



2-40 MISDEMEANOR, TRAFFIC, AND PARKING ENFORCEMENT

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-1 Uniforms
- 2-41 Traffic Stops
- 2-46 Response to Traffic Crashes
- 2-80 Arrests, Arrest Warrants, and Booking Procedures

B. Form(s)

- Criminal Complaint
- PD 3069 APD Pre-Booking Worksheet (In TraCS)
- State of New Mexico Uniform Traffic Citation

C. Other Resource(s)

- N.M. Const. art. IV, § 13 Privileges and Immunities
- NMSA 1978, § 4-41-12 Entering Other Counties; Powers
- NMSA 1978, § 66-8-122 Immediate Appearance before Magistrate
- NMSA 1978, § 66-8-123 Conduct of Arresting Officer; Notices by Citation
- ROA 1994, §§ 8-1-1-1 to 8-6-99 Traffic Code
- ROA 1994, §§ 12-1-1 to 12-5-8 Criminal Code

D. Rescinded Special Order(s)

None

2-40-1 Purpose

The purpose of this policy is to provide procedures for sworn personnel when conducting traffic enforcement and/or enforcing State of New Mexico and City of Albuquerque laws.

2-40-2 Policy

It is the policy of the Albuquerque Police Department (Department) to enforce the misdemeanor laws of the State of New Mexico and City of Albuquerque by issuing to individuals citations for traffic, misdemeanor, and parking violations whenever possible and appropriate.

N/A 2-40-3 Definitions

- a. Marked Department-Issued Vehicle



A vehicle that is issued to sworn personnel that has a Department badge decal or the Department logo affixed to the exterior of the vehicle. The vehicle must be equipped with a siren and emergency lights that are mounted on the vehicle's grill, roof, or dashboard.

b. Unmarked Department-Issued Vehicle

A vehicle that is issued to sworn personnel that is not equipped with emergency lights, nor a siren, and does not have a Department badge decal or Department logo affixed to the exterior of the vehicle. An unmarked Department-issued vehicle may or may not have a government-issued license plate.

c. Unmarked Department-Issued Vehicle for Traffic Enforcement

A vehicle that is issued to sworn personnel that is equipped with emergency lights that are mounted on the vehicle's grill, roof, or dashboard, a siren, and has a government-issued license plate.

7 2-40-4 **Misdemeanor Enforcement**

6 A. Misdemeanor Arrests for Traffic Violations

1. Sworn personnel shall not physically arrest an individual:

- a. For traffic violations unless the violation requires mandatory appearance as prescribed by NMSA 1978, § 66-8-122;
- b. When an individual who is subject to a lawful arrest fails to fully identify themselves; or
- c. When the arrest or detention of an individual is necessary to prevent imminent harm to others, or it is necessary to remove the individual from the scene of the offense.

2. Criminal Complaint

- a. Prior to booking the individual, arresting sworn personnel shall ensure that all State of New Mexico Criminal Complaints where a physical arrest of an individual is made have a supervisors' signature.
- b. Sworn personnel who arrest an individual for a misdemeanor and traffic offenses shall charge the individual for all misdemeanor offenses that occurred during the incident on the Criminal Complaint, pre-booking form, and misdemeanor citation.
 - i. This applies when there is no bond required for the lesser offense.

B. Non-Traffic Citations for Misdemeanors

1. Sworn personnel shall:



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- a. Whenever practical, issue a misdemeanor citation to Albuquerque metropolitan area residents instead of an arrest;
- b. Conduct a warrants check on the individual(s) before issuing a misdemeanor citation; and
 - i. If the individual(s) has an outstanding misdemeanor warrant(s), sworn personnel shall make an arrest and complete a Criminal Complaint rather than issue a misdemeanor citation.
- c. When they issue a misdemeanor citation or a Uniform Traffic Citation for a non-traffic citation (NTC):
 - i. Complete a Uniform Incident Report for every case;
 - ii. Enter the citation number(s) in the applicable 'Subject' section in the 'Arrest/Citation No.' box of the Uniform Incident Report;
 - iii. Issue a separate misdemeanor citation when an individual has committed multiple offenses;
 - iv. Provide a copy of the misdemeanor citation to the individual at the time of issuance;
 - v. Advise the individual that they have five (5) working days in which to appear at the Bernalillo County Metropolitan Court; and
 - vi. Ensure the individual understands that they must appear at the Bernalillo County Metropolitan Court and if they fail to appear, a warrant shall be issued for their arrest.

4. Health Code Violations

- a. When sworn personnel are called upon to assist City of Albuquerque Environmental Health Department personnel or City Animal Welfare Department officers when a community member refuses to sign a misdemeanor citation for a health code violation, they shall advise the community member to sign the citation.
 - i. If the individual continues to refuse to sign the misdemeanor citation, both the Environmental Health Department employee or Animal Welfare Department employee and the officer shall sign and date the citation with a notation that the community member refused to sign the misdemeanor citation.
 - ii. The officer shall arrest the community member solely for the health code violation and/or refusing to sign the misdemeanor citation.
 - iii. It is the responsibility of the Environmental Health Department employee or Animal Welfare Department officer to ensure that the community member is summoned to Metropolitan Court.

C. Sworn personnel may get a misdemeanor citation book from their assigned area command or the Metro Traffic Division facility.

