



2-78 DOMESTIC VIOLENCE

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-26 Special Victims Section (Currently 5-4)
- 1-35 Crime Scene Specialists Unit (Formerly 5-8)
- 1-59 Impact Teams
- 2-16 Reports (Currently Records)
- 2-19 Response to Behavioral Health Issues

B. Form(s)

- Law Enforcement Domestic Violence Questionnaire
- PD 3069 Pre-Booking Worksheet
- PD 3011 Domestic Violence Packet

C. Other Resource(s)

- NMSA 1978, §§ 30-3-10 to 30-3-18 Crimes Against Household Members Act
- NMSA 1978, § 31-1-7 Arrest without Warrant; Liability
- NMSA 1978, §§ 40-13-1 to 40-13--13 Family Violence Protection Act

D. Rescinded Special Order(s)

None

2-78-1 Purpose

The purpose of this policy is to outline the requirements for deadlines for investigating a domestic violence incident. It provides guidance on conducting investigations, identifying the predominant aggressor, restraining orders, and ensuring the safety of the victim and relating parties.

2-78-2 Policy

It is the policy of the Albuquerque Police Department (Department) to enforce laws dealing with domestic violence and to take appropriate action in cases involving domestic violence.

N/A 2-78-3 Definitions

A. Domestic Violence

Any incident resulting in physical harm, bodily injury or assault, or a threat causing imminent fear of such harm by any household member.



B. Emergency Restraining Order (ERO)

A court order that is issued after normal court hours when the facts are sworn to by a sworn law enforcement officer to a District Court judge, which can be done telephonically. An ERO is only valid for seventy-two (72) hours or until the next day the courts are open to account for holidays, etc., whichever is longer, and only approved when the respondent's (offender) location is known so they can be served.

C. Exigent Circumstances

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

D. Household Member

1. Consistent with the Crimes Against Household Members Act, a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the Crimes Against Household Members Act.

a. A household member includes:

- i. Boyfriend (current or former);
- ii. Continuing personal relationship;
- iii. Girlfriend (current or former);
- iv. Divorced couple;
- v. Father-in-law;
- vi. Grandparent;
- vii. Grandparent-in-law;
- viii. Married couple;
- ix. Mother-in-law; and
- x. Parents or co-parents who have a child in common;

b. A non-household member includes:

- i. Aunt;
- ii. Brother;
- iii. Brother-in-law (current or former);
- iv. Child (minor or adult);
- v. Cousin;
- vi. Nephew;
- vii. Niece;
- viii. Uncle;
- ix. Sibling-in-law (current or former);
- x. Step-grandparent (current or former);
- xi. Sister; and
- xii. Sister-in-law (current or former).

E. Order of Protection (Restraining Order)



If the judicial officer hearing the facts finds that an act(s) of domestic violence has occurred, the temporary restraining order (TRO) may be extended for a period of time as directed by court order and is now considered an “order of protection” or a “restraining order”.

F. Predominant Aggressor

The person determined to be the most significant, rather than the first aggressor. In identifying the predominant aggressor, the officer shall consider the intent of the law to protect victims of domestic violence between the persons involved and whether either person acted in self-defense.

G. Temporary Restraining Order (TRO)

A court order that may be issued in response to a petition filed in the Domestic Relations court alleging act(s) of domestic violence against the Petitioner. The petition is reviewed by a judicial officer and if approved, is countersigned by a District Court judge. Because the process is ex-parte, a hearing is scheduled, usually within two (2) weeks at which time both parties (petitioner and respondent) may present evidence to the court. The TRO is not considered active until the respondent has been personally served.

6 2-78-4 **Procedures**

A. Response to Domestic Violence Call for Service

1. Sworn personnel that respond to a call for service for domestic violence shall:
 - a. Take whatever steps are reasonably necessary to protect the victim(s) from further domestic violence;
 - b. Conduct an investigation to determine who the predominant aggressor is and whether the individual must be arrested;
 - c. Make a lawful arrest of the individual alleged to have committed an act of domestic violence where it has been determined arrest is reasonably necessary to protect the victim(s) from further domestic violence;
 - d. If one exists, enforce the provisions of any valid Order of Protection as outlined in this Standard Operating Procedure (SOP);
 - e. Advise the victim of the procedures and remedies available under the Family Violence Protection Act, including but not limited to, the right to file a written statement or request for an arrest warrant, and the availability of domestic violence shelters, medical care, counseling, other services, and the importance of preserving evidence; and
 - f. Upon request of the victim, arrange for their transportation to a shelter, safe refuge, or medical facility. When it is possible, and the Bernalillo County Sheriff's Office (BCSO) is available, sworn personnel can make arrangements for transportation to destinations substantially outside City of Albuquerque limits



but within Bernalillo County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time.

2. Upon request of the victim, sworn personnel may accompany them to their residence to remove their clothing and personal effects required for immediate needs and the clothing and personal effects of any children in their care.
3. When determining whether to issue a summons or make a lawful arrest, sworn personnel shall:
 - a. Determine whether they will arrest an individual without a warrant when at the scene of a domestic violence call for service;
 - i. Sworn personnel shall have established probable cause to believe that the individual has committed an assault or battery upon a household member.
 - b. Issue a summons when probable cause is established. Immediate arrest is not always required; however, sworn personnel shall arrest the alleged offender where it has been determined arrest is reasonably necessary to protect the victim(s) from further domestic violence, or when exigent circumstances necessitate an arrest;
 - c. When issuing a summons or making a lawful arrest, determine who the predominant aggressor is when at the scene of a domestic violence incident;
 - d. When interacting with individuals who may be affected by a behavioral health disorder or in behavioral health crisis, refer to SOP Response to Behavioral Health Issues;
 - e. When an arrest has been made but the individual is taken to a medical facility for treatment, stay with the individual until they can be transported to the Metropolitan Detention Center (MDC) or Prisoner Transport Center (PTC) to be booked. Sworn personnel shall not request for medical facility personnel to hold an individual who was arrested under the Family Violence Protection Act, even when the applicable charges involve only misdemeanor offenses. The transporting officer is responsible for remaining with and guarding the individual; and
 - f. Complete a Uniform Incident Report on all domestic violence incidents.

