



2-80 ARRESTS, ARREST WARRANTS, AND BOOKING PROCEDURES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-31 Court Services Unit
- 2-16 Reports
- 2-52 Use of Force: General
- 2-73 Submission of Evidence, Confiscated Property, and Found Items
- 2-82 Restraints and Transportation of Individuals

B. Form(s)

- PD 3097 Temporary Detention Log
- PD 4201 Criminalistics Section Request for Service Form

C. Other Resource(s)

- 20-18 Authority to Issue Citations and Arrest Pursuant to APD SOP and The McClendon Settlement and Agreement
- [U.S. Department of State Bureau of Consular Affairs](#)

D. Rescinded Special Order(s)

- 21-23 Amendment to SOP 2-80 Arrests, Arrest Warrants and Booking Procedures
- 21-78 Amendment to SOP 2-80 Arrests, Arrest Warrants and Booking Procedures; Criminal Complaints, Criminal Summonses, and Juvenile Statements of Probable Cause
- 21-139 Amendment to SOP 2-80 Arrests, Arrest Warrants and Booking Procedures: Booking and Assistance with Medical Procedures

2-80-1 Purpose

The purpose of this policy is to set forth the procedures that comply with federal, state, and local laws for exercising arrest powers by Albuquerque Police Department (Department) sworn personnel.

2-80-2 Policy

It is the policy of the Department to empower sworn personnel to arrest individuals who have committed a felony and/or misdemeanor. It is also the policy of the Department to follow the correct legal procedures that are required when arresting, booking, and filing charges against such individuals.

N/A 2-80-3 Definitions



A. Probable Cause

1. Probable Cause to Arrest (Seize)

When facts and circumstances within an officer's knowledge or, on which an officer has reasonably trustworthy information, are sufficient to warrant a reasonable person to believe that an offense has been or is being committed by the individual arrested.

2. Probable Cause to Search

- a. When facts and circumstances within an officer's knowledge or, on which an officer has reasonably trustworthy information, are sufficient to warrant a reasonable person to believe that items related to the crime under investigation will be found in the place to be searched.
- b. The refusal of an individual to provide consent to search a person, premises, or items does not establish probable cause or a reasonable suspicion of criminal activity.

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Arrests

A. Felony Arrest Authority

N/A

1. Sworn personnel may make felony arrests through the authority of a warrant or based on probable cause.

- a. Sworn personnel may make probable cause felony arrests for all:
 - i. Felony narcotic offenses;
 - ii. Felonies in progress, including but not limited to violent crimes and property crimes; and
 - iii. Violent crimes, including but not limited to, kidnapping, homicide, aggravated battery, aggravated assault, robbery offenses, criminal sexual penetration and contact, and felony domestic violence.

N/A

2. For crimes that are not listed above, sworn personnel may choose to arrest an individual for a felony crime based on probable cause, instead of merely submitting a criminal case to the District Attorney for consideration for indictment under the following circumstances:

- a. When the individual has no community ties to the Albuquerque metropolitan area (e.g., a transient, an out of town resident, etc.);
- b. When one (1) or more prior felonies or multiple offenses have been committed by the individual; or
- c. When the arrest is approved by a supervisor based on extenuating circumstances.



B. Misdemeanor/Petty Misdemeanor Arrest Authority

1. Sworn personnel shall issue a citation or a criminal summons for non-violent misdemeanor offenses.
 - a. Sworn personnel may make arrests for misdemeanor crimes when there are exigent circumstances that justify the arrest.
2. When an individual's criminal behavior appears to originate from a behavioral health disorder and they would benefit from receiving care at a treatment facility rather than enter the criminal justice system, sworn personnel may seek such interventions in lieu of criminal charges.
 - a. The officer's decision to divert an individual from the criminal justice system shall only apply to misdemeanor and non-violent felony cases.
3. Sworn personnel shall include the reason the arrest was necessary in the narrative of their Uniform Incident Report.

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C. Arrests Generally

N/A

1. The arresting officer shall:
 - a. Complete a Uniform Incident Report indicating all charges and detailing the circumstances for any incident or warrant service resulting in an arrest or protective custody, consistent with SOP Reports (refer to SOP Reports for sanction classifications and additional duties); and
 - b. Ask an Emergency Communications Center (ECC) National Crime Information Center (NCIC) operator to run all individuals taken into custody through the local warrants database.
 - i. If the NCIC check indicates that the individual has a warrant(s) for their arrest, the arresting officer shall verify the warrant and shall notify the operator that the individual is in custody.

D. Felony or Misdemeanor Arrest(s) Involving Controlled Substances

1. All felony and misdemeanor arrests involving any narcotic or controlled substance may require a Criminalistics Section Request for Service form requesting that the Scientific Evidence Division Chemical Analysis Unit conduct a drug analysis in addition to the completed Uniform Incident Report.
 - a. A copy of the Criminalistics Section Request for Service shall also be required for a completed drug case.

E. Arresting Individuals Who Hold a Specialized Status



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1. Sworn personnel shall not arrest the drivers of mail-carrying vehicles or armored vehicles except when they are charged with a felony or driving while under the influence (DWI), or when their mental or physical state is such that they are a hazard to the public.
2. Upon taking such a driver into custody, arresting personnel shall:
 - a. Immediately have the local United States Postal Service office/armored car company notified; and
 - b. Be responsible for the safety of the United States Postal Service/armored vehicle and its contents until the arrival of a United States Postal Service representative/armored vehicle company supervisor, the arresting officer shall be responsible for the safety of the United States Postal Service/armored vehicle and its contents.
3. When sworn personnel arrest individuals who are on active military duty for any criminal offense, excluding minor traffic charges, the arresting officer shall notify the Kirtland Air Force Base Security Police Desk of the arrest.
 - a. Individuals charged with an offense who are on active military duty and wanted for Absence Without Leave (AWOL) or desertion, or who are arrested for a military offense only may be turned over to military authorities at Kirtland Air Force Base.
 - b. In all cases, sworn personnel shall complete a Uniform Incident Report.
4. Undocumented Foreign Nationals
 - a. The enforcement of immigration laws and the arrest of undocumented foreign nationals reside exclusively with the federal government.
 - b. Sworn personnel shall not:
 - i. Stop, question, detain, or arrest any individual based solely on the grounds that they may be an undocumented immigrant or a deportable foreign national;
 - ii. Inquire about or seek proof of an individual's immigration status unless the individual is in custody or is a suspect in a criminal investigation for a non-immigration criminal violation and the immigration status of the individual is pertinent to the criminal investigation;
 - iii. Request assistance in language translation from any immigration official or agency.
 - iv. Call federal immigration officials to the scene of a stop or investigation, except in the case of suspected human trafficking. For cases involving suspected human trafficking, sworn personnel shall:
 1. Obtain a supervisor's approval before contacting federal immigration officials; and
 2. Document the investigation in a Uniform Incident Report.



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N/A

- c. Sworn personnel do not have the authority to place an Immigration and Customs Enforcement (ICE) hold on individuals suspected of having violated federal immigration laws.
- d. Sworn personnel shall accept the Mexican Consular Identification Card (Matricula Consular de Alta Seguridad) as a valid form of identification.
 - i. The Mexican Consular Identification Card is not an indication of a person's immigration status, nor is it sufficient evidence to establish reasonable suspicion of a person's immigration status.
- e. Sworn personnel are reminded that all children have a right to attend public schools in the United States.
 - i. Sworn personnel shall not, under any circumstances, engage in stopping, questioning, detaining, investigating or arresting minor children under eighteen (18) years old on any immigration-related matter while on or immediately in the vicinity of public school grounds or property.
 - ii. Sworn personnel shall not assist others, including school personnel or other law enforcement officers or agencies, in detaining or questioning minor children on any immigration-related matter.
- f. Nothing in this SOP shall prevent an officer from investigating any federal, state, or City non-immigration criminal violation or taking any action necessary for officer safety.

5. Arrest of Legal Foreign Nationals (Legal Immigrants)

- a. Sworn personnel shall do the following whenever a legal foreign national is arrested:
 - i. Immediately notify the foreign national of their right to have their government notified concerning the arrest and/or detention; and
 - ii. Notify the foreign national's consulate of the arrest if the notification is mandated by the U.S. State Department guidelines. The guidelines can be obtained at the following website: travel.state.gov.

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6. Foreign Diplomats

- a. Foreign diplomats have diplomatic immunity concerning City ordinances and state and federal laws under the guidelines of the State Department of the United States.
- b. Sworn personnel shall:
 - i. Deal with foreign diplomats on an individual basis; and
 - ii. Ensure that the respective foreign consulate has been contacted.
- c. Sworn personnel shall not place foreign diplomats under arrest.

F. Arrest Warrants

N/A

- 1. When personnel from an outside agency requests warrant service, they provide the following information before sworn personnel serve the warrant:
 - a. A physical description of the wanted individual, including, but not limited to:



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- i. Name;
- ii. Sex;
- iii. Race;
- iv. Height;
- v. Weight;
- vi. Hair color; and
- vii. Date of birth or social security number.
- b. A description of the warrant description, which must include:
 - i. The originating agency;
 - ii. The court and the judge who issued the warrant;
 - iii. Jurisdiction and state;
 - iv. Charge(s);
 - v. Date of the warrant;
 - vi. Warrant number; and
 - vii. The bond amount.
- c. When extraditing an individual, if the warrant is not issued in the State of New Mexico, the warrant must indicate that the issuing jurisdiction will extradite them before the warrant can be served.

2. When necessary, sworn personnel or their supervisor may request additional information from the issuing agency about the identity or the location of the individual, or the validity of the warrant.

7 3. Sworn personnel shall notify their immediate or on-duty supervisor if a discrepancy or contradiction exists in the description of the wanted individual.

a. The supervisor shall ensure that appropriate action is taken to resolve the discrepancy.

4. Sworn personnel shall complete the following procedures to seek to prevent the arrest warrant from being canceled before responsibility of the in-custody individual has been transferred to the Metropolitan Detention Center (MDC) and booked on the arrest warrant:

a. If an individual is arrested on an arrest warrant and is not taken to the MDC (i.e., the individual has to be taken to a hospital or any other facility), the arresting officer shall not pick-up the arrest warrant at that time;

b. The arresting officer shall fill out the necessary booking paperwork for a hold to be placed on the in-custody individual; and

c. The arresting officer shall pick up the arrest warrant at the time the in-custody individual is physically taken to the MDC. The arresting officer shall include the arrest warrant with the documentation that has already been completed.

N/A 5. The protocol for serving an arrest warrant shall follow the requirements for serving a search warrant, consistent with SOP Execution of Search Warrants (refer to SOP Execution of Search Warrants for sanction classifications and additional duties).



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6. This Standard Operating Procedure (SOP) does not limit an officer from executing an arrest warrant without a supervisor present when the wanted individual comes into contact with sworn personnel during their normal course of duty.
7. References to Deoxyribonucleic Acid (DNA) Information in Arrest Warrant Affidavits
 - a. Whenever forensic DNA information, including references to a DNA "hit" or "match," is used in an arrest warrant affidavit as a full or partial basis for issuing an arrest warrant, the affiant officer must reasonably explain to the recipient judicial officer the relative strength of the DNA information at issue.
 - i. If the affiant officer is unable to reasonably explain the relative strength of the DNA information to the recipient judicial officer, the affiant officer may contact Criminalistics Laboratory personnel for an explanation of the relative strength of the DNA information.
 - ii. The affiant officer may then relay the Criminalistics Laboratory employee's explanation to the recipient judicial officer in the affidavit.

N/A G. Telephone Requests from Outside Agencies

Sworn personnel shall treat a telephone request for the arrest of a fugitive as information only until the request is confirmed by teletype, an ECC NCIC Operator, or a letter from the outside agency that meets the requirements outlined in this SOP.

N/A H. Teletype Requests

1. Teletypes from outside agencies that request assistance in location and arresting a fugitive must include information necessary for the service of a warrant as outlined in this SOP.
2. If these requirements are not met, the ECC NCIC Operator shall advise the issuing agency that the Department cannot serve the warrant without additional information, and the teletypes shall be considered as informational only and not as arrest authority.
 - a. Teletypes permitting a choice shall not be honored (e.g., a collection of fine instead of jail, restitution, court costs, etc.).
 - b. Teletypes requesting an arrest on a domestic matter, such as child abduction, kidnapping, and custodial interference, should be carefully examined and referred to the Special Victims Section personnel, except when exigent circumstances exist, such as physical danger, abuse, or neglect of the victim child.
 - c. Teletypes requesting an arrest of a John Doe or white collar crime warrants shall be handled with caution.
 - i. Information that was the basis for the warrant may be fictitious as to the identity of the offender.



