



**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**Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**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
- 1-5 Harassment/Sexual Harassment in the Workplace
- 1-10 Peer Support Program
- 1-20 Behavioral Sciences Section (Formerly 1-11)
- 2-2 Department Property
- 2-5 Department Vehicles
- 2-8 Use of On-Body Recording Devices
- 2-9 Use of Computer Systems
- 2-16 Reports
- 2-81 Off-Duty Conduct: Power of Arrest
- 3-31 Physical Fitness Assessment
- 3-41 Complaints Involving Department Personnel

B. Form(s)

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

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  
NMSA 1978, §§ 40-13-1 to 40-13-13 Family Violence Protection



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D. Rescinded Special Order(s)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 21-96 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 an 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.

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 expect 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 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.

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
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- a. Felony crimes;
  - b. Misdemeanor crimes;
  - c. Petty misdemeanor crimes; and
  - d. Traffic code violations.
3. The City of Albuquerque Code of Ordinances, City's Administrative Instructions, and the City's Personnel Rules and Regulations.

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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

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

B. Violation of Laws and Regulations



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- 3**
1. Department personnel shall inform their immediate supervisor within twenty-four (24) hours regarding the following incidents:
    - a. When personnel are arrested or issued a citation;
    - b. When probable cause is established after a criminal investigation finds an employee has committed a federal, state, or local felony and/or misdemeanor;
    - c. Personnel shall immediately report to their supervisor the loss or suspension of a driver's license; and/or
    - d. The dismissal of any court proceeding, in whole or part, because the officer failed to activate their on-body recording device (OBRD).

- 5**
2. Except in the performance of official Department business, personnel shall not knowingly frequent any establishment wherein federal, state, or local laws are violated.

C. Misconduct

- 5**
1. All Department personnel shall follow the procedures for policy violations, consistent with SOP Complaints Involving Department Policy or Personnel.
  2. 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.
- 4**
3. 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.
  3. All police officers, Prisoner Transport 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, OBRD, and Department-issued identification card on their person, consistent with Department SOP(s).
    - b. When off-duty, sworn personnel shall, if armed, carry on their person their Department-issued identification card and badge.



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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 than training facilities, personnel shall wear their Department-issued identification card or badge so that it is visible on the outer garment. Personnel shall inquire of anyone who is not wearing a Department-issued identification card or badge or a visitor's pass whether they are authorized to be in the Department facility. If the individual is unauthorized to be in the Department facility, or 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.

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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 and personnel can access the link through APDWeb/Protopage. Supervisors with rights to this information may access their employee's contact information at any time.

**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.
- 3. Department sworn and non-sworn personnel shall have access to the mental health services offered by the Behavioral Sciences Section, consistent with SOP Behavioral Sciences Section.
- 4. The Department shall provide both sworn and non-sworn personnel the opportunity to give and receive support to overcome stressful personal and professional experiences, consistent with SOP Peer Support Program.

N/A

**6** 1-1-6

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

**A. Honesty, Integrity, and Accountability**

- 1. All Department personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that may cast doubt on their integrity, honesty, moral judgment, or character; that tends to bring discredit to



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the Department; or that impairs the Department's efficient and effective operation.

2. Department personnel shall provide their name, rank, duty assignment, and employee number to any person requesting such information while on-duty or while they are acting in an official capacity, with the following exception:

a. When the immediate disclosure could interfere with the performance and completion of the duties of sworn personnel, the employee may withhold such information until it is reasonable and safe to provide the information. Once it is safe to do so, sworn personnel shall provide the requested information.

**2** 3. Department personnel shall truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the Department.

a. Sworn personnel who are a subject or a witness to a matter under investigation shall answer truthfully all questions directed to them, consistent with the current Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association.

**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. Personnel shall also avoid associating or engaging in activities with people who have a reputation in the community or the Department for current involvement in felonious or criminal behavior, except as necessary in the performance of official duties or where unavoidable because of other personal relationships.

**5** 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 official Department business.

**2** 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



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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 served with a Court Order of Protection 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.