2-40-5 Traffic Enforcement

A. Traffic Crash Enforcement Action



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1. Sworn personnel are expected to take enforcement action whenever a traffic crash investigation indicates probable cause to believe that a violation of law has occurred, consistent with SOP Responses to Traffic Crashes.
 - a. Specific enforcement actions, such as a physical arrest, issuance of a citation, or a written warning, etc., that arise from a traffic crash investigation shall be consistent with the nature of the alleged violation.
 - b. Sworn personnel must establish all elements of the violation(s) prior to taking any enforcement action.
 - c. The elements that the officer did not personally witness must be established through an investigation.
2. Sworn personnel who are assigned to investigate traffic crashes shall conduct thorough investigations and submit complete Uniform Crash Reports, consistent with SOP Response to Traffic Crashes (refer to SOP Response to Traffic Crashes for sanction classifications and additional duties).
 - a. If sufficient evidence exists to identify contributing factors of traffic crashes, those facts and opinions must be properly documented in a Uniform Crash Report.
3. A Police Service Aide (PSA) who is investigating a traffic crash where enforcement action is necessary shall request assistance from a uniformed officer through the Emergency Communications Center (ECC).

N/A

B. Traffic Stops

1. When charging an individual with violating of state or local traffic laws, sworn personnel shall:
 - a. Complete the State of New Mexico Uniform Traffic Citation using the TraCS system;
 - i. When the TraCS system is down, sworn personnel may complete the paper version of the Uniform Traffic Citation, if available.
 - ii. When paper citations are unavailable, sworn personnel must issue a criminal summons for the violation(s).
 - b. Fill in the email address and telephone number fields for each citation and shall inform the person that the purpose of including this information is to provide it to the court so the court can inform the person of their court date;
 - i. If the individual declines to provide an email address or telephone number, sworn personnel must note the refusal in the narrative of the citation.
 - c. Advise the individual that non-compliance with the terms of the citation may result in a suspension of their driver's license;
 - i. A suspension for non-compliance remains in effect until sufficient proof of compliance is met.
 - d. Have the individual sign the appropriate acknowledgment;



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- e. Check the Court Appearance box in the Uniform Traffic Citation if the individual declines to acknowledge the penalty assessment;
- f. Give the individual a copy of the Uniform Traffic Citation;
 - i. If the TraCS system is down, sworn personnel shall set the date at ten (10) calendar days from the date of the violation.
 1. Should the tenth (10th) day fall on a weekend or holiday, the appearance date shall be the next workday
 2. The TraCS system automatically selects the traffic arraignment date if that selection is chosen.
2. When sworn personnel attempt to issue a Uniform Traffic Citation and the individual refuses to sign it, they shall arrest the individual and check the "Booked" checkbox on the citation.
3. Sworn personnel shall not:
 - a. Not mark out or write over information on the face of a Uniform Traffic Citation, but instead shall void the citation and issue a corrected one in its place.
 - i. Sworn personnel shall provide all voided citations to Court Services Unit personnel.
 - b. Enter "see report" in the "Description of the Offense" section; nor
 - c. Accept custody or payment for any penalty assessment.
4. When sworn personnel verify through the ECC NCIC Operator that an individual has an outstanding warrant, they shall arrest and book them on the warrant and shall allow the individual to sign the traffic citation.
5. Sworn personnel who observe an individual violate a traffic law while off-duty and out of uniform shall not call a uniformed officer who has not observed the violation to issue a traffic citation.
6. Any officer who violates the rules outlined in NMSA 1978, § 66-8-123 E shall be guilty of misconduct in office and is subject to removal.

N/A

C. Traffic Stops Involving Juveniles

A juvenile may acknowledge guilt of a traffic offense contained within the penalty assessment program and agree to pay the penalty (refer to SOP Juvenile Delinquency for sanction classifications and additional duties).

D. Traffic Stops on Private Property



Sworn personnel may only issue a Uniform Traffic Citation on private property when the individual is driving while intoxicated, driving recklessly, or has left the scene of a traffic crash.

E. Traffic Stops for Individuals Driving Armored Vehicles

1. When stopping an individual who is driving an armored vehicle, sworn personnel shall:
 - a. Ask the driver to present their license by either holding it up to the glass or passing it out the gun port;
 - b. Obtain the needed information for the citation; and
 - c. Provide the Uniform Traffic Citation to Court Services Unit personnel;
 - i. Court Services Unit personnel shall hold the citation for three (3) business days for the driver's signature.
 - ii. If the driver fails to sign the Uniform Traffic Citation within three (3) business days, Court Services Unit personnel shall notify the company, and return the citation to the issuing officer for further action.

F. Special Circumstances in Traffic Enforcement

1. Sworn personnel shall treat military personnel the same as other individuals who have violated traffic laws with the following exceptions:
 - a. A person is exempt from licensure when the person is in the military service of the United States or has been honorably discharged within thirty (30) days when:
 - i. They hold a driver's license from any state that is not more than four (4) years old, which has expired while the person is active military service for the United States or has been honorably discharged within thirty (30) days when:
 1. They are stationed outside the geographical limits of the state;
 2. They are on leave from military service; and
 3. They are only while operating a motor vehicle in this state.
 - b. Foreign diplomats or consular officials have diplomatic immunity concerning federal and state laws and City ordinances under the guidelines of the U.S. Department of State.
 - c. Sworn personnel shall treat state legislators the same as other individuals who have violated traffic laws except when traveling to and from and during current legislation sessions. Immunity is granted during these times pursuant to the Constitution of New Mexico, Article IV, Section 13.

