Incident Report when notice was sent, including any documents showing proof of notice.~~
- ~~H. If a delay of notification is granted by the court, before the delay of notification expires, sworn personnel shall send the following documentation to the target:~~
- ~~1. Notification Letter;~~
  - ~~2. Copy of signed warrant with affidavit;~~
  - ~~3. Summary of the information obtained, including:~~
    - ~~a. The number and type of records; and~~
    - ~~b. Statement of the grounds for which the court delayed the notification.~~
  - ~~4. Complete a Uniform Incident Report when and how the notice was sent.~~

**4 2-108-8 Annual Reporting of ECPA Data**

- A. Consistent with the provisions of the ECPA, the Digital Intelligence Team shall be responsible for ensuring an annual report of all ECPA-related data are compiled and sent to the New Mexico Attorney General's Office prior to February 1<sup>st</sup> of each calendar year.



## **2-113 CUSTOM NOTIFICATION GUN BUY-BACK (CNGBB) PROGRAM**

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

#### **A. Related SOP(s)**

- 2-64 Violence Intervention Program (VIP) Custom Notification Deliveries
- 2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

#### **B. Form(s)**

PD 1311 Custom Notification Gun Buy-Back Receipt

#### **C. Other Resource(s)**

Violence Intervention Program (VIP) Handbook

#### **D. Rescinded Special Order(s)**

None

### **2-113-1 Purpose**

The purpose of the Custom Notification Gun Buy-Back (CNGBB) Program is to improve community safety by systematically offering the victims of self-inflicted gunshot wounds the opportunity to receive firearms safety classes and to exchange their firearms with the Department for compensation.

### **2-113-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to promote positive relationships and interactions between Department personnel and members of the community who have been identified as people who are victims of self-inflicted gunshot wounds. Furthermore, it is the policy of the Department for personnel assigned to the Violence Intervention Program (VIP) to offer the CNGBB Program or firearm safety information or classes to the victims of self-inflicted gunshot wounds to learn proper firearm safety and decrease the likelihood that a similar incident would recur.

### **N/A 2-113-3 Definitions**

#### **A. Custom Notification Gun Buy-Back (CNGBB) Program**

A program that allows the Department the ability to purchase a gun a victim has used in a self-inflicted gunshot wound incident with gift cards from local and national retailers for a predetermined amount.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-113**

**CPOAB Draft 05/08/2025**

**B. Gun Violence Information Sharing (GVIS)**

A meeting between Department personnel and public safety partners that focuses on shooting with injury reviews, identifies groups and individuals that drive gun crimes, and completes intervention and enforcement strategies.

**C. National Integrated Ballistic Information Network (NIBIN)**

A program run by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that automates ballistics evaluations and provides actionable investigative leads in a timely manner.

**D. Violence Intervention Program Custom Notification (VIP CN)**

A structured delivery of the gun violence intervention message to a high-risk individual, identified driver of a violent crime, and/or gang or group member.

**E. Violence Intervention Program (VIP) Law Enforcement Lead**

The Deputy Chief of the Investigative Bureau and/or their designee, who is responsible for the law enforcement delivery of the VIP CN.

**7 2-113-4 Procedures for a Customer Notification Gun Buy-Back**

**A. To be identified as a CNGBB candidate, Department personnel assigned to deliver a VIP CN shall determine that the candidate was:**

1. A victim of a self-inflicted gunshot wound; and
2. The firearm that was used in the incident continues to be in the Department's custody.

**B. Preparation for a CNGBB**

1. When a CNGBB candidate has been identified, Department personnel assigned to deliver a VIP CN shall ensure that a threat assessment and background check are completed on the candidate.
2. The officer assigned to deliver a VIP CN shall request for Criminalistics Investigations personnel to determine whether the firearm that is in the Department's custody is not stolen and that no investigative leads exist in the National Integrated Ballistic Information Network (NIBIN).
  - a. If the firearm is stolen or has an investigative lead in NIBIN, the officer assigned to deliver a VIP CN shall confirm that the candidate is ineligible for the CNGBB Program and notify the appropriate investigative unit.





ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-113**

**CPOAB Draft 05/08/2025**

3. The VIP Law Enforcement Lead shall draft a personalized VIP letter, when applicable or warranted, with information on gun safety, a receipt that will be used for the specific CNGBB Program, and compensation in the pre-determined amount, in accordance with SOP Violence Intervention Program (VIP) Custom Notification Deliveries.

**7 2-113-5 Delivery of Custom Notification Gun Buy-Backs and Firearm Safety**

- A. To deliver the VIP CN, Department personnel shall contact the VIP candidate, present the VIP letter, deliver the Gun Violence Information (GVI) message, and confirm that the victim was indeed a victim of a self-inflicted gunshot wound.
- B. If the VIP candidate is a victim of a self-inflicted gunshot wound, the officer who delivered the VIP CN shall advise them that the Department can offer:
  1. Gun safety literature, gun safety classes, or a gun locking device; or
  2. To purchase the firearm in the Department's custody in exchange for compensation for the following firearms:
    - a. Revolvers and long guns for \$100.00;
    - b. Semi-automatic handguns for \$200.00;
    - c. Semi-automatic rifles for \$250.00; or
    - d. Another amount, as approved by the VIP Law Enforcement Lead.
- C. If the VIP candidate wishes to exchange their firearm for compensation, the officer who delivered the VIP CN shall:
  1. Fill out the Custom Notification Gun Buy-Back Receipt;
  2. Give the candidate a copy of the receipt; and
  3. Give the candidate the appropriate amount of compensation based on the type of firearm involved.
- D. At no time shall a Department member of the VIP CN team offer to exchange compensation for additional firearms or accept additional firearms during the delivery of a VIP CN. However, if another gun buy-back program is available, the VIP CN officer may inform the candidate of that option.