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d. Teletypes from out-of-state agencies requesting an arrest for high court misdemeanors must be directed to an on-duty lieutenant for authority to serve.

I. Execution of Arrest Warrants

1. Sworn personnel shall adhere determine the identity of an individual to establish probable cause for an arrest, prior to making the arrest based on a warrant.
 - a. Individuals with soundex hits shall not be arrested without multiple points of identification that confirm the individual's identity.
 - b. An NCIC hit for a wanted person is not probable cause for an officer to make an arrest, but may provide reasonable suspicion to detain an individual while the warrant is confirmed.
 - c. Sworn personnel shall confirm through NCIC the validity of the warrant and whether extradition is authorized on all individuals prior to making an arrest.
2. Sworn personnel shall only conduct a search of the premises for a wanted individual with a consent to search or with a valid search warrant, except in situations concerning hot pursuit of the wanted individual.
 - a. If sworn personnel are denied access to a structure, and they have probable cause to believe a wanted person is inside, they shall:
 - i. Secure the scene;
 - ii. Notify a supervisor to respond to the area; and
 - iii. Obtain a search warrant before proceeding with the search for the wanted individual.
 - b. A supervisor's presence shall be mandatory with all warrant services.
3. Sworn personnel attempting to serve felony warrants shall verify the warrants through the ECC NCIC Operator before checking the address on the warrants.
4. Fugitives may insist that a warrant has been canceled to avoid apprehension; therefore, sworn personnel shall further investigate the validity of the warrant before arresting them.

N/A

J. Grand Jury Indictments

1. Sworn personnel shall only make arrests based on grand jury indictments after the resulting bench warrant is received by the Bernalillo County Sheriff's Office Warrants Section.
2. The knowledge that a true bill has been returned by the grand jury does not constitute grounds for a valid arrest.

K. Metropolitan Court Bench Warrants

1. Arresting sworn personnel shall complete the following procedures when any law enforcement agency brings an individual to MDC for booking on a Metropolitan



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Court bench warrant only:

- a. If it is discovered that an individual is being booked on bench warrants only and has the cash on hand to post their bond, the individual shall not be taken through the booking process; and
- b. The arresting officer shall escort the individual to the bonding window where the individual can post their bond, clear the bench warrant, and receive any appropriate court date(s).

L. Custody of Individuals

1. When sworn personnel take an individual into custody, the individual must be guarded at all times except when placed in an area specifically designed for temporary detention.
2. Temporary Detention and Processing
 - a. Detention rooms must be equipped a window to view the individual and a handcuffing post.
 - b. When available, an audio/video and/or monitoring device shall be used.
 - c. The officer in charge (OIC) of the individual shall notify a supervisor before placing the individual in the temporary detention room.
 - d. The OIC shall:
 - i. Keep a Temporary Detention Log in a highly visible location in, or immediately adjacent to the temporary detention area. The log shall contain:
 1. Name of the in-custody individual;
 2. Date and time the in-custody individual was placed in and removed from temporary detention;
 3. The OIC's signature;
 4. Name of the supervisor who was notified of the detention; and
 5. Record of the time the individual was visually and verbally checked.
 6. Violent individuals and/or individuals who become violent shall be monitored at all times, and shall not be left unattended under any circumstances;
 - A. If possible, the supervisor's signature should be included on the document to the authorization to use of temporary detention.
 - ii. Document on the Temporary Detention Log the movement of the in-custody individual in and out of the temporary detention area and the reason, such as bathroom breaks, interviews, or meals provided;
 - iii. Upon completion of the temporary detention, scan the Temporary Detention Log with the Uniform Incident Report as an attachment in the Department's records management system.
 - iv. Conduct a security/cleanliness inspection of the detention area before securing the in-custody individual;
 - v. Before the in-custody individual is secured in the temporary detention area:
 1. Search the individual, consistent with SOP Restraints and Transportation of Individuals;



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2. Remove all items evidence/personal property from the individual and place the items in a secure area during the period of detention;
3. Handle any property of evidentiary value consistent with SOP Submission of Evidence, Confiscated Property, and Found Items;
4. Remove personal property from the individual; and
5. Accompany them to the MDC.
- vi. Handcuff the individual to a fixed object specifically designed for this purpose in such a manner that maximizes the comfort of the individual;
- vii. Visually and verbally monitor the individual by checking their behavior at least every thirty (30) minutes to ensure that they are safe;
- viii. After two (2) hours, notify a supervisor of the individual's continued detention. The OIC or their designee shall continue to monitor the individual every thirty (30) minutes to ensure that they are safe;
- ix. Hold males, females, and juveniles separately;
- x. Provide individuals access to water and restrooms or any other justifiable need.
 1. When individuals are allowed a restroom break, they shall be escorted by Department personnel of the same sex.
 2. Before being escorted to the restroom, sworn personnel shall thoroughly search the individual, and all items must be removed from them.
 3. Non-sworn personnel may be used for restroom escorts, but a sworn officer must remain outside the door for the safety of non-sworn personnel.
 4. Handcuffs may be moved to the front or removed for restroom breaks.
 5. Sworn personnel shall use caution when determining whether to remove the individual's handcuffs. Partial restraint is preferable.
 6. Sworn personnel may use handicap rails to secure one (1) of the individual's hands for the purpose of a restroom break.
- e. Security Measures
 - i. Access to the temporary detention area where an individual is being held shall be limited to sworn personnel only. If the area is a holding room, only the OIC or their designee may frequent the room.
 - ii. In all instances, the OIC shall guard against any circumstance, which may facilitate an escape of the in-custody individual.
 - iii. If an escape does occur, the OIC shall notify the watch commander and notify the ECC to dispatch additional personnel to the area.
 - iv. In the event of an emergency, sworn personnel shall use the red duress button on their hand-held radio to request immediate assistance.

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M. Criminal Complaints, Criminal Summonses, and Juvenile Statements of Probable Cause.

1. When sworn personnel arrest an individual on misdemeanor or felony charges, the charging officer shall submit a Criminal Complaint form.
 - a. The upper portion of the Criminal Complaint form, except the docket number and date filed, shall be completed in its entirety by the charging officer.



2. Sworn personnel shall complete a Criminal Complaint/Juvenile Statement of Probable Cause, whichever is applicable, in TraCS, to include the arresting officer's first and last name.
 - a. When a criminal complaint/juvenile statement of probable cause is not completed correctly, the courts will reject the criminal complaint/juvenile statement of probable cause .
 - i. When an officer is notified by the court that their criminal complaint/juvenile statement of probable cause was rejected, the officer shall correct the complaint/statement of within three (3) days or the next available workday.
 - ii. The officer shall not be authorized to use compensatory time or overtime to correct the rejected criminal complaint/juvenile statement of probable cause.
 - iii. If the criminal complaint/juvenile statement of probable cause is not corrected, the officer's chain of command, through their commander, shall be notified.
 - b. If TraCS is not operational, sworn personnel shall immediately notify their first line supervisor and use the criminal complaint, criminal summons, or juvenile statement of probable cause form that is available on APDWeb/Protopage at <http://www.protopage.com/apdweb.cabq.gov>.
3. Supervisors shall approve all criminal complaints, criminal summonses, and juvenile statements of probable cause in TraCS including:
 - a. Prior to booking an individual in a detention facility; and
 - b. Approval of a criminal summons within five (5) workdays upon receipt of the summons from an officer.
4. Supervisors shall email criminal complaints, criminal summonses, or juvenile statements of probable cause that were not completed in TraCS to the Performance Metrics Unit, within five (5) workdays, consistent with the timelines listed above.

N. Criminal Complaint Forms for Domestic Violence

Sworn personnel shall list domestic violence in the charges portion of the criminal complaint form along with any other criminal charges.

O. Re-Filing of Criminal Charges

When sworn personnel are requested by the District Attorney's Office or the Court Services Unit to re-file a criminal complaint, the officer shall comply with the request within three (3) days or on the next available work day.

6 2-80-5 Booking

A. General Booking Procedures



1. Sworn personnel shall secure all weapons in their vehicles or their lock boxes before entering the MDC. Sworn personnel shall be permitted to carry equipment into the booking facility.
2. Upon entering MDC, sworn personnel shall give all charging documents including but not limited to, the criminal complaint, citations, and the pre-booking worksheet to Metropolitan Court personnel.
 - a. The criminal complaint, any citations and the pre-booking form will be stamped Filed/Endorsed-in by Metro Court personnel once all documents are verified.
 - b. The pre-booking form will be returned to the officer so they may process the individual through medical personnel and through the MDC's booking procedures.
 - c. The arresting or transporting officer shall conduct a thorough search of the in-custody at the MDC booking desk.
 - i. In the event the in-custody individual is a female, the search shall be conducted by a female officer, if available, or female corrections personnel. Strip searches are not mandatory.
 - d. All in-custody individuals being booked into MDC will remain handcuffed until the booking process is completed.
 - e. Knives, guns, ammunition or chemical agents will not be accepted by MDC personnel to be placed in the in-custody individual's property. These items may be tagged into evidence for safekeeping, consistent with SOP Submission of Evidence, Confiscated Property, and Found Items.
 - f. If an individual is already in custody at the MDC and additional charges are being filed against them, the officer shall notify MDC personnel in-person, making sure that the individual is still in custody, that the right inmate is charged with the additional charge(s), and that the paperwork is properly administered.
 - i. The officer shall complete a Supplemental Report to document this notification.
3. Sworn personnel shall not assist with any medical procedure that is required as a condition of booking an individual into a detention facility unless they have a valid search warrant or the individual's consent, except during life-threatening situations.

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B. Booking on the Basis of a Warrant

1. After sworn personnel confirm the existence of a valid warrant through ECC NCIC, they shall:
 - a. Document on the pre-booking worksheet the warrant number, type of warrant, and if it is for a felony or misdemeanor; and
 - b. Notify the ECC NCIC Operator when an arrest is made as the result of a warrant.
 - i. ECC NCIC personnel shall transmit a copy of the warrant and/or the confirmation to the MDC.



- ii. The copy of the warrant that MDC personnel receive is required for the booking procedure.

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C. Booking on the Basis of a Warrant Issued Outside Bernalillo County

1. The arresting officer shall request that the ECC NCIC Operator send a teletype to the jurisdiction holding the warrant, advising that the individual is in custody and request a return teletype as soon as possible. The teletype shall have:
 - a. The name of the judge who issued the warrant;
 - b. Charges;
 - c. Bond;
 - d. Warrant number; and
 - e. Whether the agency will extradite the individual.
2. Sworn personnel shall not make a telephone call to verify the warrant; a teletype is required.
3. Sworn personnel shall book the individual into MDC.
4. Sworn personnel shall notify MDC booking personnel if their in-custody individual(s) are a potential medical and/or security hazard.

D. Release of Individuals Who Were Arrested in Error

1. For individual who must be released because they were arrested and booked in error, sworn personnel shall:
 - a. Immediately notify their supervisor;
 - b. Contact the District Attorney's Office to assist in getting the individual released;
 - i. If sworn personnel or their supervisor are unable to contact the District Attorney's Office, they shall contact the on-call Assistant District Attorney.
 - ii. Sworn personnel or their supervisor shall email the on-call Assistant District Attorney to explain the reason for the requested dismissal for their file.
 - iii. The supervisor shall ensure that the individual is released.
 - c. Receive a copy of the Release Order and the *Nolle Prosequi*;
 - d. Submit a copy of their completed Uniform Incident Report along with a copy of the Release Order and *Nolle Prosequi* to the City of Albuquerque Risk Management Division.
2. If sworn personnel discover an error before the individual is booked, the individual shall be released, and the details shall be documented in a Uniform Incident Report.
3. When sworn personnel release an individual who was arrested on a warrant in error, or when it is determined that the wrong individual has been arrested based on a warrant, the following procedures shall be completed:



- a. The arresting officer shall contact the Scientific Evidence Division (SED) Identification Unit and notify the on-duty ECC supervisor immediately upon confirming the wrong individual is in custody.
 - i. Identification Unit personnel shall provide the ECC supervisor with the name of the Identification Technician and the reason the subject should be released.
 - ii. The ECC supervisor shall immediately notify the appropriate on-duty watch commander or sergeant of the arrest that was made in error.
 - iii. The on-duty watch commander or sergeant shall have the arresting officer, if available, or another officer report to the MDC and begin the release process.
 - iv. The on-duty supervisor shall have the ECC contact the on-call Risk Management Division representative.
 - v. The on-duty supervisor shall ensure that a copy of the Uniform Incident Report is forwarded to the Department Safety Officer by the end of their shift.
4. At no time shall sworn personnel indicate in their Uniform Incident Report "Pending Further Investigation" after they release an individual who was arrested in error.