**3** B. Confidentiality

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, personnel shall meet the roles and responsibilities as required by their position in order to maintain the Department's functions, objectives, and standards of efficiency.
2. In addition to adherence to all federal, state, and local laws, personnel shall perform any act required by the Department's directives and orders, including SOPs and Special Orders.

**4** 3. 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. Personnel who are given an otherwise proper order that conflicts with a previously given order shall respectfully inform the supervisor of the



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previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the supervisor's most recent order stands.

- j. The supervisor, upon receiving notice of a prior conflicting order, bears the responsibility for resolving any such conflict.
- b. Personnel, however, shall not obey any order that they know or should know would require them to violate any federal, state, or local law or Department or City policy.
- c. If in doubt as to the legality of an order, personnel shall request that the issuing supervisor clarify the order, or personnel may confer with higher-ranking authority.

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

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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.

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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 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.

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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. Engaging in any political activity;
- b. Placing, affixing, or distributing any campaign literature on City- or County-owned property;
- c. Soliciting political funds from any Department employee or another governmental agency in this jurisdiction;
- d. Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
- e. Using official authority to interfere with any election or interfere with the political actions of other Department personnel or members of the public;
- f. Favoring or discriminating against any person seeking employment because of political opinions or affiliations; and
- g. Using Department-issued equipment to engage in political activity.

F. Substance Use and Abuse

- 4 1. Department personnel shall comply with all terms and conditions of the City's Substance Abuse Policy contained in Section 1100 of the 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



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- 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** 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, Part 1, Section 10.A. 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** 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.

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

B. Business Relationships and Business Contracts

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

**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, 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.



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

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**D. Personal Relationships and Relatives**

1. Not all conduct between Department personnel or 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 who 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. Personnel shall treat



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the spouse or significant other of a person under active criminal investigation, charges, or indictment in a professional manner.

4. Department personnel are prohibited from associating or communicating socially with the spouse or significant other of any person under active criminal investigation, charges, or indictment except as necessary or unavoidable because of prior existing personal relationships.
- 3 5. 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.
6. 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.
7. All sworn personnel and civilian 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.
8. Sworn personnel shall not engage in sexual acts with individuals in police custody and who are detained.

5 E. Special Considerations, Privileges, and Professional Courtesies

1. Department personnel shall not offer special consideration, privilege, or professional courtesy to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any federal, state, or local law, or Department or City policy.
2. 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 consideration, privilege, or professional courtesy 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 authorized by the Chief of Police.



4. Department personnel shall never accept gifts, gratuities, or advantages from any suspect, prisoner, defendant, or individual involved in any case, or from any individual of ill repute, a professional bondsman, or 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.
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; to obtain privileges not otherwise available to them, or to avoid any consequences of illegal conduct.
8. Any sworn personnel who plan to receive reduced or free rent shall submit a written request for prior approval to the Chief of Police.
  - a. Each request shall be reviewed on a case-by-case basis.
  - b. Sworn personnel may receive reduced rent as long as the grant of reduced rent does not violate Department SOP(s) regarding gratuities, and the rent is not based on the performance of any official duty that may constitute a conflict of interest.
  - c. The grant of reduced rent shall be reviewed by the Chief of Police to determine if it could be interpreted as influencing the sworn personnel's judgement or if it would appear to be a conflict of interest.

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N/A 1-1-8

### **Reporting Violations**

- A. Department personnel who have, or reasonably should have, knowledge of a potential policy violation(s) shall complete an Internal Affairs Request (IAR) through the IA database web application no later than twenty-four (24) hours after obtaining that knowledge, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).
  1. Department personnel shall use the IAR template through the IA database web application and include a summary of all the incident details and the reported policy violation(s).
  2. The report does not need to be approved through the employee's chain of command; however, the commander/division head of the employee who is the subject of the complaint shall be copied in the IAR entry.