- 6
  1. VIP sworn personnel shall advise the candidate to contact a VIP CN member at a later date if they have additional firearms that they would like to exchange for compensation.

**N/A 2-113-6 Disposition of Firearms in the CNGBB Program**

- A. If the VIP candidate wishes to retain their firearm, the Department will return it.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-113**

**CPOAB Draft 05/08/2025**

- B. If the VIP candidate wishes to take advantage of the CNGBB Program, VIP personnel will notify Property Unit personnel of the disposition of the firearm in question.
  - 1. The Department will destroy the firearm in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.

REDLINED



## **2-113 CUSTOM NOTIFICATION GUN BUY-BACK (CNGBB) PROGRAM**

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

#### **A. Related SOP(s)**

- 2-64 Violence Intervention Program (VIP) Custom Notification Deliveries
- 2-73 Collection, Submission, and Disposition of Evidence and Property (Formerly 2-08)

#### **B. Form(s)**

PD 1311 Custom Notification Gun Buy-Back Receipt

#### **C. Other Resource(s)**

Violence Intervention Program (VIP) Handbook

#### **D. Rescinded Special Order(s)**

None

### **2-113-1 Purpose**

The purpose of the Custom Notification Gun Buy-Back (CNGBB) Program is to improve community safety by systematically offering the victims of self-inflicted gunshot wounds the opportunity to receive firearms safety classes and to exchange their firearms with the Department for compensation.

### **2-113-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to promote positive relationships and interactions between Department personnel and members of the community who have been identified as people who are victims of self-inflicted gunshot wounds. Furthermore, it is the policy of the Department for personnel assigned to the Violence Intervention Program (VIP) to offer the CNGBB Program or firearm safety information or classes to the victims of self-inflicted gunshot wounds to learn proper firearm safety and decrease the likelihood that a similar incident would recur.

### **N/A 2-113-3 Definitions**

#### **A. Custom Notification Gun Buy-Back (CNGBB) Program**

A program that allows the Department the ability to purchase a gun a victim has used in a self-inflicted gunshot wound incident with gift cards from local and national retailers for a predetermined amount.



**B. Gun Violence Information Sharing (GVIS)**

A meeting between Department personnel and public safety partners that focuses on shooting with injury reviews, identifies groups and individuals that drive gun crimes, and completes intervention and enforcement strategies.

**C. National Integrated Ballistic Information Network (NIBIN)**

A program run by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that automates ballistics evaluations and provides actionable investigative leads in a timely manner.

**D. Violence Intervention Program Custom Notification (VIP CN)**

A structured delivery of the gun violence intervention message to a high-risk individual, identified driver of a violent crime, and/or gang or group member.

**E. Violence Intervention Program (VIP) Law Enforcement Lead**

The Deputy Chief of the Investigative Bureau and/or their designee, who is responsible for the law enforcement delivery of the VIP CN.

**7 2-113-4 Procedures for a Customer Notification Gun Buy-Back**

**A. To be identified as a CNGBB candidate, Department personnel assigned to deliver a VIP CN shall determine that the candidate was:**

1. A victim of a self-inflicted gunshot wound; and
2. The firearm that was used in the incident continues to be in the Department's custody.

**B. Preparation for a CNGBB**

1. When a CNGBB candidate has been identified, Department personnel assigned to deliver a VIP CN shall ensure that a threat assessment and background check are completed on the candidate.
2. The officer assigned to deliver a VIP CN shall request for Criminalistics Investigations personnel to determine whether the firearm that is in the Department's custody is not stolen and that no investigative leads exist in the National Integrated Ballistic Information Network (NIBIN).
  - a. If the firearm is stolen or has an investigative lead in NIBIN, the officer assigned to deliver a VIP CN shall confirm that the candidate is ineligible for the CNGBB Program and notify the appropriate investigative unit.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-113**

**CPOAB Draft 05/08/2025**

3. The VIP Law Enforcement Lead shall draft a personalized VIP letter, when applicable or warranted, with information on gun safety, a receipt that will be used for the specific CNGBB Program, and compensation in the pre-determined amount, consistent in accordance with SOP Violence Intervention Program (VIP) Custom Notification Deliveries.