4. Criminal Complaint

When an individual is arrested for domestic violence involving a household member, arresting sworn personnel shall list the charge in the criminal complaint for all cases of domestic violence.

5. Documentation of Domestic Violence Call for Service

- a. Sworn personnel shall not offer or accept any waivers of prosecution in any domestic violence case.
- b. When possible, sworn personnel shall obtain statements from the victim(s) and witness(s) at the scene.
- c. Sworn personnel shall document all visible injuries relating to the incident.



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- i. A supervisor or, consistent with SOP Crime Scene Specialists Unit, a Crime Scene Specialist (CSS) shall take photographs of any visible injuries.
 - ii. Photographs of visible injuries shall be used as evidence for prosecution whenever possible.
 - iii. Sworn personnel shall use their on-body recording device (OBRD) to document visible injuries in order to meet this requirement.
 - d. Sworn personnel shall have available and provide to victims the necessary Domestic Violence Packet for their completion. The Domestic Violence Packet shall be available in both English and Spanish.
 - e. Sworn personnel should use the following guidelines in determining the need to locate and arrest an offender in domestic violence.
 - i. If the individual who is suspected of domestic violence is still at or near the scene of a domestic violence case, the officer shall, when arrest is reasonably necessary to protect the victim from further domestic violence, make every reasonable attempt to place the individual under arrest, rather than merely issuing a criminal summons, where there is probable cause to believe that the person has committed an assault or a battery upon a household member.
 - ii. If the individual who is suspected of domestic violence has fled the scene of a domestic violence case, before the officer arrives, and cannot be located at or near the scene of the domestic violence, a summons or warrant will be issued for the offender.
 - f. Sworn personnel shall take whatever steps that are reasonably necessary to protect the victim from further domestic violence that may include writing an arrest warrant.
 - g. Sworn personnel shall email their Uniform Incident Reports for all incidents, misdemeanors, and felonies involving domestic violence against a household member by the end of the officer's shift to the Department's Domestic Violence Coordinator at dvc@cabq.gov.
 - i. Sworn personnel shall forward Uniform Incident Reports for felony-level domestic violence incidents that require additional investigation or an arrest warrant to the appropriate area command Impact Team, consistent with SOP Impact Teams.
 - h. On all domestic violence calls for service when an officer requests authorization to change the call to something other than a domestic violence, the supervisor shall conduct a thorough investigation before granting the change. The officer shall supply sufficient remarks in the Computer-Aided Dispatch (CAD) system to justify the change in the status of the call.
6. When responding to domestic violence calls for service involving individuals with behavioral health issues, sworn personnel shall abide by the requirements outlined in SOP Response to Behavioral Health Issues.

B. Victim Notification

1. The arresting officer at the scene of a domestic violence incident shall ask the victim the following:



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- a. The telephone number and email address where they may be contacted personally;
 - b. If a telephone number is not available, a telephone number where a message can be left for the victim to provide notification of the offender's release; and
 - c. The address at which the notification can be made.
2. The arresting officer will complete the Law Enforcement Domestic Violence Questionnaire and telephone the New Mexico Offender Release Notification System at (505) 768-CARE (505-768-2263) with the telephone number(s) and or address(s) where the victim can be notified.
 3. The arresting officer shall complete the Pre-Booking Worksheet.
 4. Upon notification by MDC to the ECC that the offender is released from custody, ECC personnel shall make every reasonable attempt to notify the victim in accordance to the information provided by the arresting officer.
 5. In the rare case where no telephone is available, ECC personnel shall request a welfare check and dispatch an officer to make notification at the victim's location.

C. Social Support for Victims

1. Sworn personnel shall advise the victim of the procedures and remedies available under the Family Violence Protection Act.
2. Sworn personnel may refer a victim who is thirteen (13) years of age and older to the Special Victims Section Advocacy Unit to connect them with resources, consistent with SOP 1-26 Special Victims Section.
3. Sworn personnel may request assistance from the Department's contracted on-call victim's advocates through ECC to coordinate services for the victim.
4. Upon the request of the victim, sworn personnel shall provide or make reasonable efforts to arrange for transportation to a shelter, safe refuge, or a medical facility.
5. When it is possible, and BCSO personnel are available, sworn personnel may make arrangements for transportation to destinations substantially outside the City limits but within Bernalillo County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time.
6. Upon request of the victim, sworn personnel may accompany the victim to the victim's residence to retrieve their clothing and personal effects that are required for immediate needs and the clothing and personal effects of any children in the care of the victim.



