



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-42 (Formerly 2-30)

P&P Draft 02/22/2023

3-42 CRIMINAL INVESTIGATION OF DEPARTMENT PERSONNEL

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-74 Submission of Felony Cases to the District Attorney (Formerly 2-39)
- 2-80 Arrests, Arrest Warrants, and Booking Procedures (Formerly 2-14)
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)
- 3-43 Relief of Duty (Formerly 3-23 and 3-44)

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

3-42-1 Purpose

The purpose of this policy is to detail the procedures to be followed when criminally investigating Albuquerque Police Department (Department) personnel, both sworn and professional staff, and sworn personnel from outside law enforcement agencies who are suspected of committing a criminal act.

3-42-2 Policy

It is the policy of the Department to investigate all criminal cases in our jurisdiction involving Department personnel, both sworn and professional staff, and sworn personnel from outside law enforcement agencies who are suspected of committing a criminal act.

N/A 3-42-3 Definitions

None

5 3-42-4 Procedures

A. Criminal Investigations in our Jurisdiction

1. When Department personnel or sworn personnel from an outside law enforcement agency are the potential suspect of a non-traffic stop petty misdemeanor crime:



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-42 (Formerly 2-30)

P&P Draft 02/22/2023

N/A

- a. A Department supervisor shall be called to assist with a preliminary investigation;
 - i. Acting sergeants shall not assist in investigations of sworn personnel without a full-time permanent sergeant assisting.
- b. If the accused officer is a suspect or the focus of a criminal investigation, the criminal investigation shall be handled by the appropriate agency or Department entity;
- c. The on-scene supervisor shall notify the Internal Affairs Professional Standards (IAPS) Division immediately and IAPS shall have sole responsibility for the administrative investigation;
- d. The on-scene supervisor shall ensure that misconduct of Department personnel that is not of a criminal nature is documented and entered into the Internal Affairs database web application system no later than twenty-four (24) hours and shall be conducted in accordance with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties);
- e. If sworn personnel from an outside law enforcement agency are involved, the on-scene supervisor shall contact the outside agency head after the non-Department employee has been booked on the appropriate charges. The IAPS Division shall not be notified concerning non-Department sworn personnel; and
- f. If Department personnel or an officer from an outside law enforcement agency has been booked on the appropriate charges, the arresting officer's commanding officer shall ensure that the proper documentation has reached the Bureau Deputy Chief of the charged Department personnel and the Bureau Deputy Chief of the charging officer, as appropriate, by 0800 hours the following day.

B. Arrests and Follow-up

- 1. When Department personnel or sworn personnel from an outside law enforcement agency are suspected of committing a felony crime:
 - a. If Department personnel and sworn personnel from an outside law enforcement agency are suspected of having committed a felony crime, the dispatched officer shall immediately request a Department supervisor who shall then assume responsibility for the investigation;
 - b. The Department supervisor shall attempt to establish probable cause and shall make the arrest with the same discretion and standards when processing any other community member;
 - c. If probable cause has established that a felony was committed, the investigating supervisor shall make the arrest in accordance with SOP Arrests, Arrest Warrants, and Booking (refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanction classifications and additional duties); and
 - i. Whenever sworn Department personnel are arrested, the officer's lieutenant or a higher-ranking officer shall relieve the accused officer of all service weapons, badges, and police identification cards in accordance with SOP

N/A

N/A



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-42 (Formerly 2-30)

P&P Draft 02/22/2023

Relief of Duty (refer to SOP Relief of Duty for sanction classifications and additional duties); and

- ii. If an arrest is appropriate, the individual(s) shall be booked. The arresting supervisor shall ensure that they request the detention facility to segregate the Department personnel or outside agency officer from other inmates for their safety.
- iii. Where an arrest is not required, the chain of command shall be notified prior to the release of the individual and shall be documented in the Uniform Incident Report.

N/A

- d. A completed criminal case shall be submitted to the District Attorney's Office (refer to SOP Submission of Felony Cases to the District Attorney for sanction classifications and additional duties).

6

D. Traffic Enforcement

- 1. For traffic enforcement with sworn Department personnel or sworn personnel from an outside law enforcement agency:
 - a. Investigating sworn Department personnel shall retain the discretion as to whether to cite, write a warning, or give a verbal warning on non-mandatory appearance traffic offenses; however, the decision to cite shall not be deferred until a later date; and
 - b. Mandatory appearance for traffic offenses shall be handled as outlined in this Standard Operating Procedure (SOP).