**7 2-113-5 Delivery of Custom Notification Gun Buy-Backs and Firearm Safety**

- A. To deliver the VIP CN, Department personnel shall contact the VIP candidate, present the VIP letter, deliver the Gun Violence Information (GVI) message, and confirm that the victim was indeed a victim of a self-inflicted gunshot wound.
- B. If the VIP candidate is a victim of a self-inflicted gunshot wound, the officer who delivered the VIP CN shall advise them that the Department can offer:
  1. Gun safety literature, gun safety classes, or a gun locking device; or
  2. To purchase the firearm in the Department's custody in exchange for compensation for the following firearms:
    - a. Revolvers and long guns for \$100.00;
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    - c. Semi-automatic rifles for \$250.00; or
    - d. Another amount, as approved by the VIP Law Enforcement Lead.
- C. If the VIP candidate wishes to exchange their firearm for compensation, the officer who delivered the VIP CN shall:
  1. Fill out the Custom Notification Gun Buy-Back Receipt;
  2. Give the candidate a copy of the receipt; and
  3. Give the candidate the appropriate amount of compensation based on the type of firearm involved.
- D. At no time shall a Department member of the VIP CN team offer to exchange compensation for additional firearms or accept additional firearms during the delivery of a VIP CN. However, if another gun buy-back program is available, the VIP CN officer may inform the candidate of that option.

- 6
  1. VIP sworn personnel shall advise the candidate to contact a VIP CN member at a later date if they have additional firearms that they would like to exchange for compensation.

**N/A 2-113-6 Disposition of Firearms in the CNGBB Program**

- A. If the VIP candidate wishes to retain their firearm, the Department will return it.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-113**

**CPOAB Draft 05/08/2025**

- B. If the VIP candidate wishes to take advantage of the CNGBB Program, VIP personnel will notify Property Unit personnel of the disposition of the firearm in question.
  - 1. The Department will destroy the firearm in accordance with SOP Collection, Submission, and Disposition of Evidence and Property.

REDLINED





## **3-25 BID PROCESS**

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

#### **A. Related SOP(s)**

- 3-11 Command Staff Responsibilities (Formerly 3-02 and 3-2)
- 3-15 Sworn Personnel Positions and Seniority (Formerly 3-11)

#### **B. Form(s)**

- PD 3019 Beat and Area Command Familiarity Quiz
- PD 3120 Problem-Oriented Policing Projects

#### **C. Other Resource(s)**

- Bid Packet
- City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)

#### **D. Rescinded Special Order(s)**

- None

### **3-25-1 Purpose**

It is the purpose of this policy to outline the Albuquerque Police Department's (Department) bid process for sworn personnel, consistent with the current collective bargaining agreement (CBA) between the City of Albuquerque and the Albuquerque Police Officers' Association.

### **3-25-2 Policy**

It is the policy of the Department to conduct a City-wide bid that is based on seniority, consistent with the current CBA.

### **N/A 3-25-3 Definitions**

#### **A. Bid**

The process by which eligible Department personnel select their duty assignment for the next year based on seniority, consistent with SOP Sworn Personnel Positions and Seniority, and the CBA.

#### **B. Proxy**

A Department employee who represents an employee who is absent during the bid process and who is of an equal or a higher rank.



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

**SOP 3-25 (Formerly 2-10 and 4-11)**

**CPOAB Draft 5/29/2025**

**7 3-25-4 Rules**

**A. Bid Process**

1. Consistent with the CBA, the Department shall conduct a City-wide bid:

**N/A**

- a. Every twelve (12) months for Field Services Bureau (FSB) personnel; and
- b. Every six (6) months for Metro Traffic Division sworn personnel, Open Space Section sworn personnel, Aviation Division sworn personnel, Transit Safety Section (TSS) personnel, Prisoner Transport Unit (PTU) personnel, and Crime Scene Specialists (CSS).

2. Approximately two (2) months before the FSB bid will go into effect, Operations Review Section personnel shall publish the date of the Lieutenant, Sergeant, Officer, and Police Service Aides' (PSA) bids and the date the bid shall go into effect.

- a. Supervisors and PSAs shall bid based on the following schedule:
  - i. For the Lieutenant's bid, within three (3) weeks before the date of the Officer bid; and
  - ii. For the Sergeant's and PSAs' bids, within two (2) weeks before the date of the Officers' bid.
    1. The Operations Review Section Lieutenant or their designee shall publish the results of the bids as soon as practicable.
- b. Department personnel who will be absent on the date of the bid shall contact the Operations Review Section Staffing Detective to notify them of their proxy no later than one (1) week before the bid date.

3. The Operations Review Section Staffing Detective shall publish a seniority roster through the Department's document management system for:

- a. Lieutenants;
- b. Sergeants;
- c. Patrolmen First Class (P1/C);
- d. Patrolmen Second Class (P2/C); and
- e. PSAs.

4. Operations Review Section personnel shall publish a tentative bid schedule in the Department's document management system.

5. On the date of the bid:

- a. Department personnel shall select their duty assignment from the available options in order of seniority;
- b. The Operations Review Section Staffing Detective shall:
  - i. Confirm and document the Department employees' selections;



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

**SOP 3-25 (Formerly 2-10 and 4-11)**

**CPOAB Draft 5/29/2025**

- ii. Once the duty assignment has been documented, be prohibited from changing the duty assignment; and
- iii. Compile the results from all four (4) bids.
- c. The Operations Review Section Sergeant shall publish the bid results in a Department Special Order in the Department's document managing system.