D. Emergency Order of Protection (EOP)

1. Sworn personnel are authorized to obtain an emergency order of protection after regular business hours. Sworn personnel responding to a domestic violence incident shall complete an application for an Emergency Order of Protection when appropriate, adhering to the following guidelines:
 - a. Probable cause exists that an act of domestic violence/abuse has occurred.
 - b. The victim wants an order of protection issued.
 - c. The victim and/or children are in danger of or believe they are in danger of receiving additional acts of domestic violence/abuse.
 - d. Once the location of the restrained part is known by the officer a supervisor will approve the requesting of an order of protection from a judge.
2. If the conditions above exist, sworn personnel will complete Sections 1 through 4 of the EOP.
3. Sworn personnel shall contact a district court judge for approval.
 - a. Permanent numbers to all district court judges can be obtained through the Emergency Communications Center (ECC) or the on-call victim's advocate.
 - b. Sworn personnel shall provide the judge a brief description of the facts surrounding the incident.
 - c. Sworn personnel shall provide the judge with viable reasons/facts as to why the EOP should be granted.
 - d. If the EOP is denied, sworn personnel shall indicate in the Uniform Incident Report the name of the judge and the reason denied.
4. After approval by the judge, sworn personnel will complete Sections 7 through 9 in the EOP indicating the judge's approval.
5. Sworn personnel shall distribute the EOP as required.
6. If the individual suspected of domestic violence is not present, sworn personnel shall leave the EOP with the victim or protected party.
7. If sworn personnel are responding to a call where an EOP has already been approved by a judge and the individual suspected of domestic violence is present but has not been served, sworn personnel shall:
 - a. Obtain the EOP from the victim or protected party and serve the individual;
 - b. Complete a Return of Service Form. These forms should be available at all substations.
 - c. Immediately hand-carry the original Return of Service to the Bernalillo County Sheriff's Office (BCSO) Warrants Section; and
 - d. Scan and submit a copy with their Uniform Incident Report.



E. Temporary Order of Protection

1. Initial temporary Order of Protection are granted as non-mutual and apply to only one party, therefore, can only be violated by the restrained party. Initial orders are valid until the listed date; then a hearing is held on whether the order should be extended for six months or more.
2. After the hearing date noted on the temporary Order of Protection, an order of protection may be granted for an extended period.

F. Service of Orders of Protection

1. Sworn personnel shall serve district court Orders of Protection under the following circumstances only:
 - a. If the officer is requested to do so;
 - b. The restrained party must be physically served with the order;
 - c. The protected party must have a copy of the valid district court order in their possession; or
 - d. Before serving the restrained party with the court order, sworn personnel shall have ECC contact the Bernalillo County Sheriff's Office (BCSO) Warrants Section and determine if the order has already been served.
 - i. If service has not been made, officers will promptly serve the Order of protection on the respondent.
 - ii. If service has been made and the Order of protection prohibits the restrained party from being on the premises.
 - iii. The officer will complete a police report and thoroughly document the incident.
2. Any officer serving a civil district court order as outlined above will fill out the Return of Service form and hand carry the original to the BCSO Warrants Section immediately.

G. Enforcement of Orders of Protection

1. An Order of Protection is valid if the following criteria are met:
 - a. The order states the name of the protected and restrained parties;
 - b. The order contains the date it was issued;
 - c. The order has an expiration date and has not expired;
 - d. The order contains the name of the issuing court; and
 - e. The order is signed by, or on behalf of a judicial officer.
2. When an Order of Protection is presented to an officer by the complainant, the officer shall:



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- a. Determine whether the order is valid using the above-noted criteria;
- b. Determine if the conduct is prohibited by the order;
- c. Attempt to confirm the order through BCSO Warrants Section or NCIC;
- d. If it is determined the restrained party has not been served, or they are unable to confirm the service, serve the restrained party with a copy of the restraining order and file a return of service through the BCSO Warrants Section;
- e. If the officer has probable cause to believe that the Order of protection has been violated, summons or arrest the restrained party for the violation of the order, but only when an arrest is reasonably necessary to protect the protected party from further domestic violence;
- f. If the officer has probable cause to believe that the Order of Protection has been violated, charge a violation of an Order of Protection; and
- g. Enforce the provisions of custody as outlined in the Order of Protection that directs removing a child from the non-custodial parent or guardian.

H. Out-of-State Protective Order

1. All out-of-state protective orders shall be enforced as written.
2. All out-of-state protective orders are presumed valid upon presentation to law enforcement officers and under full faith and credit.
3. Out-of-state protective orders do not have to be filed in district court to be valid and enforceable.
4. Sworn personnel shall ensure that out-of-state protective orders are not confused with no-contact orders.



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

A. Related SOP(s)

- 1-26 Special Victims Section (Currently 5-4)
- 1-35 Crime Scene Specialists Unit (Formerly 5-8)
- 1-59 Impact Teams
- 2-16 Reports (Currently Records)
- 2-19 Response to Behavioral Health Issues

B. Form(s)

- Law Enforcement Domestic Violence Questionnaire
- PD 3069 Pre-Booking Worksheet
- PD 3011 Domestic Violence Packet

C. Other Resource(s)

- NMSA 1978, §§ 30-3-10 through 30-3-18 Crimes Against Household Members Act
- NMSA 1978, § 31-1-7 Arrest without Warrant; Liability
- NMSA 1978, §§ 40-13-1 to 40-13--13 Family Violence Protection Act
- ~~NMSA 1978, §§ Warrantless Arrest Act~~

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

None

~~4-25~~2-78-1 Purpose

The purpose of this policy is to establish~~establishes~~outline the requirements for deadlines for investigating a domestic violence incident. It provides guidance on conducting investigations, identifying the predominant aggressor, restraining orders, and ensuring the safety of the victim and relating parties.

~~4-25~~2-78-2 Policy

It is the policy of the Albuquerque Police Department (Department) to enforce laws dealing with ~~domestic abuse~~domestic violence and to take appropriate action in cases involving ~~domestic abuse~~domestic violence.