E. Non-Custodial Booking Processing and Identification

1. Sworn personnel may release an individual who has been arrested for a felony offense that is non-violent in nature, pending an indictment by the prosecuting agency.
2. An individual arrested for a violent felony offense is ineligible for release under this section. A violent felony offense is:
 - a. Abandonment and/or abuse of a child;
 - b. Aggravated arson, arson resulting in bodily injury;
 - c. Aggravated assault and/or battery;
 - d. Criminal sexual penetration of a minor;
 - e. Criminal sexual contact of a minor;
 - f. Dangerous use of explosives;
 - g. Great bodily injury by vehicle;
 - h. Homicide by vehicle;
 - i. Kidnapping;
 - j. Robbery; and
 - k. Voluntary and/or involuntary manslaughter.
3. The arresting officer shall not release an individual arrested for a non-violent felony when the individual:
 - a. Is a flight risk;



- b. Has an extensive record that indicates a likelihood to commit additional criminal offenses;
 - c. Identity is uncertain;
 - d. Appears to suffer from a physical/mental impairment that indicates a likelihood that they present to be a danger to themselves or others;
 - e. Poses a threat to victims or witnesses;
 - f. Upon release, may interfere with the investigation of the crime on which they were arrested;
 - g. Was arrested on the felony charges of residential burglary, aggravated burglary, trafficking in a controlled substance, or a felon in possession of a firearm; or
 - h. Was arrested for domestic violence, or DWI, therefore, is ineligible for processing and identification under this section.
4. Sworn personnel shall use caution when using the promise of release to obtain confessions or incriminating evidence.
 5. Sworn personnel shall not release an individual once a formal complaint has been filed in Metropolitan Court.

6 F. Photographs of Sworn Personnel, Individuals, and In-custody Individuals

1. Crime Scene Specialists (CSS) shall take photographs of all involved persons, the officer, and arrested individual when:
 - a. An officer, suspect or in-custody individual who has been injured, including injuries that are not visible;
 - b. The individual resists in any manner that would be consistent with SOP Use of Force: General;
 - c. Individuals are charged with battery on a police officer, aggravated battery on a police officer, or resisting arrest; or
 - d. Individuals who have pre-existing injuries.
 - i. Sworn personnel shall document these injuries on the Uniform Incident Report.
2. The arresting officer shall ensure that a CSS responds to the scene to take photographs.
3. Photographs Taken by Personnel Other than a CSS
 - a. Designated personnel shall:
 - i. Take photographs if the injuries are minor;
 - ii. Be responsible for tagging all photographs, consistent with SOP Submission of Evidence, Confiscated Property, and Found Items;
 - iii. Be required to complete a Supplemental Report to document the nature of the injury or damage and complaints or claims of damage or injury reported by the individual.
 1. In all other instances, the photographs shall be taken by a CSS.



G. When sworn personnel issue a criminal summons instead of an arrest warrant:

1. A criminal summons shall only be filed for misdemeanor charges;
2. A criminal summons may be filed when:
 - a. The officer did not witness the incident but has probable cause to believe a crime occurred;
 - b. The individual cannot be located; or
 - c. The individual has been taken to a medical facility and will not be released by the end of the officer's shift. This does not include individuals who have been charged with a domestic violence offense.
3. Sworn personnel shall complete the criminal Summons on the State of New Mexico criminal complaint form with the word "SUMMONS" written across the top of the form.
 - a. The required information on the criminal summons shall be the same as a custodial criminal complaint.
4. When filing a criminal summons, sworn personnel shall send the completed criminal summons, including any traffic citations, to Court Services Unit personnel for filing.
 - a. If the criminal complaint is computer generated, sworn personnel shall send the the original criminal complaint plus three (3) copies to Court Services Unit personnel for filing.
 - b. The original criminal complaint must contain an original signature.
 - i. Faxed copies shall not be accepted.
5. Sworn personnel shall complete a Uniform Incident Report when filing a criminal summons.
6. Incomplete/Incorrect Information on Criminal Summons
 - a. The Court Services Unit supervisor shall review all criminal summonses.
 - i. If the information on the criminal summons is incomplete/incorrect, the Court Services Unit Supervisor shall notify the officer of the corrections needed, consistent with SOP Court Services Unit.
 - b. The officer shall have three (3) days or their next available work day to correct the criminal summons.
 - c. If the criminal summons is returned to the submitting officer due to an incorrect address, the criminal summons will be dismissed.
 - d. If the criminal summons is not corrected, the officer's commander shall be notified.



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- e. If the officer is unable to locate the correct identifiers or a current address for the defendant, the officer shall complete a Supplemental Report documenting these reasons.

H. Uniform Incident Report Distribution

1. Uniform Incident Reports for Arrests

- a. Sworn personnel shall complete a Uniform Incident Report before the end of their shift.
 - i. The officer shall notify their supervisor or the on-duty supervisor that a Uniform Incident Report is awaiting approval in the Department records management system.
- b. The officer shall not go off-duty until the Uniform Incident Report is approved, in the event any corrections need to be made.
- c. The supervisor, upon approving the Uniform Incident Report shall download and e-mail the report to Court Services Unit personnel at apdfelonyarrest@cabq.gov.
- d. An email shall be the sole means of transmitting a Uniform Incident Report to Court Services Unit personnel.
- e. Sworn personnel shall not fax or drop-off Uniform Incident Reports unless in the rare circumstance when email is unavailable.

- 2. Supervisors shall be held accountable for Uniform Incident Reports that are not sent to Court Services Unit personnel, consistent with SOP Court Services Unit.



2-80 ARRESTS, ARREST WARRANTS, AND BOOKING PROCEDURES

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

A. Related SOP(s)

- 1-31 Court Services Unit
- 2-16 Reports
- ~~2-19 Response to Behavioral Health Issues~~
- 2-52 Use of Force: —General
- 2-73 Submission of Evidence, Confiscated Property, and Found Items
- 2-82 Restraints and Transportation of Individuals

B. Form(s)

- PD 3097 —Temporary Detention Log
- ~~PD 4201 Criminalistics Section —Criminalistics Section-Request for Service Form~~

C. Other Resource(s)

- 20-18 Authority to Issue Citations and Arrest Pursuant to APD SOP and The McClendon Settlement and Agreement
- ~~U.S. Department of State Bureau of Consular Affairs —Website: www.travel.state.gov~~
- ~~State v. Panaanani, 2015 NMSC~~
- ~~TraCS~~
- ~~Copperfire~~
- ~~(Placeholder. For example, Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association)~~

D. Rescinded Special Order(s)

- ~~SO X Subject 20-18 Authority to Issue Citations and Arrest Pursuant to APD SOP Andand The McClendon Settlement and Agreement~~
- ~~20-49 Approval Of of Adult Criminal Complaints/ Juvenile Statement of Probable Cause~~
- ~~21-23 -Amendment to SOP 2-80 Arrests, Arrest Warrants And and Booking Procedures~~
- ~~21-78 -Amendment to SOP 2-80 Arrests, Arrest Warrants and Booking Procedures; Criminal Complaints, Criminal Summonses, and Juvenile Statements of Probable Cause~~
- ~~21-139 Amendment to SOP 2-80 Arrests, Arrest Warrants and Booking Procedures: Booking and Assistance ~~AAA~~ with Medical Procedures~~

2-80-1 Purpose



The purpose of this ~~Division/Section/Unit/Program/policy~~ is to ~~set forth outline~~ set forth the procedures that comply with federal, state, and local laws, for exercising arrest powers by Albuquerque Police Department (Department) sworn personnel ~~of the Albuquerque Police Department (Department) sworn personnel of the Albuquerque Police Department (Department).~~

2-80-2 Policy

It is the policy of the ~~Albuquerque Police Department (Department)~~ to empower sworn personnel to protect the authority of authorizer ~~recognize that sworn personnel have the authority to arrest individuals who have committed a felony and/or /or misdemeanor, to support violators of laws that its sworn personnel officers are empowered~~ empower their law enforcement authority; violators of laws that its sworn personnel are empowered to enforce. ~~It is also the policy of the Department to enforce and to follow the correct~~ the required correct legal procedures that are required in ~~required in~~ when arresting, booking, and filing charges against such ~~violators~~ individuals.

N/A

2-80-3 Definitions

A. The title of defined word or unit ~~Probable Cause.~~

1. Probable Cause to Arrest (Seize)

When facts and circumstances within an officer's knowledge or, on which an officer has reasonably trustworthy information, are sufficient to warrant a reasonable person to believe that an offense has been or is being committed by the individual arrested.

2. Probable Cause to Search

- a. When facts and circumstances within an officer's knowledge or, on which an officer has reasonably trustworthy information, are sufficient to warrant a reasonable person to believe that items related to the crime under investigation will be found in the place to be searched.
- b. The refusal of an individual to provide consent to search a person, premises, or items does not establish probable cause or a reasonable suspicion of criminal activity.

~~When the facts and circumstances within an officer's knowledge, or, on which an officer has reasonable trustworthy information, are sufficient to warrant a reasonable person to believe that an offense has been or is being committed and the person arrested conspired to commit the act. The refusal of an individual to provide consent to search a person, premises, or items does not provide establish probable cause or a reasonable suspicion of criminal activity.~~ Describe terminology used.

{

2-80-4 Rules and Responsibilities or Arrests Procedures



A. Felony Arrest Authority

N/A

1. ~~Sworn personnel~~ Felony arrests may ~~arrest an individual for committing a~~ make ~~make felony arrests~~ ~~arrests be made~~ through the authority of a warrant or based on probable cause.

~~2.a. Sworn personnel may arrest an individual for committing a felony when a~~ probable cause ~~has been established~~ ~~felony arrests may be made for~~ make probable cause felony arrests for all ~~all~~:

~~a. Felony narcotic offenses;~~

~~i.~~

~~b. Felonies in progress, e.g., including but not limited to violent crimes and~~ burglaries property crimes, ~~etc;~~ ~~and~~

~~ii.~~

~~Violent crimes~~ se offenses, ~~(e.g., including but not limited to, kidnapping,~~ homicide, aggravated battery, aggravated assault, robbery offenses, criminal sexual penetration and or criminal sexual contact, and felony domestic violence ~~n, etc.)~~

~~iii.~~

N/A

~~2. For crimes that are not listed above, Sworn personnel may choose to arrest an individual~~ For crimes that are ~~For crimes not listed in the~~ above section ~~S~~ Sworn personnel may choose to arrest an individual for a felony crime based on ~~make a, sworn personnel may choose to arrest an individual for~~ committing a ~~make a probable cause felony arrest when they have established~~ probable cause ~~to make the felony arrests, instead of merely~~ merely submitting a criminal case to the District Attorney for consideration for indictment considerations, for crimes not listed in the above section under the following circumstances: ~~For those felony offenses that do not fall within the above listed~~ categories, an officer when deciding whether to effect an arrest or to merely submit the case for indictment consideration may make a probable cause felony arrest when probable cause clearly exists, under the following circumstances:

a. When the ~~offender~~ individual has no community ties to the Albuquerque metropolitan area (~~e.g., a transient, an~~ out of town resident, etc.); ~~or~~

b. When ~~the individual has committed~~ one (1) or more prior felonies or multiple offenses have been committed by the individual ~~have been committed by the~~ individual ~~offender;~~ or

c. When the arrest is approved by a supervisor based on extenuating circumstances.

f

B. ~~Petty Misdemeanor/~~ Misdemeanor/ Petty Misdemeanor Arrest Authority

N/A

1. Sworn personnel shall issue a citation or a criminal summons ~~Subject, where~~ applicable, to the provisions of section 2-18 of this manual, misdemeanor arrests shall may be made. ~~For non-violent misdemeanor offenses, sworn personnel shall~~



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~~issue citations or a Criminal summons.~~

~~a. By the authority of a warrant or court order, Sworn personnel may make misdemeanor arrests for misdemeanor offenses when there are exigent circumstances that justifying the arrest.~~

