2-41 TRAFFIC STOPS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)
   2-1 Uniforms
   2-8 Use of On-Body Recording Devices (OBRD)

B. Form(s)
   State of New Mexico Uniform Traffic Citation

C. Other Resource(s)
   NMSA 1978, § 30-22-1(C) Resisting, Evading, or Obstructing an Officer
   NMSA 1978, § 30-22-1.1 Aggravated Fleeing a Law Enforcement Officer
   NMSA 1978, § 66-8-122(F) Immediate Appearance before Magistrate
   NMSA 1978, § 66-8-123(D) Conduct of Arresting Officer; Notices by Citation

D. Rescinded Special Order(s)
   SO 21-43 Amendment to SOP 2-41 Traffic Stops

2-41-1 Purpose

The purpose of this policy is to provide procedures for Albuquerque Police Department (Department) sworn personnel while conducting traffic stops.

2-41-2 Policy

It is the policy of the Department that sworn personnel will conduct traffic stops in accordance with training and the best interests of public safety.

2-41-3 Definitions

A. Marked Unit

   A vehicle is considered a marked unit when it is equipped with at a minimum forward and rear facing red flashing lights, a government-issued license plate, and Department insignia on both the driver and passenger side of the vehicle.

2-41-4 Procedures

A. Traffic Stops

   1. Sworn personnel initiating traffic stops for observed violations shall:
a. Only conduct traffic stops while:
   i. Wearing the regulation/standard uniform, consistent with SOP Uniforms;
   ii. In plainclothes, displaying their badge and additionally wearing the
       Department-approved raid jacket or vest, consistent with SOP Uniforms; or
   iii. In a marked unit.
      1. An unmarked unit may assist, provided that a marked unit initiates the traffic
         stop.

b. Not charge an individual who fails to stop for a traffic stop with aggravated
   fleeing a law enforcement officer under NMSA 1978, §§ 30-22-1(C) or 30-22-1.1,
   unless the officer is in a marked unit that has decals or other prominent and
   visible insignia identifying the vehicle as a law enforcement vehicle;

c. Advise the Emergency Communications Center (ECC) of the impending stop;
   i. Sworn personnel shall provide the license plate information, if available, and
      location, and any other driver vehicle information (license plate, description of
      the vehicle, and/or occupants, etc.).

d. Conduct the traffic stop in a safe location which allows for a safe exit and
   approach to the driver’s vehicle;
   i. Sworn personnel shall engage emergency lights when conducting a traffic
      stop.
      1. An officer may use the siren, public announcement (PA) system, and
         hazard lights.
      2. An officer may use the spotlight and/or high beams to illuminate the
         inside of the vehicle and to provide a safe approach to the vehicle.

e. Identify themselves as a Department officer and advise the reason for the stop;

f. Identify the driver and complete a warrants and Motor Vehicle Division (MVD)
   check;

g. If warranted, issue a State of New Mexico Uniform Traffic Citation for the
   observed violations; and
   i. The officer may include the driver's phone number and email address, or
      that such information is unavailable, in the State of New Mexico Uniform
      Traffic Citation.

h. Assist the driver in re-entering traffic safely.

2. If a State of New Mexico Uniform Traffic Citation is to be issued, sworn personnel
   shall:

   a. Explain all options to the driver/passenger;
   b. Provide a copy of the State of New Mexico Uniform Traffic Citation to the
      driver/passenger; and
   c. Review all documents with the driver/passenger.

3. Sworn personnel shall not accept payment for the State of New Mexico Uniform
   Traffic Citation.

4. For individuals who refuse to sign issued citations, sworn personnel shall:
a. Thoroughly explain that their refusal to sign the citation shall result in the arrest of the driver/passenger consistent with NMSA 1978, § 66-8-122(F) NMSA 1978, § 66-8-123(D);
b. Advise their supervisor; and
c. Write a detailed Uniform Incident report of the incident when an arrest is made and log video into evidence, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices (OBRD) for sanction classifications and additional duties).
ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-41                     P&P Draft 11/10/2021

2-41 TRAFFIC STOPS

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

A. Related SOP(s)

2-1 Uniforms
2-8 Use of On-Body Recording Devices (OBRD)