N/A

~~4-25~~2-78-3 Definitions

A. Domestic Violence/~~Abuse~~



Any incident resulting in physical harm, bodily injury or assault, or a threat causing imminent fear of such harm by any household member.

B. Emergency Restraining Order (ERO)

A court order that is issued after normal court hours (when they are closed) when the facts are sworn to by a sworn law enforcement officer to a District Court judge, which can be done telephonically. An ERO is only good-valid for seventy-two (72) hours or until the next day the courts are open to account for holidays, etc., (whichever is longer,) and only approved when the respondent's (offender) location is known (so they can be served).

C. Exigent Circumstances

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

~~C~~D. Household Member

1. Consistent with the Crimes Against Household Members Act, A spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the Crimes Against Household Members Act.

a. A household member includes:

- i. Boyfriend (current or former);
- ii. Continuing personal relationship;
- iii. Girlfriend (current or former);
- iv. Divorced couple;
- v. Father-in-law;
- vi. Grandparent;
- vii. Grandparent-in-law;
- viii. Married couple;
- ix. Mother-in-law; and
- x. Parents or co-parents who have a child in common;

b. A non-household member includes:

- i. Aunt;
- ii. Brother;
- iii. Brother-in-law (current or former);
- iv. Child (minor or adult);
- v. Cousin;
- vi. Nephew;
- vii. Niece;
- viii. Uncle;
- ix. Sibling-in-law (current or former);
- x. Step-grandparent (current or former);



- xi. Sister; and
- xii. Sister-in-law (current or former).

Household members	Non household members
Married couples/divorced couples	Brother/sister Aunt/uncle/cousin
Current or former boyfriend or girlfriend	Niece/nephew Current or former sibling-in-law
Parents or co-parent (child in common)	
Mother-in-law or father-in-law	Current or former step-grandparent Current or former brother/sister-in-law
Grandparent or grandparent-in-law	Minor or adult children
Continuing personal relationship	

~~BB-E.~~ Order of Protection (Restraining Order)

If the ~~Commissioner~~ judicial officer hearing the facts finds that an act(s) of domestic violence ~~have~~ has occurred, the temporary restraining order (TRO) may be extended for a period of time as decided directed by the ~~Commissioner~~ court order (usually ~~1-2 years~~) and is now considered an "order of protection" or OP (~~losing the temporary~~). ~~These are also referred to in the vernacular or as a "restraining orders."~~

An Order of Protection is issued by any state district court judge under the Family Violence Protection Act and is granted for the protection of victims of domestic abuse with a specific expiration date, valid for the period listed by the court.

~~CC-F.~~ Predominant Aggressor

The person determined to be the most significant, rather than the first aggressor. In identifying the predominant aggressor, the officer shall consider the intent of the law to protect victims of domestic violence between the persons involved and whether either person acted in self-defense.

~~DD-G.~~ Temporary Restraining Order (TRO)

A court order that may ~~may~~ be issued in response to a petition filed in the DV Domestic Relations court alleging act(s) of domestic violence against the Petitioner. The petition is reviewed by a ~~DV Commissioner~~ judicial officer and if approved, is countersigned by a District Court judge. Because the process is ex-parte, a hearing is



scheduled, usually within two (2) weeks at which time both parties (petitioner and respondent) may present evidence to the court. The TRO is not considered “active” until the respondent has been personally served.

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~~4-25~~-78-4

~~Rules and Procedures~~

A. ~~Investigation~~ Response to Domestic Violence Call for Service

1. ~~Officers~~ Sworn personnel that responding to a call for service for domestic violence requests for assistance shall:

a. ~~Take~~ whatever steps are reasonably necessary to protect the victim(s) from further ~~domestic abuse~~ domestic violence;

~~4-b.~~ Conduct an investigation to determine who the predominant aggressor is and whether the individual must be arrested; including the following:

~~Make~~ Conduct a lawful

~~b.c.~~ Officers may arrest of the individual alleged offender to have committed an act of domestic violence where it has been determined arrest is reasonably necessary to protect the victim(s) from further ~~domestic abuse~~ domestic violence;

~~e.d.~~ If one exists, Officers will enforce the provisions of any valid court orders of protection. Protection, if one exists, as outlined in this Standard Operating Procedure (SOP) on enforcement of orders of protection. (see Section 4-25-3, D; “Enforcement of Orders of Protection”);

~~d.e.~~ Officers will advise the victim of the procedures and remedies available under the Family Violence Protection Act, including but not limited to, i.e., the right to file a written statement or request for an arrest warrant, and the availability of domestic violence shelters, medical care, counseling, other services, and the importance of preserving evidence; and

~~e.f.~~ Upon request of the victim, the officer shall arrange for their transportation to a shelter, safe refuge, or medical facility, for victims of domestic abuse. When it is possible, and the Bernalillo County Sheriff’s Department Office (BCSO) is available, sworn personnel can make arrangements can be made for transportation to destinations substantially outside the city City of Albuquerque limits but within Bernalillo County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time. and

~~f.2.~~ Officers shall, upon request of the victim, sworn personnel may accompany them victim to their victim’s residence to remove their victim’s clothing and personal effects required for immediate needs and the clothing and personal effects of any children in their care of the victim.