~~2. For misdemeanor and non-violent felony cases only, When an individual's criminal behavior appears to stem originate from a behavioral health disorder and they would be better served benefit from receiving care in a treatment location facility, location facility rather than enter the in a criminal justice setting system, officers Sworn personnel may consider jail diversion instead may seek such interventions in lieu of making an arrest consistent with Standard Operating Procedure (SOP) Response to Behavioral Health Issues criminal charges.~~

~~a. The officer's decision to divert an individual from the criminal justice system This process shall only apply lies to misdemeanor and non-violent felony cases. should seek such interventions in lieu of filing criminal charges.~~

~~a. This process only applies to misdemeanor and non-violent felony cases.~~

~~b. Sworn personnel shall include the reason the arrest was necessary When an arrest is necessary, sworn personnel shall include the reason in the narrative portion of their Uniform Incident Report. Based upon the officer's personal observation of the offense.~~

~~c. As the result of petty misdemeanor traffic investigations involving accidents.~~

~~d. At the scene of a domestic disturbance when there is probable cause or believes that the person has committed an assault or battery upon a family or household member.~~

~~For certain other offenses in which statutory law specifically permits misdemeanor arrests to be made based upon information received, rather than upon direct police observation.~~

~~e. For non-Violent Misdemeanor offense, sworn personnel shall issue citations or summonses.~~

~~3.~~

f C. Arrests - Generally ~~ly~~

fN/ 1. The arresting officer shall:

~~a. write an A complete a write Complete a Uniform Incident n offense r Report (report) indicating all charges and detailing the circumstances will shall be written by the arresting officer for any incident or warrant service resulting in an arrest or protective custody, consistent with SOP Reports (refer to SOP~~



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Reports for sanction classifications and additional duties); and

~~Ask The Arresting officers will shall c~~ Check with the Emergency Communications Center (ECC) the National Crime Information Center (NCIC) operator to run personnel / or /ACTION local warrants database section on for all persons individuals who are taken into custody through the local warrants database.

b.

i. If the NCIC check check for warrants comes back showing indicates that the individual who has been already been already arrested taken into custody has a warrant(s) for their arrest. In the case of a hit after an arrest on other charges, the arresting officer will shall verify the warrant and shall at hit through the NCIC/ or /ACTION local warrants database Emergency Communication Center (ECC) operator and advise notify the operator that the subject individuals is in custody.

D. Felony or Misdemeanor Arrest(s) (s) Involving Controlled Substances

1. All felony and misdemeanor arrests involving any narcotic or controlled substance may require a Criminalistics Section Request for Service form requesting that the Scientific Evidence Division Chemical Analysis Unit conduct a drug analysis in addition to the completed Uniform Incident Report.

~~a. A copy of the Criminalistics Section R~~ Criminalistics Section Request for Service request for Service drug analysis request for drug analysis shall also be required for a completed drug case.

E. Arrest(ings) Individuals Who Hold a Specialized Status of U.S. Postal Service Drivers, Military/ MmMembers, Armored Car Vehicle Drivers, /Undocumented Foreign Nationals, and Immigrants, /Foreign Diplomats, and /Legal Foreign Nationals.

1. Sworn personal shall not arrest Tthe drivers of mail-carrying vehicles and or armored cars vehicles vehicles shall not be taken into custody, except when they are charged with a felony or driving while under the influence (DWI), or when their mental or physical state condition states is such that they are a hazard to the public is such that they are a may be hazard to the a public safety concern.

~~4.2. When Upon Upon taking such a such thea~~ driver into custody, the arresting officer arresting personnel shall:

- a. Immediately have the local United States Postal Service office/armored car company notified; and
- b. Be responsible for the safety of the postal United States Postal Service/armored vehicle and its contents until Pending the arrival of a postal United States Postal Service representative/armored car vehicle company supervisor, the arresting officer shall be responsible for the safety of the United States Postal



Service/armored vehicle and its contents. ~~(something) postal vehicle/armored car and its contents.~~

f 3. When sworn personnel arrest individuals who are on ~~Whenever active military =~~
~~duty military personnel are arrested and placed in custody for any criminal offense,~~
excluding minor traffic charges, the arresting officer shall notify the Kirtland Air
Force Base Security Police Desk ~~and advise them of the arrest.~~

a. Individuals charged with an offense who are on ~~Individuals who are on~~
~~AaA active military = duty and are offenders and offenders wanted for AaA absence~~
~~W/W without LLeave (AWOL) or desertion, (etc.), or and who are arrested for a~~
military offense only, may be turned over to military authorities at Kirtland Air
Force Base.

b. In all cases, sworn personnel shall complete, ~~sworn personnel shall complete a~~
Uniform Incident Report ~~shall be written shall be written.~~

2. _____

~~3.~~ 4. Undocumented Foreign Nationals ~~(Undocumented Immigrants)~~

~~a.~~ The enforcement of immigration laws and the arrest of undocumented foreign
nationals reside exclusively with the ~~FfFfederal GgGgg~~ government.

a.

b. Sworn personnel shall not:

~~b.~~ Officers Sworn personnel shall not ~~s~~ Stop, question, detain, or arrest any
person individual based solely ~~based solely on the ground that because they~~
~~may be an~~ on the grounds that they may be an undocumented immigrants
~~and or a~~ deportable foreign nationals.

i.

~~e.ii.~~ Officers Sworn personnel shall not ~~i~~ inquire about or seek proof of a
person's individual's immigration status unless the person individual is in
custody or is a suspect in a criminal investigation for a non-immigration
criminal violation and the immigration status of the ~~person or~~
~~suspect~~ individual is pertinent to the criminal investigation.s.

~~Officers Sworn personnel shall not call FFfederal IIIimmigration officials to~~
~~the scene of a stop or investigation, except in the case of suspected human~~
~~trafficking. The following procedures apply to a case of suspected human~~
~~trafficking:~~

~~d.~~ Sworn personnel shall ~~The following procedures apply to a For cases of~~
~~suspected human trafficking, sworn personnel shall:~~

~~Officers Sworn personnel shall oObtain supervisor approval before~~
~~contacting FFfederal IIIimmigration officials; and~~

~~i.~~ Sworn personnel shall ~~Officers Sworn personnel shall dDdocument the~~
~~investigation in an offense/incident~~ uniform incident Uniform Incident
Report.



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N/A

- ~~e. Sworn personnel Officers do not have the authority to place an "ICE" hold on individuals suspected of having violated federal immigration laws.~~
- iii. ~~Sworn personnel shall not~~ Request assistance in language translation from any immigration official or agency.
- iv. Call federal immigration officials to the scene of a stop or investigation, except in the case of suspected human trafficking. For cases involving suspected human trafficking, sworn personnel shall:
 - 1. Obtain a supervisor's approval before contacting federal immigration officials; and
 - 2. Document the investigation in a Uniform Incident Report.

- c. Sworn personnel do not have the authority to place an Immigration and Customs Enforcement (ICE) hold on individuals suspected of having violated federal immigration laws.
- d. Sworn personnel shall accept the Mexican Consular Identification Card (Matricula Consular de Alta Seguridad) as a valid form of identification.
 - i. The Mexican Consular Identification Card is not an indication of a person's immigration status, nor is it sufficient evidence to establish reasonable suspicion of a person's immigration status.
- e. Sworn personnel ~~shall be~~ ~~are~~ ~~are~~ reminded that all children have a right to attend public schools in the United States.
 - i. Sworn personnel shall not, under any circumstances, engage in stopping, questioning, detaining, investigating or arresting minor children, under eighteen (18) years old on any immigration-related matter while on or immediately in the vicinity of public school grounds or property.
 - ii. Sworn personnel ~~are also prohibited from~~ shall not assisting others, including school personnel or other law enforcement officers or agencies, in detaining or questioning minor children on any immigration-related matter.
- ~~f. Officers Sworn personnel shall not request assistance in language translation from any immigration official or agency.~~
- ~~g. Officers Sworn personnel shall accept the Mexican Consular Identification Card (Matricula Consular de Alta Seguridad) as a valid form of identification. The Mexican Consular Identification Card is not an indication of a person's immigration status, nor is it sufficient evidence to establish reasonable suspicion of a person's immigration status.~~
- ~~Sworn personnel are reminded that All children have a right to attend public schools in the United States.~~
- ~~Officers Sworn personnel shall not, under any circumstances, engage in stopping, questioning, detaining, investigating or arresting minor children, (under eighteen (18) years old) on any immigration related matter while on or immediately in the vicinity of public school grounds or property.~~
- ~~h. Sworn personnel Officers are also prohibited from assisting others, including school personnel or other law enforcement officers or agencies, in detaining or questioning minor children on any immigration related matter.~~
- i.f. Nothing in this Standard Operating Procedure (SOP) shall prevent an officer from investigating any federal, state, or City, state, or federal, state, or



~~city~~City, ~~State or Federal~~ non-immigration criminal violation or taking any action necessary for officer safety.

f

~~4~~5. Arrest of Legal Foreign Nationals (Legal Immigrants)

a. ~~Sworn personnel shall do the following whenever~~ When a legal foreign national is arrested:

~~Sworn personnel shall do the following Whenever a legal foreign national is arrested; officers sworn personnel will~~ shall:

~~a.~~

i. ~~Immediately advise~~ notify the foreign national of ~~their~~ his right to have ~~their~~ his government notified concerning the arrest and/or detention; ~~and~~ and ~~The arresting officer will~~ Notify the foreign national's consulate of the arrest if the notification is mandated by the U.S. State Department guidelines. The guidelines can be obtained at the following website: travel.state.gov. Department of State Bureau of Consular Affairs guidelines. The guidelines can be obtained at the following website: travel.state.gov.

ii. ~~=~~

f

6. Foreign Diplomats

~~5.~~

a. Foreign ~~d~~ Diplomats have diplomatic immunity concerning City ordinances and State and Federal ~~state, and local laws~~ City ordinances and State and Federal laws under the guidelines of the U.S. State Department of State the United States ~~Department of the United States~~.

b. Sworn personnel shall:

~~b.i. Deal with~~ Foreign diplomats will ~~be dealt with~~ on an individual basis; ~~and~~

~~c. Foreign diplomats~~ They shall not be placed under arrest.

ii. ~~It is the officer's responsibility to~~ Ensure that the respective foreign consulate has been contacted.

~~d. Sworn personnel shall not place foreign diplomats under arrest. See 2-14-2-D-4-a ii above for contact information.~~



~~E. Arrest Warrants~~

{N/}

F.

1. ~~When personnel from an outside agency request warrant service, service of the warrant they must provide the following information before sworn personnel serve the warrant is served:~~
To serve any warrant, the following information must be provided by the agency requesting requests warrant service, service of the warrant they must provide the following information before sworn personnel serve the warrant is served:

~~A. The physical description: The warrant must include a description of the wanted person sufficient to identify the fugitive. The description should include of the wanted individual, including, but not limited to:~~

a.