G. Enforcement in Other Jurisdictions

1. When required, sworn personnel shall exercise their legal authority to take enforcement action as a cross-commissioned Deputy Sheriff in Bernalillo County



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when they hold a current Deputy Sheriff credential, consistent with NMSA 1978, § 4-41-12.

2. When possible, sworn personnel shall request for a Bernalillo County Deputy Sheriff or a New Mexico State Police officer to accompany them when investigating traffic enforcement cases in Bernalillo County.

H. Re-examination of Drivers by New Mexico Motor Vehicle Division (MVD)

1. Sworn personnel who come in contact with drivers whom they believe should be re-examined by the MVD shall submit a letter to the MVD stating the reason(s) they believe the individual needs to be re-examined, including, but not limited to:
 - a. Suspected incompetence;
 - b. Physical or mental disability;
 - c. Medical disease; or
 - d. Any other condition that might prevent the person from exercising reasonable and ordinary care when operating a motor vehicle.
2. Any citations or Uniform Crash Reports should accompany the letter to assist MVD personnel in their decision to re-examine the driver.

I. Traffic Enforcement in Unmarked Department-Issued Vehicles

1. Sworn personnel shall wear a uniform jacket or, as an option, a raid jacket/windbreaker and vest, or tactical vest, while enforcing traffic laws in an unmarked Department-issued vehicle, consistent with SOP Uniforms.
2. When on-duty or off-duty, when it becomes necessary for a non-uniformed officer or detective who is driving an unmarked Department-issued vehicle to conduct a traffic stop:
 - a. The officer or detective shall request for an officer who drives a marked Department-issued vehicle to initiate the traffic stop;
 - b. The officer or detective shall provide ECC personnel with the following information:
 - i. Description of the vehicle;
 - ii. The direction of travel;
 - iii. Number and description of the occupants, if possible; and
 - iv. Reason necessitating the stop (i.e., suspicious vehicle, suspects, wanted subjects, traffic violations, etc.).
 - c. ECC personnel shall then relay the information to the officer who is driving a marked Department-issued vehicle before conducting the traffic stop;
 - d. The officer or detective shall accompany the officer in the marked Department-issued vehicle to the location of the traffic stop; and
 - e. The officer or detective shall uniform jacket or, as an option, a raid jacket/windbreaker and vest, or tactical vest.



3. When an officer who drives a marked Department-issued vehicle is unavailable, the officer or detective in the unmarked Department-issued vehicle shall not conduct a traffic stop.
 - a. If the driver is operating a vehicle in a dangerous manner, such as reckless driving or DWI, and an officer who is driving a marked Department-issued vehicle for traffic enforcement is unavailable, the officer or detective in the unmarked Department-issued vehicle shall:
 - i. Notify ECC personnel immediately; and
 - ii. Follow the vehicle, maintaining a safe distance, monitoring the progress of the vehicle until a marked Department-issued vehicle can initiate the stop, consistent with SOP Traffic Stops.
4. The officer who conducts the traffic stop shall not issue a traffic citation for traffic violations that they did not witness.

2-40-6 Parking Enforcement

A. Issuing Parking Citations

1. Sworn personnel, PSAs, and City of Albuquerque Parking Division Controllers, may issue a City of Albuquerque parking citation for a parking violation in accordance with City ordinances.
2. Sworn personnel shall enforce to the greatest extent for all parking violations during peak traffic parking times.
3. Sworn personnel shall only cite one violation on a parking citation.
4. In congested parking areas, sworn personnel may patrol on-foot to enforce parking regulations.
5. Sworn personnel shall not mark-out or write information on the face of a parking citation, but instead shall void the citation and issue a corrected one in its place.
6. Sworn personnel may get a parking citation book from their assigned area commands.

B. Parking Citations for Disabled Vehicle Parking Violations

Sworn personnel shall issue a parking citation to an individual who is parked on private property for parking in a designated handicap area or for parking in a fire lane only.

C. MVD Handicap Placards and Plates



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1. Sworn personnel shall not issue a parking citation for vehicles that are parked in designated handicap areas that display an official MVD handicap plate.

N/A

a. The permanently disabled placard is made of blue plastic and indicates "PERMANENT" and the international handicap logo printed.

N/A

b. The temporarily disabled placard is made of red paper, and indicates "TEMPORARY" and has the expiration date.

N/A

c. The disabled Veteran plate is marked as such and is followed by four (4) digits.

N/A

b. All placards are to be displayed on the interior, rearview mirror.

REDLINED



2-40 MISDEMEANOR, TRAFFIC, AND CITY ORDINANCE PARKING ENFORCEMENT

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

A. Related SOP(s)

- 2-1 Uniforms
- 2-41 Traffic Stops
- 2-46 Response to Traffic Crashes
- 2-80 Arrests, Arrest Warrants, and Booking Procedures

B. Form(s)

- Criminal Complaint
- PD 3069 APD Pre-Booking Worksheet (In TraCS)
- State of New Mexico Uniform Traffic Citation

C. Other Resource(s)

- N.M. Const. art. IV, § 13 Privileges and Immunities
- NMSA 1978, § 4-41-12 Entering Other Counties; Powers
- NMSA 1978, § 66-8-122 Immediate Appearance before Magistrate
- NMSA 1978, § 66-8-123 Conduct of Arresting Officer; Notices by Citation
- ROA 1994, §§ 8-1-1-1 to 8-6-99 Traffic Code
- ROA 1994, §§ 12-1-1 to 12-5-8 Criminal Code

D. Rescinded Special Order(s)

None

2-40-1 Purpose

The purpose of this policy is to provide procedures for sworn personnel when conducting traffic enforcement and/or enforcing ~~City Ordinances. This includes issuance of Parking Citations/Disabled Parking Violations and Health Code Violations.~~ State of New Mexico and City of Albuquerque laws.