~~2.3.~~ When determining whether to issue a summons or effect make a lawful arrest, sworn personnel shall:



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- ~~a. Pursuant to As stated in the Warrantless Arrest Act, Section 31-1-7, NMSA 1978, officers sworn personnel may~~ Determine whether they will arrest an individual without a warrant when ~~the officer is~~ at the scene of a domestic violence disturbance call for service;
- ~~a.i. Sworn personnel shall and have~~ established probable cause to believe that the ~~person~~ individual has committed an assault or battery upon a household member.;
- b. ~~An officer shall~~ issue a summons if there is when probable cause is established. ~~On~~ Immediate ~~site~~ arrest is not always required; however, ~~officers sworn personnel~~ shall arrest the alleged offender where it has been determined arrest is reasonably necessary to protect the victim(s) from further ~~domestic abuse~~ domestic violence, or when exigent circumstances necessitate an arrest.;
- ~~c. When~~ When an arrest is made, officers shall charge domestic violence offenses under the Assault Against a Household Member Section 30-3-12, NMSA 1978, and Battery Against a Household Member Section 30-3-15, NMSA 1978. These laws can be used even when no order of protection exists. This does not preclude the application of felony charges arising out of domestic violence incidents, if and when such probable cause exists. If felony charges are appropriate, the arrest and applicable charges will be handled by SOP 2-14, or NMSA 1978 as applicable.
- ~~d.c.~~ If issuing a summons or making affecting a lawful arrest, it is incumbent upon the determine who the predominant aggressor is officers when at the scene of a domestic violence incident to determine the predominant aggressor.;
- ~~e. Dual arrests shall not be made for domestic violence offenses. Summons cannot be issued for both parties arising out of the same incident.~~
- ~~f.d.~~ When dealing interacting with persons individuals who may be affected by a behavioral health disorder or in a behavioral health crisis, officers shall refer to SOP 2-19, Response to Behavioral Health Issues, in particular 2-19-8 regarding diversion from jail when appropriate.;
- ~~g.e.~~ When an arrest has been made under this section, but the offender individual is taken to the hospital a medical facility for treatment, an officer will stay with the prisoner individual until they prisoner can be transported to the Metropolitan Detention Center (MDC) or Prisoner Transport Center (PTC) and to be booked. Sworn personnel shall not request for medical facility personnel to hold an individual. Hospital holds will not be placed on prisoners who was arrested under the Family Violence Protection Act (Domestic Violence), even when the applicable charges involve only misdemeanor offenses. The transporting officer is responsible for remaining with and guarding the prisoner individual; and;
- ~~h.f.~~ Officers shall cComplete a standard Albuquerque Police Department offense and iUniform I Incident Rreport on all domestic violence investigations incidents, consistent with SOP Reports.

~~Sworn personnel should not make dual arrests for domestic violence offenses, unless sworn personnel determine... Summons cannot be issued for both parties arising out of the same incident.~~



4. Criminal Complaints

~~a. When an subject individual is arrested for a charge committed by a household member against a household member a domestic violence charge involving a household member, the arresting officer sworn personnel shall list the charge in the "Charges" portion of the criminal complaint as a domestic violence incident. For example, when a household member is charged with battery against a household member (30-3-15) and harassment (30-3A-2), the "charges" portion of the complaint should read "Domestic Violence, Battery against a Household Member, Harassment" The bottom of the complaint where each section is listed, should read "31-1-7, 30-3-15, 30-3A-2". This procedure shall be followed for all cases of domestic violence situations where an offender individual is arrested or summoned following a domestic violence incident.~~

5. Documentation of Domestic Violence Call for Service Incidents

- ~~b.a. Officers Sworn personnel will shall not offer or accept any waivers of prosecution in any domestic violence case.~~
- ~~e.b. When possible, sworn personnel shall obtain Handwritten handwritten statements from the victim(s) and witness(es) will be obtained at the scene, whenever possible.~~
- ~~d. Sworn personnel shall document Officers Sworn personnel shall scan all domestic violence statements to be included with their Uniform Incident Report. The handwritten statement will be turned into the supervisor to be logged and sent to Report Review.~~
- ~~c. All visible injuries relating to the battery incident.~~

 - ~~i. A supervisor or, consistent with SOP Crime Scene Specialists Unit, a Crime Scene Specialist (CSS) or supervisor shall take photographs of any visible injuries, consistent with SOP Crime Scene Specialists.~~
 - ~~ii. shall be documented and Photographs of visible injuries photographed to be shall be used as evidence for prosecution whenever possible.~~
 - ~~e.iii. Sworn personnel cannot shall use their Lapel cam On-body recording device (OBRD) footage to document visible injuries in order to will not meet this requirement, a Crime Scene Specialist (CSS) or supervisor will need to take photographs of any injuries.~~

- ~~f.d. Officers Sworn personnel shall have available and provide to victims the necessary court petition forms and instructions (Domestic Violence Packetts) for their completion. The Domestic Violence Packet shall be forms are available in both English and Spanish.~~
- ~~g.e. All officers Sworn personnel should utilize use the following guidelines in determining the need to locate and arrest an offender in domestic violence.~~
- ~~h.i. If an offender the individual who is suspected of domestic violence is still at or near the scene of a domestic violence case, the officer shall, when arrest is reasonably necessary to protect the victim from further domestic abuse domestic violence, make every reasonable attempt to place the offender individual under arrest, rather than merely issuing a criminal~~



summons, where there is probable cause to believe that the person has committed an assault or a battery upon a household member.