~~i. Name;~~

~~ii. Sex;~~

~~iii. Race;~~

~~iv. Height;~~

~~v. Weight;~~

~~vi. Hair color;~~

~~vii. Date of birth or social security number.~~

~~viii. & wWeight;~~

~~ix. & wWeight;~~

~~x.~~

~~xi. Hair color; and~~

~~xii. Date of birth or social security number.~~

~~A description of the For the~~

~~Warrant Description description; The warrant which must include:~~

~~i. The originating agency;~~

~~ii. The court and the judge who issuing issued a the warrant;~~

~~iii. Jurisdiction and S State;~~

~~iv. Charge(s);~~

~~v. Date of the warrant;~~

~~vi. Warrant number;~~

~~vii. Issuing judge; and~~

~~viii. The bond amount.~~

~~When extraditing an individual Extradition;~~

~~c. Extradition: If the warrant is not issued in the S state of New Mexico, the warrant must indicate that the issuing jurisdiction will extradite them individual before the warrant can be served.~~

2. When necessary, Ssworn personnel or their supervisor may shall request additional information from the issuing agency. Requests for additional information from the issuing agency should be made when Wwhen a question exists in the mind of an officer or supervisor they or their supervisor have reason to question about the as to the identity and, or the, or location of the individual of the



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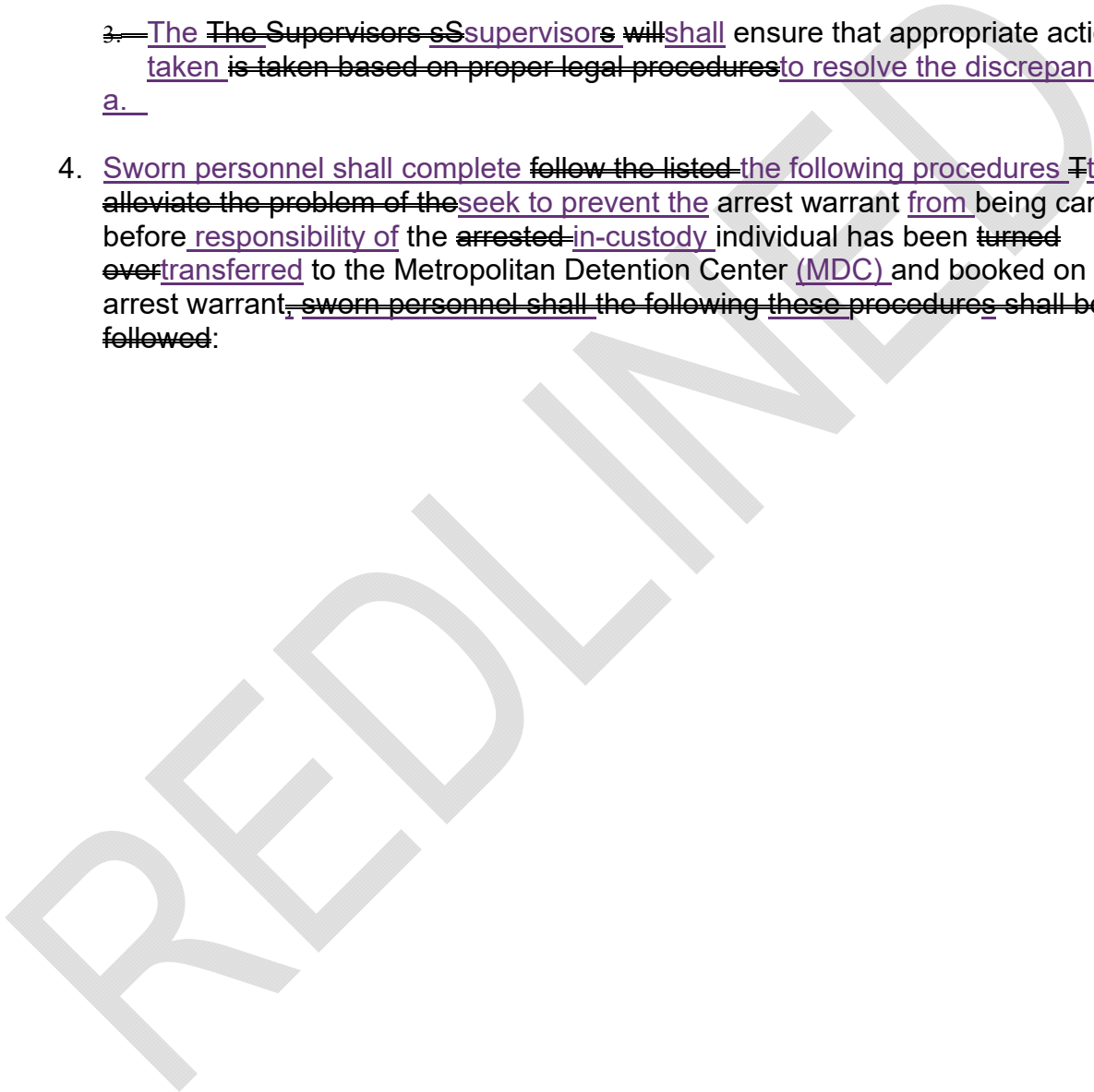
~~fugitive, or the validity of the warrant they shall request additional information from the issuing agency.~~

f

3. ~~Sworn personnel shall notify their immediate or supervisor or the on-duty supervisor~~ if when a discrepancy or contradiction exists in the description of the wanted person individual, ~~officers sworn personnel will~~ shall advise their immediate ~~or on-duty supervisor.~~

~~3. The Supervisors~~ Supervisors will ~~shall~~ ensure that appropriate action is taken ~~is taken based on proper legal procedures~~ to resolve the discrepancy.
a.

4. ~~Sworn personnel shall complete follow the listed the following procedures~~ To ~~alleviate the problem of the~~ seek to prevent the ~~arrest warrant from~~ being canceled before responsibility of the ~~arrested-in-custody~~ individual has been ~~turned over~~ transferred to the Metropolitan Detention Center (MDC) and booked on the arrest warrant, ~~sworn personnel shall the following these procedures shall be followed:~~





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- a. ~~If an individual is arrested on an arrest warrant and is not taken to the Metropolitan Detention Center (MDC), (i.e., the individual has to be taken to the hospital, a medical facility, hospital or any other facility), the arresting officer will not pick up the arrest warrant at that time.~~ If an individual is arrested on an arrest warrant and is not taken to the Metropolitan Detention Center (MDC), (i.e., the individual has to be taken to the hospital, a medical facility, hospital or any other facility), the arresting officer will not pick up the arrest warrant at that time.
- ~~a.b. The arresting officer will still have to fill out the necessary booking paperwork so that a police hold can be put on the individual who has been arrested; and~~ The arresting officer will still have to fill out the necessary booking paperwork so that a police hold can be put on the individual who has been arrested; and
- ~~b.c. The arresting officer shall pick up the arrest warrant will be picked up at the time the arrested individual is physically taken to the Metropolitan Detention Center (MDC). The arresting officer shall and added to the include the arrest warrant with the documentation that paperwork that has already been filled out completed.~~ The arresting officer shall pick up the arrest warrant will be picked up at the time the arrested individual is physically taken to the Metropolitan Detention Center (MDC). The arresting officer shall and added to the include the arrest warrant with the documentation that paperwork that has already been filled out completed.

N/A

~~5. The procedure protocol for serving an arrest warrant shall be consistent with follow the requirements for of serving a search warrant, that include (SOP section 2-16); consistent with SOP Execution of Search Warrants (refer to SOP Execution Execution of Search Warrants for sanction classifications and additional duties).~~ The procedure protocol for serving an arrest warrant shall be consistent with follow the requirements for of serving a search warrant, that include (SOP section 2-16); consistent with SOP Execution of Search Warrants (refer to SOP Execution Execution of Search Warrants for sanction classifications and additional duties).

~~A supervisor shall be present at the scene of all search warrants involving a dwelling or occupied structure.~~

- ~~a. (Someone) shall thoroughly brief, and the supervisor shall be thoroughly briefed before the search warrant is executed.~~
- ~~b. (Someone) shall include an offender history check for violent, special needs, or mental illness history for All all arrest warrants will include an offender history check for violent, special needs, or mental illness history.~~
- ~~c. For high risk or warrant services for individuals with special needs, to include individuals living with mental illness, (someone) shall consideration shall be taken to consider employing specialized units, such as the tactical Crisis Negotiation Team or the Crisis Intervention Team (CIT) units; and~~
- ~~d. (Someone) shall include less than lethal equipment options for All all arrest warrant services shall include less than lethal equipment options.~~

~~6. This Standard Operating Procedure (SOP) does not limit an officer from executing an arrest warrant without a supervisor present when the wanted individual comes into contact with sworn personnel in during their a wanted person individual comes into contact with a police officer in during their normal course of duty, (e.g., a traffic stop where the occupant of the vehicle has a warrant out for his/hor their arrest, or for an individual who voluntarily willing to turn turning him/herself themselves in).~~ 6. This Standard Operating Procedure (SOP) does not limit an officer from executing an arrest warrant without a supervisor present when the wanted individual comes into contact with sworn personnel in during their a wanted person individual comes into contact with a police officer in during their normal course of duty, (e.g., a traffic stop where the occupant of the vehicle has a warrant out for his/hor their arrest, or for an individual who voluntarily willing to turn turning him/herself themselves in).

~~7. References to Deoxyribonucleic Acid (DNA) Information in Arrest Warrant Affidavits~~

- ~~a. Whenever forensic DNA information, (including references to a DNA "hit" or "match.") is utilized used in an Aarrest Wwarrant Aaaffidavit as a full or partial basis for issuing an arrest warrant, the affiant officer must reasonably~~



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explain to the recipient judicial officer the relative strength of the DNA information at issue.

- i. If the affiant officer ~~feels is they are~~ unable to reasonably explain ~~reasonably explain reasonably~~ the relative strength of the DNA information to the recipient judicial officer, ~~the affiant officer they~~ affiant officer should ~~should~~ may contact ~~the Criminalistics Lab~~ Laboratory personnel for an explanation of the relative strength of the DNA information.
- ii. ~~The~~ affiant officer may then relay the Criminalistics Laboratory employee's explanation to the recipient judicial officer in the affidavit.

REDLINED



{N/} —Telephone Requests from Outside Agencies

G.

~~(Someone) Sworn personnel shall treat~~ A telephone request for the arrest of a fugitive ~~shall be treated as information only until the request is~~ it is confirmed by teletype, an ECC NCIC ~~Operator~~, or a letter from the outside agency that meets the requirements outlined in subsection 2-14-2-E consistent with SOP Emergency Communications Center (ECC) this SOP.

{N/} F.H. Teletype Requests

~~1. The issuing agency (Someone) shall~~ Teletypes from outside agencies that requesting assistance in location and arresting a fugitive must include information necessary for the service of a warrant as outlined in this SOP for Teletypes teletypes requesting assistance in locating and arresting a fugitive must include information necessary for the service of a warrant as outlined in subsection 2-14-2-E SOP Emergency Communications Center (ECC) this SOP.

~~2.~~ If these requirements are not met, the ECC NCIC ~~Operator~~ shall advise the ~~the~~ issuing agency ~~shall be advised that the Department APD cannot serve the warrant without additional information, and the teletypes shall be considered as informational at only and does not grant as~~ arrest authority.

a. ~~(Someone) Sworn personnel shall not honor Teletypes teletypes that permit~~ Teletypes permitting ~~ting~~ a choice shall not be honored (shall not be honored ~~(e.g., a collection of fine instead of jail, restitution, court costs, etc.))~~ .

~~Teletypes requesting an arrest on a domestic matter, such as: child abduction, stealing, kidnapping, and custodial interference, should be~~ (Someone) Sworn personnel shall carefully examined and referred to the Special Victims Section personnel, e ~~teletypes for service that Teletypes requesting arrest on domestic matters, including:~~

- ~~c~~ Child stealing;
- ~~K~~ kidnapping;

b. ~~c~~ Custodial interference ~~should be carefully examined and referred to the Juvenile Special Victims Section for service, except if when exigent circumstances exist, such as physical danger, abuse, or neglect of the victim child.~~

c. Teletypes requesting an arrest of an 'John Doe' ~~a John Doe (Someone) Sworn personnel shall handle with caution Teletypes teletypes that request theing arrest on 'John Doe' or teletypes for white collar crime warrants shall be handled with caution~~ should shall be handled with caution.

e.i. Information about the identity of the individual that was the basis for the warrant may be fictitious as to the identity of the offender, as to the identity of the ~~For example such offender. Such as, checks returned for insufficient~~



~~funds that are later found determined later found to be have been stolen and or forged.~~

- d. ~~(Someone) shall direct Teletypes t~~ Teletypes from out-of-state agencies requesting an arrest on for high court misdemeanors must be directed ~~must be directed to an on-duty Lieutenant the Fugitive Unit for authority to serve.~~

6

I. Execution of Arrest Warrants

- 1. Sworn personnel shall adhere determine the identity of an individual to establish probable cause for an arrest, P prior to making an the arrest based on a warrant; ~~sworn personnel shall determine the identity of an individual to establish probable cause to arrest.~~

~~Individuals with ss Soundex hits shall not be arrested without multiple points of identification which that confirm the individual's subject's identity.~~

- a.
- b. An NCIC hit for a wanted person hit is not probable cause for an officer to make an arrest, but may provide reasonable suspicion to detain an thean individual while the warrant is confirmed.
- c. ~~Arresting officers~~ Sworn personnel shall confirm through NCIC the validity of the warrant and whether extradition is authorized through NCIC on all individuals prior to making an arrest. In the case of a wanted person hit subsequent to an arrest on other charges, the arresting officer shall confirm the warrant through the ECC NCIC Operator. The arresting officer shall advise the ECC NCIC Operator when the individual is in custody.

5

- 2. Sworn personnel may shall only conduct thea search of The search of a the premises for a wanted person individual may be conducted only with a consent to search or with a valid search warrant, except in situations concerning hot pursuit of the wanted person individual.