**B. Bid Packet**

1. Supervisors shall ensure that sworn personnel:
  - a. Are familiar with the geographic areas they serve, including their issues, problems, and community leaders;
  - b. Engage in problem identification and solving activities with the community members around the community's priorities; and
  - c. Work proactively with other City departments to address quality-of-life issues.
2. Sworn personnel from the rank of Lieutenant to P2/C shall complete the online bid packet at any time after submitting their bid, but no later than fourteen (14) calendar days after the bid takes effect.
3. Area commanders shall ensure that all Department personnel have completed the bid packet in accordance with SOP Command Staff Responsibilities (refer to SOP Command Staff Responsibilities for sanction classifications and additional duties).
4. The online bid packet shall include:
  - a. Problem-Oriented Policing Projects form;
  - b. Area command beat map;
  - c. A map that indicates areas with the highest amount of mental health calls for service;
    - i. Supervisors shall assign Enhanced Crisis Intervention Team (ECIT) sworn personnel to the beat or beat closest to the areas indicated in this map.
  - d. Neighborhood Association contact list;
  - e. Community Policing Council (CPC) contact list;
  - f. Emergency notification forms;
  - g. A monthly form that designates community contact information; and
  - h. For FSB sworn personnel only, the beat summary form.
5. Area commanders shall be responsible for ensuring that updated area command beat maps, Neighborhood Association contact lists, and CPC contact lists are emailed to Tech Services Unit personnel on a quarterly basis.
  - a. Tech Services Unit personnel shall update the area command beat maps, Neighborhood Association contact lists, and CPC contact lists on a quarterly basis on the Department's APD Web/Protopage to ensure that Department personnel have the most up-to-date information available.

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

**SOP 3-25 (Formerly 2-10 and 4-11)**

**CPOAB Draft 5/29/2025**

6. Area commanders shall be responsible for ensuring that ECIT-certified sworn personnel are assigned to the corresponding beats within their command with a high frequency of CIT-related calls for service as identified by the Crisis Intervention Division.
7. FSB sworn personnel shall complete the Beat and Area Command Familiarity Quiz within twenty-eight (28) calendar days of the bid taking effect.
  - a. FSB Sergeants shall review the Beat and Area Command Familiarity Quiz for their employees, then email their employees' Beat and Area Command Familiarity quizzes to their watch commander. If the FSB Sergeant identifies a deficiency, they shall counsel their officer on how to use the bid packet.
    - i. FSB Sergeants shall document the deficiency in an Interoffice Memorandum and send it through the chain of command to the officer's commander.
  - b. Watch commanders shall be responsible for emailing Operations Review Section personnel one (1) email that contains the Beat and Area Command Familiarity quizzes and the Interoffice Memorandum documenting the deficiency for their entire watch to [apdmanning@cabq.gov](mailto:apdmanning@cabq.gov).



## **3-25 BID PROCESS**

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

#### **A. Related SOP(s)**

- 3-11 Command Staff Responsibilities (Formerly 3-02 and 3-2)
- 3-15 Sworn Personnel Positions and Seniority (Formerly 3-11)

#### **B. Form(s)**

- PD 3019 Beat and Area Command Familiarity Quiz
- PD 3120 Problem-Oriented Policing Projects

#### **C. Other Resource(s)**

- Bid Packet
- City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)

#### **D. Rescinded Special Order(s)**

- ~~SO 23-12 Amendment to SOP 3-25 Bid Process~~ None

### **3-25-1 Purpose**

It is the purpose of this policy to outline the Albuquerque Police Department's (Department) bid process for sworn personnel, consistent with the current collective bargaining agreement (CBA) between the City of Albuquerque and the Albuquerque Police Officers' Association.

### **3-25-2 Policy**

It is the policy of the Department to conduct a City-wide bid that is based on seniority, consistent with the current CBA.

### **N/A 3-25-3 Definitions**

#### **A. Bid**

The process by which eligible Department personnel select their duty assignment for the next year based on seniority, consistent with SOP Sworn Personnel Positions and Seniority, and the CBA.

#### **B. Proxy**

A Department employee who represents an employee who is absent during the bid process and who is of an equal or a higher rank.



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

**SOP 3-25 (Formerly 2-10 and 4-11)**

**CPOAB Draft 5/29/2025**

**7 3-25-4 Rules**

**A. Bid Process**

1. Consistent with the CBA, the Department shall conduct a City-wide bid:

**N/A**

- a. Every twelve (12) months for Field Services Bureau (FSB) personnel; and
- b. Every six (6) months for Metro Traffic Division sworn personnel, Open Space Section sworn personnel, Aviation Division sworn personnel, Transit Safety Section (TSS) personnel, Prisoner Transport Unit (PTU) personnel, and Crime Scene Specialists (CSS).

2. Approximately two (2) months before the FSB bid will go into effect, Operations Review Section personnel shall publish the date of the Lieutenant, Sergeant, Officer, and Police Service Aides' (PSA) bids and the date the bid shall go into effect.

- a. Supervisors and PSAs shall bid based on the following schedule:
  - i. For the Lieutenant's bid, within three (3) weeks before the date of the Officer bid; and
  - ii. For the Sergeant's and PSAs' bids, within two (2) weeks before the date of the Officers' bid.
    1. The Operations Review Section Lieutenant or their designee shall publish the results of the bids as soon as practicable.
- b. Department personnel who will be absent on the date of the bid shall contact the Operations Review Section Staffing Detective to notify them of their proxy no later than one (1) week before the bid date.