B. Form(s)

State of New Mexico Uniform Traffic Citation

C. Other Resource(s)

NMSA 1978, §§ 30-22-1l(C) Resisting, Evading, or Obstructing An Officer
NMSA 1978, § 30-22-1.1 Aggravated Fleeing A Law Enforcement Officer
NMSA 1978, § 66-8-122(F) Immediate Appearance before Magistrate
NMSA 1978, § 66-8-123(D) Conduct of Arresting Officer; Notices by Citation

D. Rescinded Special Order(s)

SO 21-43 Amendment to SOP 2-41 Traffic Stops

2-41-1 Purpose

The purpose of this policy is to provide procedures for Albuquerque Police Department (Department) sworn personnel while conducting traffic stops.

2-41-2 Policy

It is the policy of the Albuquerque Police Department (Department) that Officers Sworn personnel will conduct traffic stops in accordance with training and the best interests of public safety.

2-41-3 Definitions

A. Marked Unit

A vehicle is considered a marked unit when it is equipped with at a minimum forward and rear facing red flashing lights, a government-issued license plate, and Department insignia on both the driver and passenger side of the vehicle.

2-41-4 RulesProcedures

N/A
A. Traffic Stops

1. Officers

   Sworn personnel initiating traffic stops for observed violations shall:

   a. Only conduct traffic stops while:
      i. Wearing the regulation/standard uniform, consistent with SOP Uniforms;
      ii. In plainclothes, displaying their badge and additionally wearing the
          Department-approved raid jacket or vest, consistent with SOP Uniforms; or
      iii. In a marked unit.

   b. An unmarked unit may assist, provided that a marked unit initiates the traffic stop.

   b. Not charge an individual who fails to stop for a traffic stop with aggravated fleeing a law enforcement officer under NMSA 1978, §§ 30-22-1(C) or 30-22-1.1, unless the officer is in a marked unit that has decals or other prominent and visible insignia identifying the vehicle as a law enforcement vehicle.

   c. Advise the Emergency Communications Center (ECC) of the impending stop;
      i. Sworn personnel shall provide the license plate information, if available, and location, and any other driver vehicle information (license plate, description of the vehicle, and/or occupants, etc.) and location.

   d. Conduct the traffic stop in a safe location which allows for a safe exit and approach to the violator's vehicle;
      i. Engage emergency lights when conducting a traffic stop.
      1. An officer may use the siren, public announcement (PA) system, and hazard lights are also authorized.
      2. The spotlight and/or high beams may be used to illuminate the inside of the vehicle and to provide a safe approach to the vehicle.

   e. Identify themselves as an Albuquerque Police Department Officer and advise the reason for the stop;

   f. Identify the driver and complete a warrants and Motor Vehicle Division (MVD) check;

   g. If warranted, issue a current State of New Mexico Uniform Traffic Citation for the observed violations and any other determined violations; and
      i. The officer may include the driver's phone number and email address, or that such information is unavailable, in the State of New Mexico Uniform Traffic Citation. The citation should include the driver's phone number and email address.

   h. Assist the violator in re-entering traffic safely.

2. If a State of New Mexico Uniform Traffic Citation is to be issued, officers sworn personnel shall:

   a. Explain all options to the driver/passenger;
   b. Provide a copy of the State of New Mexico Uniform Traffic Citation to the driver/passenger; and
c. Review all documents with the driver/passenger/violator.

3. Officers sworn personnel shall not accept payment for the State of New Mexico Uniform Traffic Citation.

For

4. Individuals who refuse to sign issued citations, sworn personnel shall:

a. Officers sworn personnel shall thoroughly explain that their refusal to sign the citation will result in the arrest of the driver/violator/passenger consistent with NMSA 1978, § 66-8-122(F) NMSA 1978, § 66-8-123(D).

b. Officers sworn personnel shall advise their supervisor; and

b. Officers sworn personnel shall write a detailed Uniform Incident report of the incident when an arrest is made and log video into evidence, consistent with SOP Use of On-Body Recording Devices (Refer to SOP Use of On-Body Recording Devices (OBRD) for sanction classifications and additional duties).

N/A