- a. If sworn personnel are denied access to a structure, and they have probable cause to believe a wanted person is inside (e.g., neighbors say they saw the wanted person inside the structure), they shall:
 - i. Secure the scene; ~~The scene should be secured.~~
 - ii. A supervisor shall be nNotified a supervisor to respond to the area; and
 - iii. Obtain a search warrant obtained before proceeding with the search for a the wanted individual person.
- b. A Ssupervisor's presence shall be mandatory with all warrant services.

- 3. Sworn personnel attempting to serve felony warrants shall verify the warrants through the ECC NCIC eOperator before checking the address on the warrants.

- 4. Fugitives may insist that a warrant has been canceled to avoid apprehension; therefore, = When in doubt, sworn personnel shall further investigation of the validity of the warrant may be necessary before the arresting them.



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~~EN/~~ ~~G.J.~~ Grand Jury Grand Jury Indictments

1. ~~Sworn personnel shall only make a (Someone) Sworn personnel shall only make an~~
~~Arrests a Arrests stemming from based on GGG grand jury indictments shall~~
~~be made only shawill be made only~~ after the resulting bench warrant is received by
the Bernalillo County Sheriff's Department Office Warrants Section.
2. ~~The knowledge that a "true bill" has been returned by the GGG grand jury does~~
not constitute grounds for a valid arrest.

~~Execution of Arrest Warrants~~

~~Prior to making an arrest on a warrant, sworn personnel shall determine the identity of an~~
~~individual to establish probable cause to arrest.~~

~~Individuals with Soundex hits shall not be arrested without multiple points of identification~~
~~which confirm the subject's identity.~~

~~An NCIC wanted person hit is not probable cause for an officer to make an arrest, but may~~
~~provide reasonable suspicion to detain an individual while the warrant is confirmed.~~

~~Arresting officers shall confirm the validity of the warrant and whether extradition is~~
~~authorized through NCIC on all individuals prior to making an arrest.~~

~~In the case of a wanted person hit subsequent to an arrest on other charges, the arresting~~
~~officer shall confirm the warrant through the ECC NCIC Operator.~~

~~The arresting officer shall advise the ECC NCIC Operator when the individual is in custody. n~~
~~NCIC/ACTION hit is sufficient probable cause to arrest with warrant authority when the~~
~~identity of the suspect is clearly established, and the warrant has been confirmed by the~~
~~originating agency.~~

~~Subjects who are Soundex hits willshall not be arrested without multiple points of~~
~~identification that confirm the subject's identity.~~

~~The arresting officer shall advise the NCIC/ACTION operator when the suspect is in custody.~~

~~2. The search of a premises for a wanted person may be conducted only with consent to~~
~~search or with a valid search warrant, except in situations concerning hot pursuit of the~~
~~wanted person.~~

~~If sworn personnel officers are denied access to a structure, and they have probable cause to~~
~~believe a wanted person is inside (e.g., neighbors say they saw the wanted person inside the~~
~~structure).~~

~~The scene should be secured.~~

~~A supervisor willshall be notified to respond to the area, and a search warrant obtained~~
~~before proceeding with the search for a wanted person.~~

~~a. Supervisor presence shall be mandatory with all warrant services.~~



- ~~3. Officers Sworn personnel attempting to serve felony warrants will shall verify the warrants through the ECC NCIG operator before checking the address on the warrants.~~
- ~~4. Fugitives may insist that a warrant has been canceled to avoid apprehension. When in doubt, further investigation of the validity of the warrant may be necessary before the arrest.~~

i. ~~Booking on the Basis of a Warrant Issued from Bernalillo County~~

- ~~Sworn personnel shall after After confirming the existence of a valid warrant through NCIG, sworn personnel shall:~~
- ~~Notify the ECC NCIG Operator when an arrest is made as the result of a warrant;~~
- ~~ECC NCIG personnel shall transmit a copy of the warrant and/or the confirmation to the MDC; and~~
- ~~The copy received by the MDC is required in the booking procedure.~~

- ~~1. Sworn personnel shall do the following After confirming the existence of a valid warrant through NCIG, officers sworn personnel shall:~~
 - ~~a. Notify the Sheriff's Department Warrants Section via radio or telephone that an arrest has been made as the result of a warrant.;~~
 - ~~b. Sheriff Department Warrants Section personnel will fax a copy of the warrant/printout to the Metropolitan Detention Center MDC.; and~~
 - ~~c. The copy received by the Detention Center MDC shawill be used in the booking procedure.~~

j. ~~Booking on the Basis of a Warrant Issued Outside the Jurisdiction of Bernalillo County~~

- ~~1. The arresting officer will shall cause a request that the ECC NCIG operator send a teletype to be sent to the jurisdiction holding the warrant, advising that the suspect individual is in custody and requesting a return teletype as soon as possible containing:~~
 - ~~a. The name of the judge who issued the warrant;~~
 - ~~b. Charges, bond, warrant number; and~~
 - ~~c. If the agency will extradite. A telephone call to verify the warrant is not sufficient.~~

~~Sworn personnel shall book the individual The suspect will be booked into the MDC.~~

~~2.~~

K. Metropolitan Court Bench Warrants

- 1. Arresting sworn personnel shall complete (Someone) shall complete Ttthe following procedures shall be useds shall be used when any law enforcement agency brings an individual to MDC for booking on a Metropolitan Court bench warrant ONLY only:



4

- a. If it is discovered that an individual is being booked on bench warrants only and has the cash on hand to post their bond, the individual shall not be taken through the booking process; and
- b. The arresting officer shall escort the individual to the bonding window where the individual can post their bond, clear the bench warrant, and receive any appropriate court date(s).

L. Custody of ~~Prisoners~~ Individuals

f

1. When sworn personnel take an individual ~~is taken~~ into custody, ~~that~~ the individual must be guarded at all times except when placed in an area specifically designed for temporary detention.

2. Temporary Detention and Processing

~~— Detention rooms must be equipped with the following:~~

~~— A window to view a the prisoner(s) individual and a;~~

~~— When available, an audio/video and/or monitoring device shall be used; and~~

a. ~~A handcuffing post; and~~

b. When available, an audio/video and/or monitoring device shall be used.

c. The Officer in Charge (OIC) of the individual shall notify a supervisor before placing the individual in the temporary detention room.

d. The OIC ~~Responsibilities~~ shall:

i. Keep ~~A~~ Temporary Detention Log ~~shall be kept~~ in a highly visible location in, or immediately adjacent to the temporary detention area. The log shall contain ~~the following information:~~

1. Name of the ~~prisoner~~ in-custody individual;

2. Date and time the ~~prisoner~~ in-custody individual was placed in and removed from temporary detention;

3. The OIC's signature;

4. Name of the supervisor who was notified of the detention; and

5. Record of the time the individual was visually and verbally checked ~~on~~ ~~(at a minimum, every thirty (30) minutes).~~

6. Violent individuals and/or individuals who become violent shall be monitored at all times, and shall not be left unattended under any circumstances;

A. If possible, the supervisor's signature should be included on the ~~document the authorization to use t~~ Temporary Detention Log ~~document to the authorization to use of temporary detention.~~

ii. The OIC shall ~~d~~ Document on the Temporary Detention Log ~~when and why~~ the movement of the ~~individual~~ in-custody individual ~~is the movement of the individual~~ in and out of the temporary detention area and the reason, such as bathroom breaks, interviews, or meals provided; ~~on the Temporary Detention Log, documenting the reason, date and time of movement of the individual.~~

iii. Upon completion of the temporary detention, scan the Temporary Detention Log ~~shall be scanned in~~ with the Uniform Incident Report as an attachment



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~~in the Department's e-Report Management System records management system. g., documenting reason, date and time of movement of the individual.~~

iv. ~~Conduct A~~ a security/cleanliness inspection of the detention area ~~shall be conducted before securing the prisoner in-custody individual.;~~

~~a. A security/cleanliness inspection of the detention area shall be conducted before securing the prisoner.~~

v. ~~Before the prisoner in-custody individual is secured in the temporary detention area, the OIC shall:~~

1. ~~Search the individual, consistent with SOP Restraints and Transportation of Individuals;~~

2. ~~Remove all items evidence/personal property from the individual and place them in items in a secure area during the period of detention;~~

3. ~~Handle A~~ any property of evidentiary value ~~shall be handled consistent with SOP Submission of Evidence, Confiscated Property, and Found Items Collection, Submission, and Disposition of Evidence and Property;~~

4. ~~Remove P~~ personal property ~~removed~~ from the individual; and ~~I shall a~~ accompany them to the ~~booking facility~~ MDC.

~~Conduct A~~ a security/cleanliness inspection of the detention area, ~~shall be conducted before securing the prisoner.~~

5.

vi. ~~The individual shall be secured (h~~ Handcuff the individual ~~fed)~~ to a fixed object specifically designed for this purpose in such a manner that maximizes the comfort of the individual.;

vii. ~~The individual shall be v~~ Visually and verbally monitor the individual ~~by ed,~~ checking their behavior at least every thirty (30) minutes, to ensure that they are ~~safety of the individual;~~

viii. ~~After two (2) hours, notify a supervisor must be notified~~ of the individual's continued detention. The OIC or their designee shall continue to monitor, and the individual ~~must continue to be monitored every thirty (30) minutes by the OIC or designee to ensure that they are safety of the individual.;~~

ix. ~~Hold M~~ males, females, and juveniles ~~shall be held~~ separately.;

x. ~~Provide I~~ individuals ~~are to be provided~~ access to water and, restrooms or any other justifiable need.

1. ~~When individuals are allowed a restroom break, they shall be escorted by Department's sworn~~ personnel of the same sex.

2. ~~Before being escorted to the restroom, sworn personnel shall thoroughly all individuals must be thoroughly searched~~ search the individual, and all items must be removed from them.

3. ~~Non-sworn personnel may be used for restroom escorts, but a sworn officer must remain outside the door for the safety of non-sworn personnel.~~

4. ~~Handcuffs may be moved to the front or removed from the individual for restroom breaks.~~

5. ~~Sworn personnel shall use C~~ caution ~~shall be used~~ when determining whether ~~or not~~ to remove the individual's handcuffs ~~from the individual.~~ Partial restraint is preferable. ~~to no restraint at all.~~



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6. Sworn personnel may use ~~handicap rails~~ ~~may be used~~ to secure one (1) of the individual's hands ~~of the individual~~ for the purpose of a restroom break.

e. Security Measures

- i. Access to the temporary detention area where an individual is being held shall be limited to sworn personnel only. If the area is a holding room, only the OIC or their designee may frequent the room.
- ii. In all instances, the OIC shall guard against any circumstance, which may ~~arise that can~~ facilitate an escape of the ~~prisoner~~ in-custody individual.
- iii. If an escape does occur, the OIC shall notify the watch commander and notify the ECC to dispatch additional personnel to the area.
- iv. In the event of an emergency, sworn personnel shall ~~utilize~~ the red duress button on their hand-held radio to ~~summon~~ request immediate assistance.

6 M. Criminal Complaints, Criminal Summonses, and Juvenile Statements of Probable Cause.

1. When sworn personnel arrest ~~book a subject~~ an individual on ~~felony or~~ misdemeanor or felony charges, ~~charges~~, the charging officer shall ~~submit a completed and~~ submit a Criminal Complaint form.

a. The upper portion of the ~~Criminal Ce~~ Criminal Complaint form, except the docket number and date filed, shall be completed in its entirety by the charging officer.

2. Sworn personnel shall complete a ~~Cer~~ Criminal Complaint/~~Juvenile Se~~ Juvenile Statement of Probable Cause, whichever is applicable, in TraCS, to include the ~~arresting charging~~ arresting officer's first and last name.

a. When a criminal complaint/juvenile statement of probable cause is not completed correctly, the courts ~~may~~ will reject the criminal complaint/juvenile statement of probable cause ~~complaint/statement~~.

i. When an officer is notified by the court that their criminal complaint/juvenile statement of probable cause was rejected, the officer shall correct the ~~criminal-complaint/juvenile-statement of probable cause-complaint/statement~~ within three (3) days or the next available workday.

ii. The officer shall not be authorized to use compensatory time or overtime to correct the rejected criminal complaint/juvenile statement of probable cause.

iii. If the criminal complaint/juvenile statement of probable cause is not corrected, the officer's chain of command, through their commander, shall be notified.

b. If TraCS is not operational, sworn personnel shall immediately notify their first line supervisor and use the criminal complaint, criminal summons, or juvenile statement of probable cause form that is available on APDWeb/Protopage at <http://www.protopage.com/apdweb.cabq.gov>.