3. The Operations Review Section Staffing Detective shall publish a seniority roster through the Department's document management system for:

- a. Lieutenants;
- b. Sergeants;
- c. Patrolmen First Class (P1/C);
- d. Patrolmen Second Class (P2/C); and
- e. PSAs.

4. Operations Review Section personnel shall publish a tentative bid schedule in the Department's document management system.

5. On the date of the bid:

- a. Department personnel shall select their duty assignment from the available options in order of seniority;
- b. The Operations Review Section Staffing Detective shall:
  - i. Confirm and document the Department employees' selections;





ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

**SOP 3-25 (Formerly 2-10 and 4-11)**

**CPOAB Draft 5/29/2025**

- ii. Once the duty assignment has been documented, be prohibited from changing the duty assignment; and
- iii. Compile the results from all four (4) bids.
- c. The Operations Review Section Sergeant shall publish the bid results in a Department Special Order in the Department's document managing system.

**B. Bid Packet**

1. Supervisors shall ensure that sworn personnel:
  - a. Are familiar with the geographic areas they serve, including their issues, problems, and community leaders;
  - b. Engage in problem identification and solving activities with the community members around the community's priorities; and
  - c. Work proactively with other City departments to address quality-of-life issues.
2. Sworn personnel from the rank of Lieutenant to P2/C shall complete the online bid packet at any time after submitting their bid, but no later than fourteen (14) calendar days after the bid takes effect. ~~personnel from the rank of Lieutenant to P2/C shall complete the online bid packet within fourteen (14) calendar days of the bid taking effect.~~
3. Area commanders shall ensure that all Department personnel have completed the bid packet ~~as outlined in~~ in accordance with SOP Command Staff Responsibilities (refer to SOP Command Staff Responsibilities for sanction classifications and additional duties).
4. The online bid packet shall include:
  - a. Problem-Oriented Policing Projects form;
  - b. Area command beat map;
  - c. A map that indicates areas with the highest amount of mental health calls for service;
    - i. Supervisors shall assign Enhanced Crisis Intervention Team (ECIT) sworn personnel to the beat or beat closest to the areas indicated in this map.
  - d. Neighborhood Association contact list;
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  - a. Tech Services Unit personnel shall update the area command beat maps, Neighborhood Association contact lists, and CPC contact lists on a quarterly

**N/A**



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

**SOP 3-25 (Formerly 2-10 and 4-11)**

**CPOAB Draft 5/29/2025**

basis on the Department's APD Web/Protopage to ensure that Department personnel have the most up-to-date information available.

6. Area commanders shall be responsible for ensuring that ECIT-certified sworn personnel are assigned to the corresponding beats within their command with a high frequency of CIT-related calls for service as identified by the Crisis Intervention Division.
7. FSB sworn personnel shall complete the Beat and Area Command Familiarity Quiz within twenty-eight (28) calendar days of the bid taking effect.
  - a. FSB Sergeants shall review the Beat and Area Command Familiarity Quiz for their employees, then email their employees' Beat and Area Command Familiarity quizzes to their watch commander. If the FSB Sergeant identifies a deficiency, they shall counsel their officer on how to use the bid packet.
    - i. FSB Sergeants shall document the deficiency in an Interoffice Memorandum and send it through the chain of command to the officer's commander.
  - b. Watch commanders shall be responsible for emailing Operations Review Section personnel one (1) email that contains the Beat and Area Command Familiarity quizzes and the Interoffice Memorandum documenting the deficiency for their entire watch to [apdmanning@cabq.gov](mailto:apdmanning@cabq.gov).



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

**SOP 3-34**

**CPOAB DRAFT 05/08/2025**

REDLINED



### **3-34 — TRAINING COMMITTEE**

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

##### **A. Related SOP(s)**

None

##### **B. Form(s)**

PD 2402 TNA Part 1 — Training Development Request Form

PD 2403 TNA Part 2 — Training Needs Assessment Form

##### **C. Other Resource(s)**

None

##### **D. Rescinded Special Order(s)**

— None

#### **3-34-1 — Purpose**

The purpose of this policy is to provide a framework for the Albuquerque Police Department (Department) Training Committee to address training needs that are identified through the course of business operations.

#### **3-34-2 — Policy**

It is the policy of the Department to provide guidance to the Academy Division based on statistical analysis, trends, and training recommendations to ensure that the Academy Division can effectively meet the training needs of the Department. While the Academy Division directly addresses the training of Department personnel required by the State of New Mexico or supervisory personnel, the Training Committee will assist in identifying immediate training needs and monitor long-term trends to address emerging and existing patterns that are contrary to best practices or the law.

#### **N/A 3-34-3 — Definitions**

None

#### **N/A 3-34-4 — Training Committee Composition**

##### **A. Chairs**

The Training Committee will be chaired by the Academy Division Commander and the Curriculum Development Manager.