- ~~h.~~ ii. If an the offender individual who is suspected of domestic violence has fled the scene of a domestic violence case, before the officer's arrival arrives, and cannot be located at or near the scene of the domestic violence, a summons or warrant will be issued for the offender.
- ~~f.~~ Officers Sworn personnel should shall take whatever steps that are reasonably necessary to protect the victim from further domestic abuse domestic violence that may include writing an arrest warrant.
- ~~g.~~ Sworn personnel shall email their Uniform Incident Reports for report to the Department's Domestic Violence Coordinator all incidents, misdemeanors, and felonies involving domestic violence against a household member by the end of the officer's shift by emailing to the Department's Domestic Violence Coordinator them at dvc@cabq.gov.
- ~~i.~~ Sworn personnel shall forward Uniform Incident Reports for felony-level domestic violence incidents that require additional investigation or an arrest warrant to the appropriate area command Impact Team, consistent with SOP Impact Teams.
- ~~h.~~ On all domestic violence calls for service when an officer requests authorization to change the call to something other than a domestic violence, the supervisor will shall conduct a thorough investigation before granting the change. Additionally, the officer will shall supply sufficient remarks in the "added remarks" Computer-Aided Dispatch (CAD) system to justify the change in the status of the call.

~~5. When responding to domestic violence calls for service involving Encountering and Assisting individuals with Behavioral behavioral Health health Issues issues, sworn personnel shall abide by the requirements outlined in on a DV domestic violence eCall for service SOP 2-19 (Response to Behavioral Health Issues) applies to investigations and responses in cases involving Domestic domestic Violence violence or Abuse abuse. The steps outlined below are not intended to supersede the provisions of SOP 2-19, and in the event of any inconsistency, the provisions of SOP 2-19 control.~~

- ~~a. All Officers who respond to domestic disturbance calls must familiarize themselves with SOP 2-19: Response to Behavioral Health Issues.~~
- ~~b. If an officer is called to a domestic disturbance and is informed by dispatch or discovers through investigation that the individual whose behavior, criminal or otherwise, appears to stem from a behavior health disorder, the Officer shall:~~
 - ~~i. immediately call for assistance from an Enhanced Crisis Intervention Team (eCIT) officer;~~
 - ~~ii. if the situation is determined to be a crisis, request a Mobile Crisis Team (MCT);~~
 - ~~iii. while waiting for eCIT officer, MCT, or supervisor to arrive, Officers shall de-escalate and calm the situation as much as possible; see SOP 2-19-7;~~
 - ~~iv. if a MCT is not available and the Officer believes the individual to be a danger to themselves or others, the Officer may transport the individual to UNMH or another available mental health evaluation facility. See SOP 2-19-8; NMSA 43-1-10; and~~



- ~~ii. officers shall reasonably accommodate the disabilities of an individual who either has a behavioral health disorder, or is perceived to have a behavioral health disorder.~~
- ~~b. Officers shall not transport an individual whose behavior, criminal or otherwise, appears to stem from a behavioral health disorder, to MDC or PTC solely for the purpose of getting mental health treatment for the person. Mental health evaluation and treatment facilities may be used for that purpose.~~
- ~~b. An arrest or charge is not necessary to transport the individual to UNMH or other mental health treatment or evaluation facility if the individual who has or appears to have a behavioral health disorder or who is experiencing a behavioral health crisis presents a likelihood of serious harm to himself/herself or others, including danger to himself/herself due to grave passive neglect, and that immediate detention is necessary to prevent such harm (NMSA 1978 §43-1-10).~~
- ~~b. If an individual's apparent criminal behavior appears to stem from a behavioral health disorder and he or she would be better served at a treatment location rather than in a criminal justice setting, Officers should seek such interventions in lieu of arrest or criminal charges. See SOP 2-19-8(C).~~
- ~~b. Officers shall not arrest individuals who have or appear to have behavioral health issues solely because they are resisting the assistance of their friends, family members, care givers, or officers, unless exigent circumstances are present and transporting the individual to a treatment location would be inappropriate.~~

6. .

B. Victim Notification

1. The arresting officer at the scene of a domestic violence incident shall ask the victim the following:
 - a. The telephone number and email address where they may be contacted personally;
 - b. If a telephone number is not available, a telephone number where a message can be left for the victim to provide notification of the offender's release; and
 - c. The address at which the notification can be made.
2. The arresting officer will complete the ~~Victim Notification Information Worksheet~~ Law Enforcement Domestic Violence Questionnaire and telephone the New Mexico Offender Release Notification System at (505) 768-CARE (505-768-2263) with the telephone number(s) and or address(s) where the victim can be notified.
3. The arresting officer shall complete the ~~Albuquerque Police Department-Pre-B~~ booking ~~w/Worksheet (PD 3068).~~
4. Upon notification by MDC to the ECC that the offender is released from custody, ECC personnel shall make every reasonable attempt to notify the victim in accordance to the information provided by the arresting officer.



5. In the rare case where no telephone is available, ECC personnel shall request a welfare check and dispatch an officer to make notification at the victim's location.

C. Social Support for Victims

1. Sworn personnel shall advise the victim of the procedures and remedies available under the Family Violence Protection Act.
2. Sworn personnel may refer a victim who is thirteen (13) years of age and older to the Special Victims Section Advocacy Unit to connect them with resources, consistent with SOP 1-26 Special Victims Section.
3. ~~When available, s~~ Sworn personnel ~~shall~~ may request assistance from the Department's contracted on-call victim's advocates through ECC to coordinate services for the victim.
4. Upon the request of the victim, sworn personnel shall provide or make reasonable efforts to arrange for transportation to a shelter, safe refuge, or a medical facility.
5. When it is possible, and BCSO personnel are available, sworn personnel may make arrangements for transportation to destinations substantially outside the City limits but within Bernalillo County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time.
6. Upon request of the victim, sworn personnel may accompany the victim to the victim's residence to retrieve their clothing and personal effects that are required for immediate needs and the clothing and personal effects of any children in the care of the victim.