3. Supervisors shall approve all criminal complaints, criminal summonses, and juvenile statements of probable cause in TraCS including:



- a. Prior to booking an individual in a detention facility; and
- b. Approval of a criminal summons within five (5) workdays upon receipt of the summons from an officer.

4. Supervisors shall email criminal complaints, criminal summonses, or juvenile statements of probable cause that were not completed in TraCS to the Performance Metrics Unit ~~at apdmetrics@cabq.gov~~, within five (5) workdays, consistent with the timelines listed above.

N. Criminal Complaint fForms about for dDomestic vViolence=

Sworn personnel shall list D domestic violence ~~shall be listed~~ in the charges portion of the criminal complaint form along with any other criminal charges.

O. Re-Filing of Criminal Charges

When sworn personnel are requested by the District Attorney's eOffice or the Court Services Unit to re-file a criminal complaint, the officer shall comply with the request within three (3) days or on the next available work day.

6 2-80-5 Booking

A. General Booking ProceduresProcedures

- 1. Sworn personnel shall secure all weapons in their vehicles or their lock boxes before entering the ~~booking facility~~MDC. Sworn personnel shall be permitted to carry ~~Equipment such as the side handle baton, kubaton, and mace are~~ into the booking ~~permitted to be carried by sworn personnel into the~~ facility.
- 2. Upon entering ~~the~~MDC, sworn personnel shall give all charging documents including but not limited to, the criminal complaint, citations, and the pre-booking ~~forms~~worksheet to Metropolitan Court Ppersonnel.
 - a. The criminal complaint, any citations and the pre-booking form will be stamped Filed/Endorsed-in by Metro Court ~~Court~~ personnel once all documents are verified.
 - b. The pre-booking form will be returned to the officer so they may process the individual through medical personnel and through the MDC's booking procedures.
 - c. The arresting or transporting officer shall conduct a ~~A~~thorough search of the ~~prisoner in-custody individual shall be conducted~~ at the MDC ~~B~~booking ~~D~~desk ~~by the arresting, or transporting officer.~~
 - i. In the event the ~~prisoner~~ in-custody individual is a female, the search shall be conducted by a female officer, if available, or female corrections personnel. Strip searches are not mandatory.



- d. All prisoner-in-custody individuals being booked into MDC jail will remain handcuffed until the booking process is completed.
 - e. Knives, guns, ammunition or chemical agents will not be accepted by MDC personnel to be placed in the prisoner-in-custody individual's property. These items may be tagged into evidence as for safekeeping, consistent with SOP Submission of Evidence, Confiscated Property, and Found Items Collection, Submission, and Disposition of Evidence and Property.
 - f. If an individual is already in custody at the MDC and additional charges are being filed against them individual, the officer shall notify MDC personnel in-person, making sure that the individual is still in custody, that the right inmate is charged with the additional charge(s), and that the paperwork is properly administered.
 - i. The officer shall complete A Supplemental Report shall be completed to document this notification.
3. Sworn personnel shall not assist with any medical procedure that is required as a condition of booking an individual into a detention facility unless they have a valid search warrant or the individual's consent, except during life-threatening situations.

7

B. Booking on the Basis of a Warrant

- 1. After sworn personnel confirming the existence of a valid warrant through ECC NCIC, sworn personnel shall they shall:
 - ~~Document the following on the pre-booking form worksheet :~~
 - a. the warrant number, type of warrant, and if it is for a felony or misdemeanor; and
 - ~~;~~
 - b. Notify the ECC NCIC operator when an arrest is made as the result of a warrant;
 - i. ECC NCIC personnel shall transmit a copy of the warrant and/or the confirmation to the MDC. and
 - ii. The copy of the warrant that MDC personnel receive received by the MDC is required in for the booking procedure.

7

C. Booking on the Basis of a Warrant Issued Outside the Jurisdiction of Bernalillo County

- 1. The arresting officer shall request that the ECC NCIC operator ECC NCIC Operator send a teletype to the jurisdiction holding the warrant, advising that the individual is in custody and request a return teletype as soon as possible. The teletype shall containing have:
 - a. The name of the judge who issued the warrant;
 - b. Charges;
 - c. Bond;
 - d. Warrant number; and
 - e. Whether the agency will extradite the individual.



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~~— Sworn personnel shall not make a telephone call to verify the warrant; is not sufficient, a teletype is required.~~

~~2.~~

~~3. Sworn personnel shall book the individual into the MDC.~~

~~4. Sworn personnel shall notify MDC booking personnel if their in-custody individual(s) are a potential medical and/or security hazard.~~

~~—~~

REDLINED



~~K.D.~~ Release of ~~Prisoners~~ Individuals Who Were Arrested in Error/~~Error on Warrants~~

1. ~~For individual who must be released~~ Sworn personnel shall release Prisoners/individuals who because they are were arrested and booked in error, sworn personnel shall will be released as follows:
 - a. ~~The arresting officer~~ Sworn personnel will ~~shall~~ immediately notify ~~their~~ his supervisor ~~immediately~~.
 - b. ~~The arresting officer or arresting officer's~~ Sworn personnel or their supervisor ~~shall~~ will ~~contact~~ the District Attorney's Office, ~~and they will~~ to assist in getting the individual prisoner released:
 - i. ~~If the supervisor/officer~~ sworn personnel or their supervisor ~~is~~ are unable to contact the District Attorney's Office, ~~the supervisor/officer~~ they will ~~shall~~ contact the on-call Assistant District Attorney (ADA).
 - ii. ~~The supervisor/officer~~ Sworn personnel or their supervisor ~~will~~ shall then ~~send~~ email the on-call Assistant District Attorney ~~an email that explains to~~ explain the reason for the requested dismissal for their file.
 - iii. ~~The supervisor~~ will ~~shall~~ ensure that the ~~prisoner~~ individual is released.
 - c. ~~The arresting officer~~ Sworn personnel will ~~receive~~ a copy of the Release Order and the *Nolle Prosequi*.
 - d. ~~The officer~~ Sworn personnel will ~~shall~~ then ~~submit~~ a copy of their ~~completed~~ Uniform Incident Report along with ~~the~~ a copy of the Release Order and *Nolle Prosequi* to the City of Albuquerque Risk Management Division; ~~and~~.
2. ~~If sworn personnel discover~~ an error ~~is discovered~~ before the ~~person~~ individual is booked, the ~~person~~ individual ~~will~~ shall be released, and the details ~~will~~ shall be ~~written in the offense/incident report~~ documented in a Uniform Incident Report.
3. ~~When sworn personnel~~ Release ~~an~~ of ~~individual who was arrested~~ subject on a ~~warrant~~ warrant in error ~~on warrants~~. ~~When~~ or when it is determined that the wrong ~~subject~~ individual has been arrested based on a warrant, the following procedures ~~will~~ shall be ~~adhered to~~ completed:
 - f. ~~The arresting officer~~ shall ~~contact~~ the Scientific Evidence Division (SED)
 - a. ~~The Identification Unit~~ will ~~shall~~ and notify the on-duty ~~Emergency~~ Emergency ~~Communications Center (ECC)~~ supervisor immediately upon confirming the wrong ~~subject~~ individual is in custody.
 - i. ~~The Identification Unit~~ personnel ~~will~~ shall provide the ~~Communications~~ ECC supervisor with the name of the ~~identification~~ Identification technician Technician, and the reason the subject should be released (~~i.e.,~~ fingerprint, tattoos, and physical differences).



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- ii. The ~~APD Communications~~ ECC supervisor ~~will~~ shall immediately notify the appropriate on-duty watch commander or sergeant of the ~~inappropriate arrest~~ that was made in error.
- iii. The on-duty watch commander or ~~supervisor~~ sergeant ~~will~~ shall have the arresting officer, if available, or another officer ~~proceed~~ report to the ~~Metropolitan Detention Center~~ MDC and begin the release process.
- ~~iii.~~ iv. ~~The on-duty supervisor will~~ shall ~~also have~~ APD Communications ~~the~~ ECC contact the on-call Risk Management Division representative.
- v. The ~~Department on-duty~~ APD supervisor ~~will~~ shall ensure that a copy of the ~~report~~ Uniform Incident Report is forwarded to the ~~Department~~ APD Risk Management Safety Officer by the end of their ir shift.
- ~~iv.~~

4. At no time ~~will a prisoner~~ shall sworn personnel ~~release an individual~~ indicate in their Uniform Incident Report ~~be released~~ "Pending Further Investigation" after they release an individual who was arrested in error.



~~§~~

REDLINED



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~~1. Booking~~

~~Sworn personnel shall secure all weapons in their vehicles or the lock boxes before entering the booking facility. The side handle baton, kubaton, and mace are equipment that is permitted to be carried by sworn personnel into the facility.~~

~~1. Upon entering the MDC personnel shall give the aAll charging documents including but not limited to (i.e., criminal complaint, citations,) and the pre booking forms will shall be given to Court Personnel immediately upon entering the booking facility.~~

~~a. The criminal complaint, any citations and the pre booking form will be stamped Filed/Endorsed in by Court personnel once all documents are verified.~~

~~The pre booking form will be returned to the officer so he/she they may process the defendant individual through medical and through the MDC's booking procedures.~~

~~A thorough search of the prisoner shall be conducted at the Booking Desk by the arresting officer, or the transporting officer. In the event the prisoner is a female, the search shall be conducted by a female officer, if available, or female corrections personnel. Strip searches are not mandatory.~~

~~b. All prisoners being booked into jail will remain handcuffed until the booking process is completed.~~

~~2. Custodial Booking~~

~~Adult offenders individuals arrested by Department officers sworn personnel who are not eligible for the provisions of 2-14-2 M 4, below, will be booked into the booking facility in the Metropolitan Detention Center MDC. This will include all Federal, State, County, and City prisoners.~~

~~a. Active duty military offenders wanted for AWOL or desertion (etc.), who are is arrested for a military offense only, may be turned over to military authorities at Kirtland Air Force Base. In all cases, a rreport Uniform Incident Report will shall be written.~~

~~b. Knives, guns, ammunition or chemical agents will not be accepted by MDC personnel to be placed in the prisoner's property. These items may be tagged into evidence as safekeeping in accordance with Procedural Orders 2-08-2 M consistent with SOP Collection, submission, and Disposition of Evidence and Property 5.~~

~~c. If an arrest is based on a warrant, the officer will shall specify document the following on the pre booking form:~~

~~The Wwarrant number, and the type of warrant, felony or misdemeanor.~~

~~i. If an individual is already in custody at the MDC and additional charges are being filed against the individual~~

~~d. When additional charges are placed against an individual, the officer will shall notify the booking desk MDC personnel in person, making sure that the offender individual is still in custody, that the right inmate is charged with the additional charge(s), and that the paperwork is properly administered. A supplemental report will shall be written completed to indicate document this notification.~~

~~e. Officers Sworn personnel will shall secure all weapons in their vehicles or the lock boxes before entering the booking facility. The side handle baton, kubaton, and mace~~



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~~are equipment that is permitted to be carried by officers sworn personnel into the facility.~~

~~f. A thorough search of the prisoner will shall be conducted at the Booking Desk by the arresting officer, or the transporting officer. In the event the prisoner is a female, the search will shall be conducted by a female officer, if available, or female corrections personnel. Strip searches are not mandatory.~~

~~g. All prisoners being booked into jail will remain handcuffed until the booking process is completed.~~

~~h. A subject who is being charged with a felony(s) and a misdemeanor(s), will shall be booked on a felony charge(s) only.~~

~~i. The offender individual will shall be charged with all felonies and misdemeanors collectively in the District Court.~~

~~The original report will shall contain the misdemeanor charges the offender should be charged with. Sworn personnel shall not assist with any medical procedure that is required as a condition of booking an individual into a detention facility unless they have a valid search warrant or the individual's consent, except during life threatening situations.~~

~~ii.~~

~~3. Uniform Incident Report Distribution — Court Services Unit~~

~~a. Uniform Incident Reports for Arrests Reports~~

~~i. The Uniform Incident Report report will shall be completed before the end of the shift.~~

~~ii. The officer completing the report Uniform Incident Report will shall notify their supervisor or the on-duty supervisor, that a felony arrest report is awaiting approval in Copperfire the report management system.~~

~~iii. The officer will shall not go off duty until the in-custody felony report is approved, in the event any corrections need to be made.~~

~~iv. The supervisor, upon approving the report shawill download and e-mail the report to Court Services Unit at~~

~~apdcourtservices@cabq.gov and pdfelonyarrest@cabq.gov.~~

~~v. An e-mail will shall be the sole means of transmitting a felony arrest report to the Court Services Unit.~~

~~vi. Fax or drop-off will shall not be used unless in the rare circumstance when e-mail is unavailable.~~

~~b. Supervisors shawill be held accountable for those reports that are not sent to the Court Services Unit consistent with SOP Court Service Unit.~~

~~c. Officers sworn personnel will shall notify MDC booking personnel if their prisoner(s) are a potential medical and/or security hazard.~~

~~4.E. Non-Custodial Booking (Processing and Identification)~~



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~~a.1.~~ Sworn personnel may release an individual ~~A person who has been~~ arrested for a felony offense that is non-violent in nature, ~~may be released by the arresting officer pending an indictment by the prosecuting agency (District Attorney's Office, US Attorney's Office, etc.).~~

~~b.~~ A ~~person~~ individual arrested for a violent felony offense is ~~not~~ ineligible for release under this section. A violent felony offense is:

2.