## 1-1 PERSONNEL CODE OF CONDUCT

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

#### A. Related SOP(s)

- 1-4 Biased-Based Policing and/or Profiling
- 1-5 Harassment/Sexual Harassment in the Workplace
- 1-10 Peer Support Program
- 1-20 Behavioral Sciences Section (Formerly 1-11)
- 2-2 Department Property
- 2-5 ~~Use of Police~~ Department Vehicles
- 2-8 Use of On-Body Recording Devices
- 2-9 Use of Computer Systems
- 2-16 Reports ~~Records~~
- 2-81 Off-Duty Conduct; Power of Arrest
- 3-31 Physical Fitness ~~Testing and Training~~ Assessment
- 3-41 Complaints Involving Department ~~Policy or Personnel~~

#### B. Form(s)

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

#### C. Other Resource(s)

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



NMSA 1978, §§ 40-13-1 to 40-13-13 Family Violence Protection  
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)

~~None~~ SO 21-96 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, ~~and~~ uses of force, and discrimination based on a protected class or activity.

B. Conflict of Interest

A conflict of interest exists when an 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.

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 expect 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 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.



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.

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.

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

~~B. All sworn personnel shall maintain an active, unrestricted state certification issued by the New Mexico Law Enforcement Academy (NMLEA). Permanent 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.~~

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

A. Public Welfare

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

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2. Sworn personnel shall not discriminate against any person 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 Biased-Based Policing and/or Profiling.

3



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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 ~~Policy or Personnel~~.

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.

B. Violation of Laws and Regulations

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

a. When personnel are arrested or issued a citation;

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

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

~~e~~d. The dismissal of any court proceeding, in whole or part, because the officer failed to activate their on-body recording device (OBRD).

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

C. Misconduct

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

2. 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.

4 3. 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



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

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- 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.
  3. All police officers, Prisoner Transport 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).
    - 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.



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7. For security purposes, when not in uniform at any law enforcement facility other than training facilities, personnel shall wear their Department-issued identification card or badge so that it is visible on the outer garment. Personnel shall inquire of anyone who is not wearing a Department-issued identification card or badge or a visitor's pass whether they are authorized to be in the Department facility. If the individual is unauthorized to be in the Department facility, or 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.

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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 and personnel can access the link through APDWeb/Protopage. Supervisors with rights to this information may access their employee's contact information at any time.

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 ~~Testing and Training~~ Assessment.

N/A



3. Department sworn and non-sworn personnel shall have access to the mental health services offered by the Behavioral Sciences Section, consistent with SOP Behavioral Sciences Section.
4. The Department shall provide both sworn and non-sworn personnel the opportunity to give and receive support to overcome stressful personal and professional experiences, consistent with SOP Peer Support Program.

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

**A. Honesty, Integrity, and Accountability**

- 5 1. All Department personnel, whether on- or off-duty, shall act in a manner that is above reproach. This includes avoiding behavior that may cast doubt on their integrity, honesty, moral judgment, or character; that tends to bring discredit to the Department; or that impairs the Department's efficient and effective operation.
2. Department personnel shall provide their name, rank, duty assignment, and employee number to any person requesting such information while on-duty or while they are acting in an official capacity, with the following exception:
  - a. When the immediate disclosure could interfere with the performance and completion of the duties of sworn personnel, the employee may withhold such information until it is reasonable and safe to provide the information. Once it is safe to do so, sworn personnel shall provide the requested information.
- 2 3. Department personnel shall truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the Department.
  - a. Sworn personnel who are a subject or a witness to a matter under investigation shall answer truthfully all questions directed to them, consistent with the current Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association.
- 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. 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.

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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 official Department business.

2 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. ~~Personnel~~ Department personnel who are served with a Court Order of Protection shall provide a copy of ~~that~~ the Court Order of Protection through the chain of command, to the respective Deputy Chief within twenty-four (24) hours.

3 B. Confidentiality

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, personnel shall meet the roles and responsibilities as required by their position, in order to maintain the Department's functions, objectives, and standards of efficiency.
2. In addition to adherence to all federal, state, and local laws, personnel shall perform any act required by the Department's directives and orders, including SOPs and Special Orders.