2-40-2 Policy

It is the ~~policy of the Albuquerque Police Department~~ policy is (Department) to enforce the misdemeanor laws of the State of New Mexico and City of Albuquerque ~~using~~ by issuing to individuals citations for traffic, misdemeanor, and parking ~~violations~~ violations whenever possible and appropriate.

N/A 2-40-3 Definitions



a. Marked Department-Issued Vehicle

A vehicle that is issued to sworn personnel that has a Department badge decal or the Department logo affixed to the exterior of the vehicle. The vehicle must be equipped with a siren and emergency lights that are mounted on the vehicle's grill, roof, or dashboard.

b. Unmarked Department-Issued Vehicle

A vehicle that is issued to sworn personnel that is not equipped with emergency lights, nor a siren, and does not have a Department badge decal or Department logo affixed to the exterior of the vehicle. An unmarked Department-issued vehicle may or may not have a government-issued license plate.

c. Unmarked Department-Issued Vehicle for Traffic Enforcement

A vehicle that is issued to sworn personnel that is equipped with emergency lights that are mounted on the vehicle's grill, roof, or dashboard, a siren, and has a government-issued license plate.

7 ~~2-40-3~~ Rules Misdemeanor Enforcement

6 ~~1~~ A. Misdemeanor Arrests for Traffic Violations ~~Arrest~~

1. ~~Officers will~~ Sworn personnel shall not physically arrest an individual:

- a. ~~For~~ for traffic violations unless the violation requires mandatory appearance as prescribed by state law in Section 66-8-122 NMSA 1978, § 66-8-122;
- b. When an individual who is subject to a lawful arrest fails to fully identify themselves; or
- c. When the arrest or detention of an individual is necessary to prevent imminent harm to others, or it is necessary to remove the individual from the scene of the offense.

2. Criminal Complaint

- a. Prior to booking the individual, arresting sworn personnel shall ensure that all State of New Mexico Criminal Complaints where a physical arrest of an individual is made have a supervisors' signature.
- b. Sworn personnel who arrest an individual for a misdemeanor and traffic offenses shall charge the individual for all misdemeanor offenses that occurred during the incident on the Criminal Complaint, pre-booking form, and misdemeanor citation.
- 4.i. This applies when there is no bond required for the lesser offense.



~~Sworn personnel are required to submit a State of New Mexico Criminal Complaint form when booking traffic violators;~~

~~A supervisor shall approve and sign the Criminal Complaint; and~~

B. Non-Traffic Citations for Misdemeanors

1. Sworn personnel shall:

- a. Whenever practical, issue a misdemeanor citation to Albuquerque metropolitan area residents instead of an arrest;
- b. Conduct a warrants check on the individual(s) before issuing a misdemeanor citation; and
 - i. If the individual(s) has an outstanding misdemeanor warrant(s), sworn personnel shall make an arrest and complete a Criminal Complaint rather than issue a misdemeanor citation.
- c. When they issue a misdemeanor citation or a Uniform Traffic Citation for a non-traffic citation (NTC):
 - i. Complete a Uniform Incident Report for every case;
 - ii. Enter the citation number(s) in the applicable 'Subject' section in the 'Arrest/Citation No.' box of the Uniform Incident Report;
 - iii. Issue a separate misdemeanor citation when an individual has committed multiple offenses;
 - iv. Provide a copy of the misdemeanor citation to the individual at the time of issuance;
 - v. Advise the individual that they have five (5) working days in which to appear at the Bernalillo County Metropolitan Court; and
 - vi. Ensure the individual understands that they must appear at the Bernalillo County Metropolitan Court and if they fail to appear, a warrant shall be issued for their arrest.

4. Health Code Violations

- a. When sworn personnel are called upon to assist City of Albuquerque Environmental Health Department personnel or City Animal Welfare Department officers when a community member refuses to sign a misdemeanor citation for a health code violation, they shall advise the community member to sign the citation.
 - i. If the individual continues to refuse to sign the misdemeanor citation, both the Environmental Health Department employee or Animal Welfare Department employee and the officer shall sign and date the citation with a notation that the community member refused to sign the misdemeanor citation.
 - ii. The officer shall arrest the community member solely for the health code violation and/or refusing to sign the misdemeanor citation.



iii. It is the responsibility of the Environmental Health Department employee or Animal Welfare Department officer to ensure that the community member is summoned to Metropolitan Court.

C. Sworn personnel may get a misdemeanor citation book from their assigned area command or the Metro Traffic Division facility.

2-40-5 Traffic Enforcement

A. Traffic Crash Enforcement Action

1. Sworn personnel are expected to take enforcement action whenever a traffic crash investigation indicates probable cause to believe that a violation of law has occurred, consistent with SOP Responses to Traffic Crashes.

a. ~~Specific enforcement actions~~, such as a physical arrest, issuance of a citation, or a written warning, etc., that arise from a traffic crash investigation shall be consistent with the nature of the alleged violation.

b. Sworn personnel must establish all elements of the violation(s) prior to taking any enforcement action.

c. The elements that the officer did not personally witness must be established through an investigation.