B. Members

1. ~~The Academy Division Deputy Commander, Advanced Training Section Lieutenant, Field Training Area Lieutenant (FTAL), Basic Training Unit Lieutenant, and the Curriculum Development Manager will serve as members of the Training Committee.~~
2. ~~The Academy Division Commander and Training Director will serve as chairs of the Training Committee.~~
- ~~— The Training Committee will be comprised of Academy representatives from different Bureaus as identified by the Chairs.~~
3. ~~the following Department areas and will serve as members of the Training Committee:~~
  - a. ~~Force Review Board (FRB);~~
  - b. ~~Internal Affairs Force Division (IAFD);~~
  - c. ~~Internal Affairs Professional Standards (IAPS) Division;~~
  - d. ~~Crisis Intervention Division (CID);~~
  - e. ~~Special Operations Division (SOD);~~
  - f. ~~Criminal Investigations Division (CID);~~
  - g. ~~Investigative Services Division (ISD);~~
  - h. ~~Performance Metrics Unit from the Compliance and Oversight Division;~~
  - i. ~~Policy and Procedure Unit from the Compliance and Oversight Division;~~
  - j. ~~Performance Evaluation and Management System Section from the Compliance and Oversight Division;~~
  - k. ~~Aviation Division;~~
  - l. ~~The Records Division Manager; and~~
  - m. ~~One (1) representative from each of the six (6) area commands to serve as the Training Liaison.~~
4. ~~Training Committee members are selected identified through their chain of command and approved by the Chairshief of Police.~~
5. ~~The Training Committee chairs may appoint additional Training Committee members.~~

N/A 3-34-5 Procedures

A. Training Liaison

1. ~~Each Training Committee representative will identify a Training Liaison.~~
  - a. ~~The Training Liaison will serve as the representative at Training Committee meetings and identify their assigned area's training needs at the Training Committee meetings.~~
  - b. ~~If the Training Liaison cannot attend a meeting, they will identify a designee.~~
  - i. ~~The Training Liaison's designee will attend the Training Committee meeting in the Training Liaison's absence.~~



~~B. Training Committee Meetings~~

- ~~1. The Training Committee meets at a minimum of twice per year biannually during April and October.~~
- ~~2. A designee from the Training Division will take minutes during the meetings and provide the minutes to attendees within two (2) weeks following the meeting.~~

~~C. Training Needs and Recommendations~~

- ~~1. The Training Committee will request information and recommendations from Training Committee members at biannual meetings to properly identify the training needs of the Department.~~
- ~~2. Before each biannual meeting, Training Committee members will identify training needs within their assigned areas, members will submit training recommendations at each meeting and formulate needs as training recommendations.~~

~~D. Report~~

- ~~1. The Training Committee chairs summarize training needs and recommendations gathered at each meeting.~~
- ~~2. The Training Committee chairs' report serves as a guide to develop the recommended training.~~

~~E. Implementation of Recommendations~~

~~The Academy Division Commander will oversee the development and implementation of the recommended training.~~





# City of Albuquerque

## Civilian Police Oversight Agency



### Policy and Procedure Review Subcommittee Report Board Meeting

06/05/2025  
6/12/2025

## Policy Recommendations

**SOP 1-1 Personnel Code of Conduct:** It is the policy of the Department to achieve its vision statement, which is an Albuquerque where the community and the Department work together through mutual trust to build a thriving community. It is also the policy of the Department to uphold its mission statement, which is to build relationships through community policing that will lead to reduced crime and increased safety.

Due 6/26/25

#### ■ PnP Subcommittee Discussion:

1. 1-1-3-c (2-3) – Recommend refining definition of insubordination. This recommendation is made in interest of APD to limit supervisors from creating IARs that don't rise to the level of insubordination.
  - Recommendation to rewrite entire definition into something more comprehensive, like: "Intentional refusal to obey a lawful and reasonable order from a supervisor, or disrespectful conduct that undermines supervisory authority. This excludes good faith clarification requests, refusal of unlawful orders, and proper use of complaint procedures."
    - If not a complete rewrite – adding language like this to the end of current definition could also help limit such IARs: "Reasonable differences of opinion do not rise to insubordination."
2. 1-1-5-A-5 – Recommend adding language for the purposes of officer awareness, specifying that this policy can be violated even when out of ear shot of a citizen.
  - Potential additional language for this policy section:
    - “, including when outside the presence or hearing of any person.”
    - “, regardless of whether a person is present or can hear the remark.”
3. 1-1-6-A-3-a – Question as to why this paragraph is included in policy.
  - All personnel are expected to be truthful, so why is there a paragraph specifically about sworn personnel that mentions both the CBA and APOA contracts?

**SOP 2-47 Crashes Involving Department-Issued Vehicles:** It is the policy of the Department to create and enforce standards for Department personnel who are involved in or are investigating motor vehicle crashes involving Department-issued vehicles.

Due: 07/03/2025

#### ■ PnP Subcommittee Discussion:

1. 2-47-4-A-1-e – PSAs and TSOs should not investigate crashes involving department-issued vehicles due to their limited training and experience compared to sworn personnel, which could result in complaints or liability concerns if investigations are not performed properly and accurately. Additionally, having PSAs and TSOs investigate accidents involving sworn officers creates a potential conflict of interest, as non-sworn personnel would be investigating incidents involving sworn personnel with greater authority.
  - This policy should reflect the considerations made in 2-46 (Response to Traffic Crashes) concerning the response to crashes involving “City owned vehicles.” A MTD

should be requested first, and at least a FSB supervisor should oversee and be responsible for the investigation.

