



**2-81 OFF-DUTY CONDUCT: POWER OF ARREST**

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-1 Personnel Code of Conduct
- 2-1 Uniforms
- 2-3 Firearms and Ammunition Authorization
- 2-41 Traffic Stops
- 2-56 Use of Force: Reporting by Department Personnel

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, § 4-41-12 Entering Other Counties; Powers

D. Rescinded Special Order(s)

None

**2-81-1 Purpose**

The purpose of this policy is to provide Albuquerque Police Department (Department) ~~officers~~ sworn personnel requirements for taking law enforcement action while off-duty.

**2-81-2 Policy**

It is the policy of the Department to determine and regulate specific situations and locations at which an off-duty sworn officer is permitted to take any law enforcement action.

**N/A 2-81-3 Definitions**

**A. Conflict of Interest**

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

**B. Personally Involved**

Where the off-duty officer has a personal interest in a disputed matter, or is asked to intervene on behalf of a family member or someone with whom they have an established relationship, except in =



Note: ~~'Personally involved'~~ This does not apply to situations where the off-duty police officer ~~himself~~ is a the victim of the a crime.

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2-81-4 Procedures

A. Liability Protection

1. Sworn personnel have liability protection for both on- and off-duty performance of official duties.

~~2.~~ a. This protection does not extend to malicious acts ~~that~~ which result in injury or damage or to those actions that sworn personnel knew, or reasonably should have known, were in conflict with the law, or the established policies or customs of the Department.

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B. Off-Duty Responsibilities

1. Except as allowed by this ~~policy~~ Standard Operating Procedure (SOP), off-duty ~~officers~~ sworn personnel shall not enforce non-violent misdemeanors and low-level non-violent felonies, low-level felonies, and non-violent felony warrants ~~minor violations.~~

2. Off-duty sworn personnel shall immediately report immediately a any ~~While off-duty, it is the responsibility of the police officer to report immediately any suspected or observed criminal activities to on-duty personnel. Officers~~ Sworn personnel shall report incidents by notifying contacting the APD Radio Communications Emergency Communications Center (ECC) by telephone ~~by telephone.~~

a. ~~However~~, if the situation requires an immediate response, ~~officers~~ sworn personnel may use their Department-issued police radio, if available.

~~2.~~

3. Once on-duty sworn personnel are on-scene, off-duty personnel shall remain available to relay any pertinent information to the responding on-duty officer(s). Off-duty personnel ~~should~~ shall not involve themselves in the situation unless it threatens the safety of the on-duty ~~officers~~ sworn personnel and requires their continued presence and involvement.

4. Whenever an arrest is necessary, the off-duty arresting officer shall abide by all Departmental policies and procedures, including immediately reporting a use of force to their chain of command when involved in off-duty enforcement action, consistent with SOP Use of Force: Reporting by Department Personnel.

~~5.~~



~~7.5.~~ While off-duty and conducting an arrest or other police function, ~~employees~~ sworn personnel ~~will~~ shall have in their possession their badge, ID, and ~~sidearm~~ Department-approved on-duty or off-duty firearm, consistent with SOP Personnel Code of Conduct, SOP Uniforms, and SOP Firearms and Ammunition Authorization, to effectively perform a police function ~~as well as to present a favorable image.~~

~~8.6.~~ Officers Sworn personnel ~~will~~ shall advise their chain of command any time they are involved in any off-duty incident, regardless of the extent of their involvement.

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~~B.C.~~ C. Permitted Off-Duty Arrest

1. ~~When off-duty, and within the legal jurisdiction of this Department, a police officer~~ sworn personnel may make an arrest only in the following instances:

- ~~4.a.~~ a. The arresting officer is not personally involved in the incident underlying the arrest;
- ~~3.b.~~ b. There is an immediate need for the prevention of a crime or for the apprehension of a suspect;
- ~~5.~~ The crime would be charged as an offense requiring a full custodial arrest. ~~and~~
- c. The arresting officer is in possession of appropriate police identification, ~~that is (i.e., badge and ID), consistent with SOP Uniforms; and~~
- ~~7.d.~~ The arresting officer is commissioned or cross-commissioned in the jurisdiction or the arresting officer is acting consistent with NMSA 1978, § 4-41-12.

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~~C.D.~~ D. Prohibited Off-Duty Arrest

1. ~~Officers~~ Sworn personnel ~~may~~ shall not make an arrest while off-duty under the following ~~circumstances:~~

- ~~1.a.~~ a. When the arresting officer is personally involved in the incident underlying the arrest;
- ~~3.~~ When engaged in off-duty employment of a non-police nature and when officer's actions further only the interests of the private employer; ~~or;~~
- b.

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~~b.c.~~ c. When the arrest is made solely for enforcement of a minor traffic regulation. Despite the fact that a police officer has police powers and responsibilities twenty-four (24) hours a day, throughout the jurisdiction, the off-duty officer shall ~~not~~ not enforce minor traffic regulations, consistent with SOP Uniforms and SOP Traffic Stops.