N/A

2. Sworn personnel who are assigned to investigate traffic crashes shall conduct thorough investigations and submit complete Uniform Crash Reports, consistent with SOP Response to Traffic Crashes (refer to SOP Response to Traffic Crashes for sanction classifications and additional duties).

a. If sufficient evidence exists to identify contributing factors of traffic crashes, those facts and opinions must be properly documented in a Uniform Crash Report.

3. A Police Service Aide (PSA) who is investigating a traffic crash where enforcement action is necessary shall request assistance from a uniformed officer through the Emergency Communications Center (ECC).

B. Traffic Stops

~~a. When The person requests an immediate appearance before the court.~~

~~b. The person is charged with driving while under the influence of intoxicating liquor or drugs.~~

~~c. The person is charged with failure to stop in the event of an accident causing death, personal injuries, or damage to property.~~

~~d. The person is charged with reckless driving.~~



~~1. The arresting officer has probable cause to believe the person arrested has committed a felony. charging an individual with violating of state or local traffic laws, sworn personnel shall:~~

~~e. Complete the State of~~

~~f. The person refuses to give his/her written promise to appear in court or acknowledge receipt of a warning notice.~~

7

~~B. Uniform Traffic Citations~~

~~4.a. Officers, using the New Mexico Uniform Traffic Citation, may charge a person with a moving violation as defined in state statutes or city ordinances as follows: using the TraCS system;~~

~~a. Officers issuing a notice to appear in court citation, penalty assessment citation, or warning citation will:~~

~~i. Complete the Information and the "Description of the Offense" sections of the citation. Officers will not enter "see report" in the "Description of the Offense" section.~~

~~i. Officers shall fill. When the TraCS system is down, sworn personnel may complete the paper version of the Uniform Traffic Citation, if available.~~

~~ii. When paper citations are unavailable, sworn personnel must issue a criminal summons for the violation(s).~~

~~b. Fill in the email address and telephone number fields for each citation. Officers and shall inform the person that the purpose of including this information is to provide the information to the court so the court can inform the person of their court date.~~

~~ii. If the individual declines to provide an email address or telephone number the officer, sworn personnel must note that the refusal in the narrative of the citation or the drop down menu if possible.~~

~~iii. Have the violator sign the appropriate acknowledgment.~~

~~iv. Give the violator a copy of the citation.~~

~~v. Not accept custody or payment of any penalty assessment.~~

~~vi. Issue a notice to appear if a violator declines to accept a penalty assessment notice.~~

~~vii. When citing a violator into court, officers will pull an arraignment date using their KDT. If the KDT system is down, then officers will set the date ten calendar days from the date of the violation. Should the tenth day fall on a weekend, or holiday, the appearance date will be the next workday.~~

~~viii. A new arraignment date will be pulled for every traffic stop.~~

~~b. Under state law section 66-8-123E, NMSA 1978, any officer violating the rules of this section is guilty of misconduct in office and is subject to removal.~~

~~c. Officers will advise all drivers. Advise the individual that non-compliance with the terms of the citation may result in a suspension of their driver's license.~~



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~~suspension for non-compliance remains in effect until sufficient proof of compliance is met.~~

~~i. A suspension for non-compliance remains in effect until sufficient proof of compliance is met. If violators refuse to~~

~~d. Have the individual sign a citation, they will the appropriate acknowledgment;~~

~~e. Check the Court Appearance box in the Uniform Traffic Citation if the individual declines to acknowledge the penalty assessment;~~

~~f. Give the individual a copy of the Uniform Traffic Citation;~~

~~i. If the TraCS system is down, sworn personnel shall set the date at ten (10) calendar days from the date of the violation.~~

~~1. Should the tenth (10th) day fall on a weekend or holiday, the appearance date shall be booked, the next workday~~

~~2. The TraCS system automatically selects the traffic arraignment date if that selection is chosen.~~

~~2. When sworn personnel attempt to issue a Uniform Traffic Citation and the individual refuses to sign it, they shall arrest the individual and check the "Booked" checkbox on the citation.~~

~~3. Sworn personnel shall not:~~

~~a. Not mark out or write over information on the face of a Uniform Traffic Citation, but instead shall void the citation marked "booked" and issue a corrected one in its place.~~

~~i. When a citizen is arrested for a violation included in 2-40-2-A-1a Sworn personnel shall provide all voided citations to Court Services Unit personnel.~~

~~b. Enter "see report" in the "Description of the Offense" section; nor~~

~~c. Accept custody or payment for any penalty assessment.~~

~~e. (something leading up to this...), wWhen sworn personnel verify through 2-40-2-A-1f, and there are other non-arrest traffic offenses arising from the same incident, then all the violations shall be handled as arrest offenses.~~

~~f. When a citizen is found to have the ECC (NCIC database?) Operator that an individual has an outstanding warrant, the citizen will be booked they shall arrest and book them on the warrant and allowed shall allow the individual to sign the traffic citation if the violation is not included in 2-40-2-A-1a through 2-40-2-A-1f listed above.~~

~~Officers~~

~~Sworn personnel are required to submit a State of New Mexico Complaint form when booking traffic violators. The Complaint form will be signed and approved by~~

~~a:~~

~~g. A supervisor shall approve and sign the Criminal Complaint; and~~

~~4. An officer~~



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~~h.5.~~ Sworn personnel who ~~observes~~ observe an individual violate a traffic violation law while off-duty and out of uniform ~~will~~ shall not call a uniformed officer, who has not observed the violation, ~~to the scene~~ to issue a traffic citation.

6. Any officer who violates the rules outlined in NMSA 1978, § 66-8-123 E shall be guilty of misconduct in office and is subject to removal.