- For reference:  
“2-46-4-F – F. Crashes Involving City Vehicles  
1. If available, on-duty Metro Traffic Division sworn personnel shall investigate all crashes with injuries in a City-owned vehicle.  
2. Metro Traffic Division sworn personnel shall investigate non-injury crashes involving City-owned vehicles, if available, and during their normal working hours.  
3. If a Traffic Division Officer is unavailable, a FSB supervisor shall respond to the scene and ensure a proper investigation is completed.”

**SOP 2-71 (Formerly 2-17) Search and Seizure Without a Warrant:** It is the policy of the Albuquerque Police Department (Department) to provide sworn personnel with guidelines to conduct warrantless searches and seizures that uphold individual civil rights, protect sworn personnel and others, and govern the collection of evidence.

\*Due 6/12/2025 – These recommendations and the consideration have already been submitted.

▪ **PnP Subcommittee Discussion:**

1. A general recommendation to address the problem of license plates being “seized,” particularly by PSAs. Having non-sworn personnel confiscating license plates raises issues of proper authority and safety for the personnel.
  - Recommendation: “License Plate Confiscation  
PSAs and TSOs shall not confiscate, seize, or remove license plates from vehicles. PSAs and TSOs who encounter registration violations or problematic license plates shall document the issue and immediately notify a sworn officer for appropriate action.”
2. 2-71-4-G-1-d
  - Recommendation: Edit “can” into “shall.” This best reflects the legal standard typically used when defining the automobile exception and is more consistent with APD policy language when defining nondiscretionary duties.
    - “d. The officer *shall* articulate exigent circumstances requiring action to prevent immediate loss or destruction of evidence”
3. Section 2-71-4-F: The language concerning inventory searches is consistent with case law, but the current policy language could lead to misapplication. The CPOA has shared its concerns with APD, highlighting how comprehensive training may be the most effective means of ensuring that personnel understand both the technical requirements and the judicial standards that govern lawful inventory searches.

**SOP 2-73 Collection, Submission, and Disposition of Evidence and Property:** It is the policy of the Department to ensure a proper chain of custody for property and evidence and to provide for the safe, efficient, and careful handling and preservation of property and evidence that is under the Department's control.

\*Due 6/19/25

- **PnP Subcommittee Discussion:** 2-73-5-B-A includes new inventory search procedures following 2-71, so any considerations sent to APD about inventory searches concerning 2-71 will also be shared with the authors of 2-73.

**SOP 2-113 Custom Notification Gun Buy-Back (CNGBB) Program:** It is the policy of the Albuquerque Police Department (Department) to promote positive relationships and interactions between Department personnel and members of the community who have been identified as people who are victims of self-inflicted gunshot wounds. Furthermore, it is the policy of the Department for personnel assigned to the Violence Intervention Program (VIP) to offer the CNGBB Program or firearm safety information or classes to the victims

of self-inflicted gunshot wounds to learn proper firearm safety and decrease the likelihood that a similar incident would recur.

\*Due 6/12/2025 – This recommendation has already been submitted. Recommendation comes from CPOA.

- **PnP Subcommittee Discussion:** The CPOA did not have a specific recommendation for 2-113. However, we are curious as to why there is no policy about the general procedures APD employs when participating in gun buyback programs. SOP 2-113 is specific to victims of self-inflicted gunshot wounds. If APD is participating in gun buy-backs outside of this context (based on reporting, it is), it should have a policy that defines the procedures and requirements for the personnel involved.

## No Policy Recommendations

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**SOP 1-10 Peer Support Program:** It is the policy of the Albuquerque Police Department (Department) to provide opportunities and procedures for Department personnel to give support to and receive support from their peers during stressful times

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 1-50 Gun Violence Reduction Unit (GVRU):** It is the policy of the Albuquerque Police Department (Department) for GVRU sworn personnel to be responsible for the investigation of crimes related to aggravated batteries involving a firearm with bullet-to-skin contact. It is also the policy of the Department for GVRU sworn personnel to conduct a thorough investigation to identify, locate, and apprehend individuals suspected of committing a gun crime and to seek to reduce gun violence.

- **PnP Subcommittee Discussion:** No Recommendations

**SOP 1-61 Internal Affairs Force Division (IAFD):** It is the policy of the Albuquerque Police Department (Department) for IAFD personnel to conduct timely, fair, objective, and thorough investigations on Level 2 and Level 3 uses of force, uses of force indicating apparent criminal misconduct by an officer, uses of force by Department personnel of a rank higher than sergeant, or any other force investigation assigned by the Chief of Police.

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 1-91 Tactical Emergency Medical Support (TEMS):** It is the policy of the Albuquerque Police Department (Department) to use TEMS Unit personnel during critical incidents where a threat to life is present.

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 1-94 (Formerly 6-1) Training Division:** It is the policy of the Department to be committed to a continuous process of training to provide its personnel with the knowledge, skills, and abilities to serve the Albuquerque community. The Academy Division is responsible for training all Department personnel and for training personnel with external governmental agencies when directed.

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 2-4 Use of Respirators:** It is the policy of the Department to be in compliance with Occupational Safety and Health Administration (OSHA) regulations and to protect Department personnel from inhaling airborne hazards. It is also the policy of the Department to provide respirators to Department personnel to protect them from airborne hazards and, therefore, shall have a written Respiratory Protection Program.