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-42 (Formerly 2-30)

P&P Draft 02/22/2023

3-42 CRIMINAL INVESTIGATION OF DEPARTMENT PERSONNEL

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

A. Related SOP(s)

~~2-40 Misdemeanor Traffic and City Ordinance Enforcement~~

2-74 Submission of Felony Cases to the District Attorney (Formerly 2-39)

2-80 Arrests, Arrest Warrants, and Booking Procedures (Formerly 2-14)

3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)

3-43 Relief of Duty (Formerly 3-23 and 3-44)

~~4-25 Domestic Violence~~

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

3-42-1 Purpose

The purpose of this policy is to detail the procedures to be followed when criminally investigating Albuquerque Police Department (Department) personnel, both sworn and professional staff~~civilian~~, and sworn personnel from outside law enforcement agencies who are suspected of committing a criminal act.

3-42-2 Policy

It is the policy of the Department to investigate all criminal cases in our jurisdiction involving Department personnel, both sworn and professional staff~~civilian~~, and sworn personnel from outside law enforcement agencies who are suspected of committing a criminal act.

N/A

3-42-3 Definitions

None

5

3-42-43 Procedures

A. Criminal Investigations in our Jurisdiction



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-42 (Formerly 2-30)

P&P Draft 02/22/2023

1. When ~~sworn~~ Department personnel or sworn personnel from an outside law enforcement agency are the potential suspect of a non-traffic stop petty misdemeanor crime:
 - a. A Department supervisor shall be called to assist with a preliminary investigation;
 - i. Acting sergeants shall not assist in ~~conduct~~ investigations of sworn personnel without a full-time permanent sergeant assisting.
 - b. If the accused officer is a suspect or the focus of a criminal investigation, the criminal investigation shall be handled by the appropriate agency or Department entity;
 - ~~c.~~ The on-scene supervisor shall notify the Internal Affairs Professional Standards (IAPS) Division immediately and IAPS shall have sole responsibility for the administrative investigation;
 - ~~d.~~ ~~c.~~ ~~_____~~ The specialized unit conducting the criminal investigation shall act as a liaison between any prosecutor's office and the Department;
 - ~~e.~~ ~~d.~~ ~~_____~~ The on-scene supervisor shall ensure that misconduct of Department personnel that is not of a criminal nature is documented and entered into the Internal Affairs database web application system no later than twenty-four (24) hours and shall be conducted in accordance with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties);
 - ~~f.~~ ~~e.~~ If sworn personnel from an outside law enforcement agency are involved, the on-scene supervisor shall contact the outside agency head after the non-Department employee has been booked on the appropriate charges. The IAPS Division shall not be notified concerning non-Department sworn personnel; and
 - ~~g.~~ ~~f.~~ ~~If~~ After the Department personnel ~~officer~~ or an officer from an outside law enforcement agency has been booked on the appropriate charges, the arresting officer's commanding officer shall ensure that the proper documentation has reached the Bureau Deputy Chief of the charged Department personnel and the Bureau Deputy Chief of the charging officer, as appropriate, by 0800 hours the following day.

N/A

B. Arrests and Follow-up ~~Felony Crime~~

1. When Department personnel or sworn personnel from an outside law enforcement agency are suspected of committing a felony crime:
 - a. If Department personnel and sworn personnel from an outside law enforcement agency are suspected of having committed a felony crime, the dispatched officer shall immediately request a Department supervisor who shall then assume responsibility for the investigation;
 - b. The Department supervisor shall attempt to establish probable cause and shall make the arrest with the same discretion and standards when processing any other community member;
 - c. ~~If~~ After probable cause has established that a felony was committed, the investigating supervisor shall make the arrest in accordance with SOP Arrests,

N/A



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-42 (Formerly 2-30)

P&P Draft 02/22/2023

N/A

- Arrest Warrants, and Booking (refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanction classifications and additional duties); and
- i. Whenever sworn Department personnel are arrested, the officer's lieutenant or a higher-ranking officer shall relieve the accused officer of all service weapons, badges, and police identification cards in accordance with SOP Relief of Duty (refer to SOP Relief of Duty for sanction classifications and additional duties); and
- ii. If an arrest is appropriate, the individual(s) shall be booked. The arresting supervisor shall ensure that they request the detention facility to segregate the Department personnel or outside agency officer, after the booking process, sworn individuals are segregated from other inmates for their safety.
- iii. Where an arrest is not required, the chain of command shall be notified prior to the release of the individual and shall be documented in the Uniform Incident Report.