N/A

C. Traffic Stops Involving Juveniles (~~See SOP — Juvenile Delinquency~~)

~~4.~~ ~~Juveniles~~ A juvenile may acknowledge guilt of a traffic offenses ~~offense~~ contained within the penalty assessment program and agree to pay the penalty. (refer to SOP Juvenile Delinquency for sanction classifications and additional duties).

7

D. Traffic Stops on Private Property

~~Issuing traffic citations~~

~~4.~~ Sworn personnel may only issue a Uniform Traffic Citation on private property when the individual is limited to driving while intoxicated, reckless driving, and leaving recklessly, or has left the scene of an accident a traffic crash.

7

E. Traffic Stops for Individuals Driving Armored Vehicles

~~1. The~~ When stopping an individual who is driving an armored vehicle, sworn personnel shall:

~~4.a.~~ Ask the driver ~~will~~ to present their license by either holding it up to the glass or passing it out the gun port ~~to the officer.~~

~~2.b.~~ ~~The officer will obtain~~ Obtain the needed information for the citation; and

~~c. The~~ Provide the Uniform Traffic Citation to Court Services Unit personnel;

~~3.i.~~ Court Services Unit personnel shall hold the citation ~~will be delivered to the Court Services Unit and held for~~ for three working ~~(3) business~~ days for the driver's signature.

~~4.ii.~~ If the driver fails to sign the citation ~~Uniform Traffic Citation~~ within these three working days, ~~(3) business days,~~ Court Services Unit personnel shall notify the company ~~will be notified,~~ and return the citation ~~returned~~ to the issuing officer for further action.

7

~~F. Handicapped Motor Vehicle Division Placards and Plates~~

~~1. Officers will not issue parking citations to vehicles parked in designated handicap areas displaying official Motor Vehicle Division handicap plates.~~



N/A

~~2. Motor Vehicle Division Placards and Plates~~

- ~~a. The permanently disabled placard is made of blue plastic with "PERMANENT" and the international handicap logo printed on it.~~
- ~~b. The temporarily disabled placard is made of red paper, and clearly states "TEMPORARY" and has the expiration date.~~
- ~~c. The Disabled Veteran plate (permanently disabled) is marked as such and is followed by four digits.~~

~~3. The placards are to be displayed on the interior, rearview mirror.~~

7

~~G. Traffic Accident Enforcement Action~~

- ~~1. Officers are expected to take enforcement action whenever a traffic accident investigation indicates probable cause to believe that a violation of law or ordinance has occurred.~~
- ~~2. Specific enforcement actions arising from a traffic accident investigation or reporting, i.e., physical arrest, issuance of a citation, written warning, etc., will be consistent with the nature of the alleged violation and with the Department's written directive concerning traffic law enforcement.~~
- ~~3. Officers assigned to investigate traffic accidents will conduct thorough investigations and submit complete reports. If sufficient evidence exists to identify contributing causes of accidents, those facts and opinions must be properly reported.~~
- ~~4. In taking any enforcement action, the officer must establish all elements of the violation. Elements that the officer did not personally witness must be established through investigation.~~
- ~~5. Police Service Aides who are investigating accidents where enforcement action is necessary will call a uniformed officer for assistance.~~

~~H.F. Special Circumstances in Traffic Enforcement~~

- ~~1. Military Personnel will be treated~~ Sworn personnel shall treat military personnel ~~the same as other violators~~ individuals who have violated traffic laws ~~with the following exception~~ exceptions:
 - a. A person is exempt from licensure when the person is in the military service of the United States or has been honorably discharged within thirty (30) days when:



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- i. ~~He/she holds~~ They hold a driver's license from any state, ~~that is~~ not more than four (4) years old, which has expired while the person is ~~in the~~ active military service ~~effor~~ for the United States or has been honorably discharged within thirty (30) days when:
 - ~~ii.1.~~ 1. ~~He/she is~~ They are stationed outside the geographical limits of the state;
 - ~~iii.2.~~ 2. ~~He/she is~~ They are on leave from military service; and
 - ~~iv.3.~~ 3. ~~Only~~ They are only while operating a motor vehicle in this state.

~~2.b.~~ Foreign diplomats/Consular Officials or consular officials have diplomatic immunity concerning ~~city~~ federal and state laws and City ordinances ~~and State and Federal laws~~ under the guidelines of the ~~State~~ U.S. Department of ~~the United States.~~ State.

~~3.c.~~ Legislators will be treated Sworn personnel shall treat state legislators the same as other ~~violators with one exception: Travel~~ individuals who have violated traffic laws except when traveling to and from and during current legislation sessions. Immunity is granted during these times ~~as is covered under the New Mexico State~~ pursuant to the Constitution of New Mexico, Article IV, Section 13.

7

~~H.~~ G. Enforcement in Other Jurisdictions

~~1. Officers are provided with a Bernalillo County Sheriff's Special Deputy Commission when they must~~ When required, sworn personnel shall exercise their legal authority to take enforcement action in those areas of as a cross-commissioned Deputy Sheriff Sheriff in Bernalillo County when they hold a current Deputy Sheriff Sheriff Ccredentialommission card, consistent with NMSA 1978, § 4-41-12.

~~4.~~ When possible, sworn personnel shall request for a Bernalillo County which lie outside the city limits.

~~2. When possible, officers should request that a Bernalillo County deputy sheriff~~ Deputy Sheriff or a New Mexico State Police officer to accompany them when investigating traffic enforcement cases in ~~the county.~~ Bernalillo County.