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 2-14 Use of Cell-Site Simulator Technology:** It is the policy of the Department to utilize cell-site simulator (CSS) technology as one tool among many traditional law enforcement techniques and to achieve important public safety objectives, including Search and Rescue, criminal investigations, and other public safety operations. The Department's use of CSS technology provides valuable assistance supporting the Department's important public safety objectives. Only appropriately trained Department personnel may use and operate the CSS technology. Because the Department is committed to constitutional and effective community policing, the

use of any CSS technology shall strictly comply with the requirements and protections of the United States Constitution, including the Fourth Amendment and the New Mexico Constitution, Article II, Section 10.

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 2-25 (Formerly 1-28) Bomb Threats and Bomb Emergencies:** It is the policy of the Department to ensure Department personnel and community members are safe during bomb threats and bomb emergencies.

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 2-37 Meal Breaks:** It is the policy of the Department to balance the needs of the community and the demands for response to calls for service with the need for Department personnel to take a meal break

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 2-108 Electronic Communications Privacy Act Procedures:** It is the policy of the Department to educate Department personnel in writing regarding agency policies and procedures governing the procurement, testing, adoption, deployment, use, access, and retirement of technology and data it provides consistent with the ECPA

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 2-60 Preliminary and Follow-Up Criminal Investigations:** It is the policy of the Department to quickly and effectively investigate crimes and, in some cases, make referrals to specialized investigative units for their continued investigation. Given limited resources, decisions about continued follow-up investigations will consider solvability factors and identify, investigate, and prioritize violent crimes, cases for individuals who repeatedly commit the same types of crimes, and cases of high financial loss or dangerousness to the community.

An effective and ethical investigation combines quick and thorough identification of a crime, capturing physical and testimonial evidence, including evidence exculpatory to any person. Investigations require the preservation of evidence by protecting the integrity of witness statements, physical evidence, and any identification of an individual.

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 2-76 Court:** It is the policy of the Department to ensure that Department personnel are properly notified about appearing and testifying at court and Motor Vehicle Division (MVD) hearings to ensure that they appear at the scheduled times and that they are properly prepared and attired.

- **PnP Subcommittee Discussion:** No recommendations.

**SOP 3-25 Bid Process:** It is the policy of the Department to conduct a City-wide bid that is based on seniority, consistent with the current CBA.

- **PnP Subcommittee Discussion:** No Recommendations.

**SOP 3-34 Training Committee:** This policy is being entirely struck and archived. According to APD, this policy was discussed within CASA but they noticed that it just wasn't working and the process was not effectuating the goal. The better system is to bring subject matter experts together from around the department to make sure needs and trends are identified for upcoming training.

- **PnP Subcommittee Discussion:** No Recommendations.

## **APD Responses to Policy Recommendations**

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### **SOP 1-46 Field Training and Evaluation Program (FTEP)**

- **CPOAB Recommendation:** Determine discipline sanction for 1-46-6 to apply to nondiscretionary duties of FTEP personnel, with recommendations from IAPS.
- **APD Response:** Sanction class 6 applied to the section where FTEP coordinator shall keep the manual for the program.

## **SOP 2-78 Domestic Abuse Investigations**

- CPOAB Recommendation: Page 1. 2-78-2: Rewrite the policy paragraph to remove unnecessary language and make it more direct. Rewrite the above paragraph into: “It is the policy of this law enforcement agency to provide a proactive, victim-centered response to domestic abuse. The agency has a zero-tolerance policy for domestic abuse and will thoroughly investigate all incidents, including those involving law enforcement officers or individuals in positions of power or influence.” The substance and content remain the same, but unnecessary language like “Additionally..” and “to take a position of zero tolerance for domestic abuse ” has been removed
- APD Response: Agrees that the content remains the same and prefers the recommended verbiage. Recommendation will be incorporated into SOP at next revision.
  1. This policy recommendation was overdue (due date 4/10/2025) because the CPOAB meeting took place on the same day, which made it difficult to incorporate it into this revision.

## **SOP 1-92 Special Weapons and Tactics (SWAT)**

- CPOAB/CPOA Recommendation: (1) Grammar edit, (2) “Exigent circumstances” definition/reference, and (3) On behalf of CPOAB –
  - (3) Recommendation: Add a new section to 1-92. “SUAS and Radio Communications” A. Unmanned Aircraft System (UAS) operators may be permitted to break radio communication silence during tactical activations when they directly observe: 1. A previously unknown imminent threat to sworn personnel or other individuals on scene; 2. A change in conditions that negates the risk of a previously perceived threat; or 3. A development that could substantially impact the tactical plan and is not apparent to personnel on the ground. B. Such communications shall be limited to critical information necessary to support immediate tactical operations and ensure scene safety. UAS operators shall not speculate or infer beyond what is directly observed through the UAS visual system. SOP 1-92 should also include references to 2-15 Small Unmanned Aircraft Systems (SUAS) Operations and 2- 94 Drone as a First Responder in its related SOPs if the recommendation is incorporated.
- APD Response: (1) Fixed grammatical error (concur), (2) Relying on reference to 2-70 (partially concurs), and (3) “The SUAS communication protocols are practiced and taught through training, there is no need or benefit in adding it to SOP.” (does not concur).