N/A

- d. A completed criminal case shall be submitted to the District Attorney's Office (refer to SOP Submission of Felony Cases to the District Attorney for sanction classifications and additional duties).

C. Misdemeanor Crime

1. When Department personnel or sworn personnel from an outside law enforcement agency are suspected of committing a misdemeanor crime:

- a. The investigating officer shall initiate the investigation;
- b. The investigating officer shall contact a supervisor to review the determination of probable cause;
- c. If probable cause has been established, the supervisor shall assume overall responsibility for the investigation and ensure that the individual is processed the same as any other community member;

N/A

- d. The investigating officer shall follow the enforcement action procedures for misdemeanors as outlined in SOP Arrests, Arrest Warrants, and Booking Procedures and SOP Misdemeanor Traffic and City Ordinance Enforcement (refer to SOP Arrests, Arrest Warrants, and Booking Procedures and SOP Misdemeanor Traffic and City Ordinance Enforcement for sanction classifications and additional duties);
- e. If sworn Department personnel must be arrested for a misdemeanor crime on-scene, the investigating supervisor shall make the arrest. For the individual officer's personal safety, the arresting supervisor shall ensure that Metropolitan Detention Center (MDC) personnel are notified appropriately; and
- f. If the incident is complex and requires further investigation before law enforcement action can be made, the appropriate Bureau Deputy Chief shall assume responsibility for coordinating the completion of the investigation.

D. Driving While Under the Influence (DWI)

1. When sworn Department personnel or sworn personnel from an outside law enforcement agency are suspected of DWI:



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-42 (Formerly 2-30)

P&P Draft 02/22/2023

~~a. The Department officer who has reason to believe a DWI investigation is necessary shall call a Department supervisor to take over the investigation or shall be present during the investigation. The enforcement discretion shall be the same as when processing any other community member; and~~

~~b. The investigating supervisor shall witness the administration of the breath alcohol test.~~

~~2. When civilian Department personnel are suspected of DWI:~~

~~a. Sworn Department personnel shall treat them the same as any other community member; and~~

~~b. When civilian Department personnel are arrested for DWI, the arresting officer's commanding officer shall ensure that the proper documentation has reached the arrestee's chain of command by 0800 hours the following day.~~

6 ~~E.D.~~ Traffic Enforcement

1. For traffic enforcement with sworn Department personnel or sworn personnel from an outside law enforcement agency:

a. Investigating sworn Department personnel shall retain the discretion as to whether to cite, write a warning, or give a verbal warning on non-mandatory appearance traffic offenses; however, the decision to cite shall not be deferred until a later date; and

b. Mandatory appearance for traffic offenses shall be handled as outlined in this Standard Operating Procedure (SOP).

~~F.~~ Domestic Violence Incidents

~~1. For domestic violence incidents involving sworn Department personnel or sworn personnel from an outside law enforcement agency:~~

~~a. Upon arrival on the scene, the responding officer shall immediately notify the Emergency Communications Center (ECC) and request a lieutenant to respond to the scene, regardless of the involved officer's jurisdiction;~~

~~b. The responding officer and lieutenant shall investigate the incident in accordance with SOP Domestic Violence;~~

~~c. A supervisor of a higher rank shall respond to the scene of all domestic violence incidents involving sworn personnel, regardless of the involved officer's jurisdiction;~~

N/A ~~d. Whenever sworn Department personnel are arrested, the officer's lieutenant or a higher ranking officer shall relieve the accused officer of all service weapons, badges, and police identification cards in accordance with SOP Relief of Duty (refer to SOP Relief of Duty for sanction classifications and additional duties);~~



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-42 (Formerly 2-30)

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e. ———The on-scene supervisor shall notify the Duty Chief and the accused officer's immediate supervisor as soon as possible. When the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's department is notified. All notifications and attempts to notify shall be fully documented in a Interoffice Memorandum; and

f. b. At the conclusion of the investigation, the supervisor shall forward all Uniform Incident Reports and related documentation involving sworn Department personnel to the IAPS Division.

REDLINED