~~3. Officers with current Deputy Sheriff Commission card may enforce traffic laws within the jurisdiction of Bernalillo County.~~

7

~~J.~~ City of Albuquerque Code Violations

~~C.~~

~~1. For violations of the Albuquerque Criminal Code, officers will use the Misdemeanor Citation form entitled "Citation for Ordinance Violation".~~

7

~~K.~~ Misdemeanor Citations/Non-Traffic Citations

~~C.~~



~~1. Whenever practical, a misdemeanor citation will be issued instead of an arrest to Albuquerque metropolitan area residents.~~

~~2. Before issuing a misdemeanor citation, officers should conduct a warrants check on the offender(s). If the offender(s) has an outstanding misdemeanor warrant(s), officers shall make an arrest and complete a criminal complaint rather than issue a misdemeanor citation.~~

~~6.~~

~~3. When officers issue misdemeanor citations including those written on a Uniform Traffic Citation (NTCs) form, they will ensure that:~~

~~a. A report is written in every case.~~

~~b. When a violator has committed multiple offenses, a separate citation for each offense is issued.~~

~~c. The citation number(s) will be entered in the applicable 'Subject' section, 'Arrest/Citation No.' Box of the Uniform Incident Report.~~

~~d. A copy of the misdemeanor citation (violator's copy) is given to the violator at the time of issuance.~~

~~e. Violators are advised that they have five working days in which to appear at the Metro Court.~~

~~f. Violators understand that they are under obligation to appear at the Metro Court and that should they fail to appear, a warrant of arrest will be issued.~~

7

~~L. Misdemeanor Arrests~~

~~1. Physical arrests will be made when:~~

~~a. Violators, subject to lawful arrest, fail to identify themselves satisfactorily.~~

~~b. Violators refuse to sign the citation.~~

~~c. Arrest or detention is necessary to prevent imminent harm to violators or others, or it is necessary to remove violators from the scene of the offense.~~

~~d. Violators have no ties to the jurisdiction reasonably sufficient to ensure their appearance and there is a substantial likelihood that violators would refuse to respond to the citation.~~

~~e. Violators are intoxicated to the point that they no longer have control of their faculties.~~

7

~~M. Criminal Complaint Form~~

~~1. When officers make an arrest for serious misdemeanor offenses (such as DWI and Leaving the Scene) they will:~~

~~a. Charge all misdemeanor offenses that occurred during the incident on a Misdemeanor Complaint form and Pre-booking form in addition to the citation.~~

~~b. This rule applies even if there is no bond required for the lesser offense.~~

~~N. Traffic, Misdemeanor, and Parking Citation Books~~



~~1. Will be issued to officers from their assigned area commands and the Traffic substation.~~

7

~~O. Issuing a Citation~~

~~1. Officers will not mark out or write over information on the face of a citation, but instead will void the citation and issue a corrected one in its place.~~

7

~~P.C. Health Code Violations~~

~~G.~~

~~1. When police officers are called upon to assist city Environmental Health Department personnel, to include Animal Control Officers, in instances where citizens refuse to sign citations for health code violations:~~

- ~~a. The police officer will advise the violator to sign the citation.~~
- ~~b. If the violator still refuses to comply, both the health and police officers will sign and date the citation with a notation that the citizen refused to sign.~~
- ~~c. The violator will not be arrested solely for the health code violation and/or refusing to sign the citation.~~
- ~~d. It is the responsibility of the Health Department officer to ensure that the violator is summoned to Metropolitan Court.~~

~~Q.H. Re-Examination examination of Drivers by the New Mexico Motor Vehicle Division (MVD)~~

~~1. Officers Sworn personnel who come in contact with drivers whom they believe should be re-examined by the Motor Vehicle Division should generate a MVD shall submit a letter to the MVD stating the reason(s) for a re-examination i.e., suspected they believe the individual needs to be re-examined, including, but not limited to:~~

- ~~a. Suspected incompetence, physical;~~
- ~~b. Physical or mental disability, disease;~~
- ~~c. Medical Disease; or any~~
- ~~d. Any other condition that might prevent the person from exercising reasonable and ordinary care when operating a motor vehicle. Any citations or accident reports should accompany the letter to better assist MVD in their decision to re-examine the driver.~~

~~4.~~

~~R. Parking Citations/Disabled Parking Violations~~

~~1. Officers, PSA's, and Parking Controllers, using the City of Albuquerque Parking Citation, may charge the owner of a vehicle with a parking violation in accordance with city ordinances.~~



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~~2. Personnel will issue citations on private property only for handicap and fire lane violations.~~

~~3. All violations (meter, handicapped, fire lane, tow-away zone, time zone, etc.) will be enforced, with the greatest concentration during peak traffic parking times.~~

~~4. Personnel may, in congested parking areas, use walking beats to ensure enforcement of parking regulations.~~

~~5. Officers shall only use the full page Notice of Violation for Disabled Parking Violations. The small parking tickets will not be used for this purpose.~~

~~6. City ordinances only can be cited for on parking citations.~~

~~7. Only one violation can be cited for on a parking citation.~~

7

2. Any citations or Uniform Crash Reports should accompany the letter to assist MVD personnel in their decision to re-examine the driver.

~~S. Traffic Stops/Enforcement Involving~~ in ~~Unmarked Cars~~

~~1. Types of Police Vehicles~~

C.