~~B. Order of Protection~~

~~0. An Order of Protection is issued by any state district court judge under the Family Violence Protection Act and is granted for the protection of victims of domestic abuse with a specific expiration date, valid for the period listed by the court.~~

~~0. A victim of domestic abuse may petition the district court under the Family Violence Protection Act for an Order of Protection. The Department is required to keep blank petition forms for distribution to victims of domestic violence. These forms will be available at all police substations and will be in possession of police officers for distribution to victims. Officers should familiarize themselves with these forms and their implication to instruct family violence victims seeking such relief.~~

~~H.D. ___~~ Emergency Order of Protection (EOP) ~~(EOP)~~

~~1. EOP may be obtained to the provisions of this subsection, where there is neither a temporary order of protection nor an order of protection that is in effect.~~



- ~~3-1.~~ Officers Sworn personnel are authorized to obtain an emergency order of protection after regular business hours. ~~Officers Sworn personnel~~ responding to a domestic violence incident shall complete an application for an Emergency Order of Protection EOP when appropriate, adhering to the following guidelines:
- Probable cause exists that an act of domestic violence/abuse has occurred.
 - The victim wants an order of protection issued.
 - The victim and/or children are in danger of or believe they are in danger of receiving additional acts of domestic violence/abuse.
 - Once the location of the restrained part is known by the officer a supervisor will approve the requesting of an order of protection from a judge.
- ~~4-2.~~ If the conditions above exist, officers sworn personnel will complete Sections 1 through 4 of the EOP Application (Order of Protection), APD Form 3094.
- ~~5-3.~~ Officers Sworn personnel ~~must~~ shall contact a district court judge for approval.
- Permanent numbers to all district court judges can be obtained through the Emergency Communications Center (ECC) or the on-call victim's advocate.
 - ~~Officers Sworn personnel must~~ shall provide the judge a brief description of the facts surrounding the incident.
 - ~~Officers must~~ Sworn personnel shall provide the judge with viable reasons/facts as to why the EOP should be granted.
 - If the EOP is denied, ~~officers will~~ sworn personnel shall indicate in the Uniform Incident R report the name of the judge and the reason denied.
- ~~6-4.~~ After approval by the judge, sworn personnel will complete sections ~~Sections~~ 7 through 9 in the EOP (the actual EOP) will be filled out indicating the judge's approval.
- ~~7-5.~~ Sworn personnel shall distribute the EOP ~~will be distributed as~~ required ~~follows:~~
- ~~The original white copy (top page) will be hand-carried immediately to the Bernalillo County Sheriff's Department, Warrants Section.~~
 - ~~The yellow copy will be given to the victims.~~
 - ~~If the offender is at the scene, serve the offender his/her copy (pink copy) and complete proof of service portion of the EOP.~~
 - ~~The golden/red copy will be scanned and logged in the sergeant's report log.~~
- ~~13-6.~~ If the ~~offender~~ individual suspected of domestic violence is not present, sworn personnel shall leave the EOP with the victim or protected party.
- ~~14-7.~~ If ~~officers~~ sworn personnel are responding to a call where an EOP has already been approved by a judge and the ~~offender~~ individual suspected of domestic violence is present but has not been ~~serviced~~ served, ~~officers~~ sworn personnel ~~will~~ shall:



- a. Obtain the EOP from the victim or ~~protected party~~ and serve the ~~offender~~ individual;
- b. Complete a Return of Service Form. These forms should be available at all substations.
- c. Immediately hand-carry ~~The the~~ original Return of Service ~~will be hand-carried~~ to the Bernalillo County Sheriff's Office (BCSO), Warrants Section, ~~immediately~~; and;
- d. ~~The officer will~~ Scan and submit a copy with their Uniform Incident ~~the goldenrod copy to be retained with the original~~ Report.

~~H.~~ E. ~~Temporary Orders~~ of Protection

- ~~1. Temporary Orders of Protection are granted by a judge at the 2nd Judicial District Court, during normal business hours.~~
- ~~3.~~ 1. Initial temporary Orders of Protection are granted as non-mutual and apply to only one party, therefore, can only be violated by the restrained party. Initial orders are valid until the listed date; then a hearing is held on whether the order should be extended for six months or more.
- ~~4.~~ 2. After the hearing date noted on the temporary Order of Protection, an order of protection may be granted for an extended period.

~~J.~~ ~~Out of State Protective Orders~~

- ~~0. All out of state protective orders shall be enforced as written.~~
- ~~0. All out of state protective orders are presumed valid upon presentation to law enforcement officers and under full faith and credit.~~
- ~~0. Out of state orders do not have to be filed in district court to be valid and enforceable.~~
- ~~0. Officers will~~ Sworn personnel ~~shall ensure that out of state protective orders are not confused with no contact orders.~~

~~K.~~ F. ~~Civil Service of Court~~ Orders of Protection

1. ~~Officers~~ Sworn personnel shall serve district court Orders of Protection under the following circumstances only:
 - a. If the officer is requested to do so;
 - b. The restrained party must be physically served with the order;
 - c. The protected party must have a copy of the valid district court order in ~~his~~ their possession; or



- d. Before serving the restrained party with the court order, ~~officers sworn personnel will shall~~ have ECC contact the ~~Warrants Section of the Bernalillo County Sheriff's Office (BCSO) Warrants Division~~ Section and determine if the order has already been served.
 - i. If service has not been made, officers will promptly serve the Order of protection on the respondent.
 - ii. If service has been made and the Order of protection prohibits the restrained party from being on the premises.
 - iii. The officer will complete a police report and thoroughly document the incident.
- 2. Any officer serving a civil district court order as outlined above will fill out a ~~Sheriff's~~ the Return of Service' form and hand carry the original to the ~~Bernalillo County Sheriff's Office BCSO, Warrants Division, Section~~ immediately.