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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. 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. The supervisor, upon receiving notice of a prior conflicting order, bears the responsibility for resolving any such conflict.
  - b. Personnel, however, shall not obey any order that they know or should know would require them to violate any federal, state, or local law, or Department or City policy.
  - c. If in doubt as to the legality of an order, personnel shall request that the issuing supervisor clarify the order, or personnel may confer with higher-ranking authority.

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

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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.

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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 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.

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#### 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. Engaging in any political activity;
  - b. Placing, affixing, or distributing any campaign literature on City- or County-owned property;
  - c. Soliciting political funds from any Department employee or another governmental agency in this jurisdiction;
  - d. Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
  - e. Using official authority to interfere with any election or interfere with the political actions of other Department personnel or members of the public;
  - f. Favoring or discriminating against any person seeking employment because of political opinions or affiliations; and
  - g. Using Department-issued equipment to engage in political activity.

#### F. Substance Use and Abuse

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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.

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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.



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- 1 3. Department personnel shall not consume any intoxicating beverages on-duty, including ~~during~~ on 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 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, Part 1, Section 10.A. 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~~ 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.

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

B. Business Relationships and Business Contracts

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

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;



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however, this restriction does not apply to personal transactions involving nonofficial Department business.

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3. While on-duty, personnel shall not possess or distribute personal business cards or any forms of marketing or advertisement promoting a personal business.
4. 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.

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

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D. Personal Relationships and Relatives



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1. Not all conduct between Department personnel or 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 who 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 ~~in the performance of~~ to perform their official duties. Personnel shall treat the spouse or significant other of a person under active criminal investigation, charges, or indictment, in a professional manner.
4. Department personnel are prohibited from associating or communicating socially with the spouse or significant other of any person under active criminal investigation, charges, or indictment except as necessary or unavoidable because of prior existing personal relationships.
5. 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.
6. 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.
7. All sworn personnel and civilian 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.
8. Sworn personnel shall not engage in sexual acts with individuals in police custody and who are detained.

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E. Special Considerations, Privileges, and Professional Courtesies

1. Department personnel shall not offer special consideration, privilege, or professional courtesy to other Department or City personnel or to personnel from other law enforcement or public safety agencies when such individuals are alleged to be involved in a violation of any federal, state, or local law, or Department or City policy.
2. 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 consideration, privilege, or professional courtesy from other Department personnel or ~~from~~ 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 authorized by the Chief of Police.
4. Department personnel shall never accept gifts, gratuities, or advantages from any suspect, prisoner, defendant, or individual involved in any case, or from any individual of ill repute, a professional bondsman, or 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.
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; to obtain privileges not otherwise available to them, or to avoid any consequences of illegal conduct.
8. Any sworn personnel who plan to receive reduced or free rent shall submit a written request for prior approval to the Chief of Police.
  - a. Each request shall be reviewed on a case-by-case basis.
  - b. Sworn personnel may receive reduced rent as long as the grant of reduced rent does not violate Department SOP(s) regarding gratuities, and the rent is not based on the performance of any official duty that may constitute a conflict of interest.
  - c. The grant of reduced rent shall be reviewed by the Chief of Police to determine if it could be interpreted as influencing the sworn personnel's judgement or if it would appear to be a conflict of interest.

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N/A

1-1-8 Reporting Violations

A. Department personnel who have, or reasonably should have, knowledge of a potential policy violation(s) shall complete an Internal Affairs Request (IAR) through the IA database web application no later than twenty-four (24) hours after obtaining that knowledge, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

1. Department personnel shall use the IAR template through the IA database web application and include a summary of all the incident details and the reported policy violation(s).

2. The report does not need to be approved through the employee's chain of command; however, the commander/division head of the employee who is the subject of the complaint shall be copied in the IAR entry.

~~A. Department personnel having knowledge that another Department employee has violated this SOP shall immediately (not to exceed twenty four (24) hours) report the facts and circumstances to their immediate supervisor.~~

~~In addition, Department personnel shall report violation(s) of this SOP immediately (not to exceed twenty four (24) hours) after the policy violation(s) or learning of the misconduct/policy violation(s) by forwarding an Internal Affairs Request (IAR) through the IA database web application, consistent with SOP Complaints Involving Department Policy or Personnel.~~