~~a. 1. Marked Unit - An Albuquerque Police Department vehicle that has on its exterior an APD badge decal or the APD logo. The unit must be equipped with a siren and any of the following emergency lights: grill, roof mounted or dash mounted. Issued Vehicles~~

~~1. Unmarked Unit Authorized to Conduct Traffic Enforcement Activities - Vehicles that are equipped with any of the above listed emergency lights, and a siren, bearing government ("G") license plates. Officer(s) operating these types of vehicles must be in uniform to conduct traffic enforcement activities. Sworn personnel must shall wear a uniform jacket or, as an option, a raid jacket/windbreaker and vest, or tactical vest, while enforcing traffic laws their Department approved uniform when taking enforcement action in an unmarked Department-issued vehicle, consistent with SOP Uniforms.~~

~~b.~~

~~c. Unmarked Unit - Any APD vehicle issued to an officer or detective that is not equipped with siren, emergency lights, and does not have on its exterior an APD badge decal, or APD logo. These vehicles may or may not bear "G" plates.~~

~~2. When on-duty or off-duty, when it becomes necessary for an on/off duty, a non-uniformed officer, in or detective who is driving an unmarked car, to have a Department-issued vehicle stopped, the following guidelines will be followed to conduct a traffic stop:~~



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- a. The officer/ or detective ~~will~~shall request ~~an authorized unit~~ for an officer who drives a marked Department-issued vehicle to initiate the traffic stop;
- b. The officer/ or detective ~~will~~shall provide ~~Emergency Communications~~ ECC personnel with the following information:
 - i. Description of the vehicle;
 - ii. The direction of travel;
 - iii. Number and description of the occupants, if possible; and
 - iv. Reason necessitating the stop (i.e., suspicious vehicle, suspects, wanted subjects, traffic violations, etc.).
- c. ~~Emergency Communications~~ ECC personnel shall then relay the information to the ~~authorized unit before the stop. The officer/~~ who is driving a marked Department-issued vehicle before conducting the traffic stop;
- d. The officer or detective ~~will~~shall accompany the ~~authorized unit at~~ officer in the marked Department-issued vehicle to the location of the traffic stop; and
- e. ~~_____~~ The officer/ or detective will shall uniform jacket or, as an option, a raid jacket/windbreaker and vest, or tactical vest. put on the authorized police markings.
- d. ~~In accordance with section 2-40-2-B-1 h, the officer making the stop will not issue citations for traffic violations he/she did not witness.~~

Unavailability of

~~3.~~ When an authorized unit:

~~a.3.~~ If an authorized unit is officer who drives a marked Department-issued vehicle is unavailable, the officer/ or detective in the unmarked unit WILL NOT Department-issued vehicle shall not conduct a traffic stop.

- ~~b.a.~~ If a the driver is operating a vehicle in a dangerous manner, such as reckless driving or DWI, and an authorized unit officer who is driving a marked Department-issued vehicle for traffic enforcement is unavailable, the officer/ or detective in the unmarked unit will Department-issued vehicle shall:
 - i. Notify ~~Emergency Communications~~ ECC personnel immediately ~~in accordance with section 2-40-2-S-2 b;~~ and
 - ii. Follow the vehicle, maintaining a safe distance, monitoring the progress of the vehicle until ~~an authorized unit~~ a marked Department-issued vehicle can initiate the stop, consistent with SOP Traffic Stops.

4. The officer who conducts the traffic stop shall not issue a traffic citation for traffic violations that they did not witness.

2-40-6 Parking Enforcement

A. Issuing Parking Citations



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1. Sworn personnel, PSAs, and City of Albuquerque Parking Division Controllers, may issue a City of Albuquerque parking citation for a parking violation in accordance with City ordinances.
2. Sworn personnel shall enforce to the greatest extent for all parking violations of the greatest concentration during peak traffic parking times.
- ~~1. Sworn personnel, PSAs, and City of Albuquerque Parking Division Controllers, may issue a City of Albuquerque parking citation for a parking violation in accordance with City ordinances.~~
3. Sworn personnel shall only cite one violation on a parking citation.
4. In congested parking areas, sworn personnel may patrol on-foot to enforce parking regulations.
5. Sworn personnel shall not mark-out or write information on the face of a parking citation, but instead shall void the citation and issue a corrected one in its place.
6. Sworn personnel may get a parking citation book from their assigned area commands.

B. Parking Citations for Disabled Vehicle Parking Violations

Sworn personnel shall issue a parking citation to an individual who is parked on private property for parking in a designated handicap area or for parking in a fire lane only.

- ~~1. Sworn personnel shall enforce to the greatest extent all parking violations of the greatest concentration during peak traffic parking times.~~

F.

~~Sworn personnel shall only use the full page Notice of Violation for Disabled Parking Violations citation, and only cite to violations of City ordinances.~~

~~Sworn personnel shall only cite one violation on a parking citation (Notice of Violation for Disabled Parking Violations citation?).~~

~~In congested parking areas, sworn personnel may patrol on-foot to enforce parking regulations.~~

C. MVD Handicap Placards and Plates

1. Sworn personnel shall not issue a parking citation for vehicles that are parked in designated handicap areas that display an official MVD handicap plate.



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N/A

a. The permanently disabled placard is made of blue plastic and indicates "PERMANENT" and the international handicap logo printed.

N/A

b. The temporarily disabled placard is made of red paper, and indicates "TEMPORARY" and has the expiration date.

N/A

c. The disabled Veteran plate is marked as such and is followed by four (4) digits.

N/A

#b.All placards are to be displayed on the interior, rearview mirror.

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