G. Enforcement of Orders of Protection

- 1. An Order of Protection ~~is shall be deemed~~ valid if the following criteria are met:
 - a. The order states the name of the protected and restrained parties;_i
 - b. The order contains the date it was issued;_i
 - c. The order has an expiration date and has not expired;_i
 - d. The order contains the name of the issuing court; and_i
 - e. The order is signed by, or on behalf of a judicial officer.
- 2. When an Order of Protection is presented to an officer by the complainant, the officer shall:
 - a. ~~Officers will D deem if~~ determine whether the order is valid using the above-noted criteria;_i
 - b. Determine if the conduct is prohibited by the order;_i
 - c. Attempt to confirm the order through BCSO Warrants Division Section or NCIC;_i
 - d. If it is determined the restrained party has not been served, or they are unable to confirm the service, ~~the officer shall~~ serve the restrained party with a copy of the restraining order and file a return of service through the BCSO Warrants Division Section;_i
 - e. ~~If When~~ If the officer has probable cause to believe that the Order of protection has been violated, ~~he may~~ summons or arrest the restrained party for the violation of the order, but only when an arrest is reasonably necessary to protect the protected party from further ~~domestic abuse~~ domestic violence.
~~NMSA 40-13-6 (D); 40-13-7(B)~~;_i
 - f. If the officer has probable cause to believe that the Order of Protection has been violated, ~~the officer shall~~ charge a violation of an Order of Protection;_i and
 - g. ~~Officers shall, uUpon request of the victim, assist in placing the victim in possession of the dwelling or premises or otherwise assist in execution or service of an order~~ Order of Protection;_i



~~h. Officers shall, upon request of the victim, assist in placing the victim in possession of the dwelling or premises or otherwise assist in execution or service of an order of protection.~~

~~i.g. Officers shall enforce the provisions of custody as outlined in the court Order of Protection that directs removing a child or children from the non-custodial parent or guardian.~~

H. Out-of-State Protective Order

1. All out-of-state protective orders shall be enforced as written.

2. All out-of-state protective orders are presumed valid upon presentation to law enforcement officers and under full faith and credit.

3. Out-of-state protective orders do not have to be filed in district court to be valid and enforceable.

4. Sworn personnel shall ensure that out-of-state protective orders are not confused with no-contact orders.

~~3. Orders of protection must be enforced per NMSA 40-13-6D, "Service of Order". A peace officer may arrest without a warrant and take into custody a person whom the peace officers had probable cause to believe has violated order under this section.~~

M. Victim Notification

~~1. The arresting officer at the scene of a domestic abuse violence incident will shall ask the victim the following:~~

~~a. The telephone number and email address where she/he/they may be contacted personally;~~

~~b. If a telephone number is not available, a telephone number where a message can be left for the victim to provide notification of the offender's release; and~~

~~c. The officer will get an address at which where the notification can be made.~~

~~2. The arresting officer will complete the Victim Notification Information Worksheet (PD 3075) and telephone the New Mexico Offender Release Notification System at (505) 768-CARE (505-768-2263) with the telephone number(s) and or address(es) where the victim can be notified.~~

~~3. The arresting officer shall complete the Albuquerque Police Department Pre-booking worksheet (PD 3068). This worksheet contains a section for the Domestic Violence Notification ID# and the CADS number.~~



- ~~4. Upon notification by MDC to the Albuquerque Police Department's Emergency Communications Center EGC that the offender is released from custody, the Communications Center will EGC personnel shall make every reasonable attempt to notify the victim in accordance to the information provided by the arresting officer.~~
- ~~5. In the rare case where no telephone is available, Emergency Communications will EGC personnel shall create a 10-10 event request a welfare check and dispatch an officer to make notification at the victim's location.~~

~~N. Social Support for Victims~~

- ~~1. Officers will enforce the provisions of valid court Orders of Protection.~~
- ~~2. Officers will Sworn personnel shall advise the victim of the procedures and remedies available under the Family Violence Protection Act, i.e., the right to file a written statement, criminal complaint, or request for an arrest warrant, and the availability of domestic violence shelters, medical care, counseling, other services, and the importance of preserving evidence.~~
- ~~3. Upon the request of the victim, the officers sworn personnel shall provide or make reasonable efforts to arrange for transportation to a shelter, safe refuge, or a medical facility, for victims of domestic abuse.~~
- ~~4. When it is possible, and the Sheriff's Department BCSO personnel are available, sworn personnel may make arrangements can be made for transportation to destinations substantially outside the city City limits but within Bernalillo County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time.~~
- ~~5. Upon request of the victim, Police Service Aides should be utilized whenever possible or practical. However, it is the officer's responsibility to make sure that the mandate of the court is carried out.~~
- ~~6. Officers sworn personnel may shall, upon request of the victim, accompany the victim to the victim's residence to remove retrieve the victim's clothing and personal effects that are required for immediate needs and the clothing and personal effects of any children in the care of the victim.~~
- ~~7. Officers shall, upon request of the victim, assist in placing the victim in possession of the dwelling or premises or otherwise assist in execution or service of the Order of Protection.~~
- ~~8. Officers will give victim a Domestic Violence packet.~~