~~i.~~ Abandonment and/or abuse of a child;

~~ii.~~ Aggravated arson, arson resulting in bodily injury;

~~iii.~~ Aggravated assault and/or battery;

~~iv.~~ Criminal sexual penetration of a minor;

~~v.~~ Criminal sexual contact of a minor;

~~vi.~~ Dangerous use of explosives;

~~vii.~~ Great bodily injury by vehicle;

~~viii.~~ Homicide, homicide by vehicle;

~~ix.~~ Kidnapping;

~~x.~~ Robbery; and

~~xi.~~ Voluntary and/or involuntary manslaughter;

~~xii.~~ Kidnapping;

~~xiii.~~ Criminal sexual penetration, criminal sexual contact of a minor;

~~xiv.~~ Great bodily injury by vehicle; and

~~xv.~~ Abandonment and/or abuse of a child.

k.

~~e.~~ The arresting officer ~~will~~ shall not release a ~~subject~~ individual arrested for a non-violent felony ~~if any one (1) of these factors is are present,~~ when the ~~offender(s) individual(s):~~

3.

~~i.~~ a. Is a flight risk;

~~ii.~~ b. Has an extensive record that indicates a likelihood to commit additional criminal offenses;

~~iii.~~ c. Identity is uncertain;

~~iv.~~ d. Appears to suffer from a physical/mental impairment that indicates a likelihood that ~~he/she/they~~ presents to be a danger to ~~himself/herself~~ themselves or others;

~~v.~~ e. Poses a threat to victims or witnesses;

~~vi.~~ f. Upon release, may interfere with the investigation of the crime on which ~~he/she/they~~ were arrested;

~~vii.~~ g. Was arrested on the felony charges of residential burglary, aggravated burglary, trafficking in a controlled substance, or a felon in possession of a firearm; or

~~viii.~~ Was arrested for domestic violence, or DWI, therefore, is ~~not~~ ineligible for processing and identification under this section.

h.



~~4. Officers~~ Sworn personnel shall use ~~are cautioned from~~ caution when using ~~ng~~ the promise of release to obtain confessions or incriminating evidence.

~~5. Officers~~ Sworn personnel will ~~shall~~ not release a ~~person~~ individual once a formal complaint has been filed in Metropolitan Court.

~~d. ———~~

6 ~~Criminal Complaints, Criminal Summons, and Juvenile Statements of Probable Cause.~~

- ~~a. When sworn personnel booking a subject on misdemeanor or felony charges, the charging officer will~~ shall ~~submit a completed Criminal Complaint form.~~
- ~~b. The upper portion of the complaint form, except the docket number and date filed, will~~ shall ~~be completed in its entirety by the charging officer.~~
- ~~Sworn personnel shall complete a criminal complaint/juvenile statement of probable cause, whichever is applicable, in TraCS, to include the arresting officer's first and last name.~~
- ~~When a criminal complaint/juvenile statement of probable cause is not completed correctly, the courts will reject the complaint/statement.~~
- ~~When an officer is notified by the court that their criminal complaint/juvenile statement of probable cause was rejected, the officer shall correct the complaint/statement within three (3) days or the next available workday.~~
- ~~The officer shall not be authorized to use compensatory time or overtime to correct the rejected criminal complaint/juvenile statement of probable cause.~~
- ~~If the criminal complaint/juvenile statement of probable cause is not corrected, the officer's chain of command, through their commander, shall be notified.~~
- ~~If TraCS is not operational, sworn personnel shall immediately notify their first line supervisor and use the criminal complaint, criminal summons, or juvenile statement of probable cause form that is available on APDWeb/Protopage at <http://www.protopage.com/apdweb.cabq.gov>.~~
- ~~Supervisors shall approve all criminal complaints, criminal summonses, and juvenile statements of probable cause in TraCS including:~~
- ~~Prior to booking an individual in a detention facility; and~~
- ~~Approval of a criminal summons within five (5) workdays upon receipt of the summons from an officer.~~
- ~~Supervisors shall email criminal complaints, criminal summonses, or juvenile statements of probable cause that were not completed in TraCS to the Performance Metrics Unit at apdmetrics@cabq.gov, within five (5) workdays, consistent with the timelines listed above.~~
- ~~Sworn personnel shall complete a criminal complaint/juvenile statement of probable cause, whichever is applicable, in TraCS, to include the arresting officer's first and last name.~~
- ~~When a criminal complaint/juvenile statement of probable cause is not completed correctly, the courts will reject the complaint/statement.~~
- ~~When an officer is notified by the court that their criminal complaint/juvenile statement of probable cause was rejected, the officer shall correct the complaint/statement within three (3) days or the next available workday.~~
- ~~The officer shall not be authorized to use compensatory time or overtime to correct the rejected criminal complaint/juvenile statement of probable cause.~~



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- ~~— If the criminal complaint/juvenile statement of probable cause is not corrected, the officer's chain of command, through their commander, shall be notified.~~
 - ~~— In the rare occasion that TraCS is not operational, sworn personnel shall immediately notify their first line supervisor and use the criminal complaint, criminal summons, or juvenile statement of probable cause form that is available on APDWeb/Protopage at <http://www.protopage.com/apdweb.cabq.gov>.~~
 - ~~— Supervisors shall approve all criminal complaints, criminal summons, and juvenile statements of probable cause in TraCS including:~~
 - ~~— Prior to booking an individual in a detention facility; and~~
 - ~~— Approval of a criminal summons within five (5) workdays upon receipt of the summons from an officer.~~
 - ~~— Supervisors shall email criminal complaints, criminal summons, or juvenile statements of probable cause that were not completed in TraCS to the Performance Metrics Unit at apdmetrics@cabq.gov, within five (5) workdays, consistent with the timelines listed above.~~
 - ~~e. — Officers Sworn personnel shall complete the criminal complaint form, including the officer's first and last name in Copperfire TraCS.~~
 - ~~i. — When these requirements are not met, the Metropolitan Court will reject the complaints.~~
 - ~~ii. — When notified of a rejected complaint, the officer will shall complete a new complaint within three (3) days or the next available work day.~~
 - ~~iii. — Comp time or overtime is not authorized to correct defective complaints.~~
 - ~~iv. — If the complaint is not corrected, the officer's Commander shall be notified.~~
- ~~A supervisor shall sign the complaint form in addition to the arresting officer if there are felony charges and/or misdemeanor charges.~~
- ~~d. — Telephonic approval is acceptable for misdemeanor charges only.~~

~~— Criminal Complaint fForms about dDomestic vViolence.~~

~~— Domestic violence will shall be listed in the charges portion of the criminal complaint form along with any other criminal charges.~~





~~Felony or Misdemeanor Arrest Involving Controlled Substances~~

~~M. _____~~

~~1. All felony and misdemeanor arrests involving any narcotic or controlled substance may require, with the completed initial report/Uniform Incident Report, a Criminalistics Section Request for Service form (APD 4201) requesting drug analysis.~~

~~2. A copy of the request for drug analysis will/shall also be required for a completed drug case.~~

N ~~Custody of Prisoners~~

~~1. When an individual is taken into custody, the prisoner/that individual must be guarded at all times except when placed in an area specifically designed for temporary detention.~~

~~2. Temporary Detention and Processing~~

~~a. Detention rooms must be equipped with the following:~~

~~_____~~

~~i. A window to view a prisoner(s);~~

~~ii. When available, an audio/video and/or monitoring device will/shall be used.; and~~

~~iii. A handcuffing post~~

~~b. The Officer in Charge (OIC) of the detainee individual shawill notify a supervisor before placing a prisoner/the individual in temporary detention.~~

~~c. The OIC Responsibilities:~~

~~_____~~

~~• A Temporary Detention Log (PD form 3097) shawill be kept in a highly visible location in, or immediately adjacent to the temporary detention area. The log shawill contain the following information:~~

~~_____~~

~~• Name of the prisoner;~~

~~_____~~

~~• Date and time placed in and removed from temporary detention;~~

~~_____~~

~~• OIC signature;~~

~~_____~~

~~• Name of the supervisor notified of the detention;~~

~~_____~~

~~• Record of the time the prisoner individual was visually and verbally checked (at a minimum, every thirty (30) minutes., note subsection 2-14-2 O-2 c-V below);~~

~~_____~~

~~• Violent prisoners individuals and/or prisoners individuals who become violent shawill be monitored at all times, and shawill not be left unattended under any circumstances.~~

~~_____~~



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- ~~• If possible, the supervisor's signature should be included on the documenting the authorization to utilize use temporary detention.~~
- ~~i. The OIC willshall document the movement of the detainee individual in and out of the temporary detention area such as bathroom breaks, interviews or meals provided, on the Temporary Detention Log, documenting reason, date and time of movement of the detaineeindividual.~~
- ~~ii. A security/cleanliness inspection of the detention area willshall be conducted before securing the prisoner.~~
- ~~iii. Before the prisoner is secured in the temporary detention area, the OIC willshall:~~
 - ~~1. Search the prisoner in accordanceindividual consistent with Department SOP Procedural Orders, Section 2-19-3 CRestraints and Transportation of Individuals;~~
 - ~~2. Remove all items (evidence/personal property) from the prisoner individual and place them in a secure area during the period of detention.;~~
 - ~~3. Any property of evidentiary value shawill be handled in accordance with Department SOP Procedural Orders, Section 2-08consistent with SOP Collection, Submission and Disposition of Evidence and Property.;~~
 - ~~4. Personal property removed from the prisoner individual shawill accompany him/herthem to the booking facility.~~
- ~~iv. The prisonerindividual shawill be secured (handcuffed) to a fixed object specifically designed for this purpose in such a manner that maximizes the comfort of the prisonerindividual.~~

~~The prisoner individual willshall be visually and verbally monitored, checking his/hertheir behavior at least every thirty (30) minutes, to ensure the safety of the prisonerindividual.~~
- ~~v. After two (2) hours, a supervisor must be notified of the detainee's prisonerindividual's continued detention, and the detainee prisonerindividual must continue to be monitored every thirty (30) minutes by the OIC or designee to ensure the safety of the detaineeprisonerindividual.~~
- ~~Males, females, and juveniles willshall be held separately.~~
- ~~vi. Prisoners Individuals are to be provided access to water, restrooms or any other justifiable need.~~
 - ~~1. When prisoners individuals are allowed a restroom break, they shall be escorted by a personsworn personnel of the same sex.~~
 - ~~2. Before being escorted to the restroom, all prisoners individuals must be thoroughly searched, and all items must be removed from the prisoner.~~



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- ~~3. Non-sworn personnel may be used for restroom escorts, but a sworn officer must remain outside the door for the safety of non-sworn personnel.~~
- ~~4. Handcuffs may be moved to the front or removed for restroom breaks.~~
- ~~5. Caution should shall be used when determining whether or not to remove handcuffs from a prisonerthe individual. Partial restraint is preferable to no restraint at all.~~
- ~~6. Handicap rails may be used to secure one (1) hand of the prisoner individuals or the purpose of a restroom break.~~

~~==~~
~~d.~~

REDLINED



Security Measures

- ~~i. Access to the temporary detention area where a prisoner individual is being held will shall be limited to sworn personnel only. If the area is a holding room, only the OIC or designee may frequent the room.~~
- ~~ii. In all instances, the OIC will shall guard against any circumstance, which may arise that can facilitate an escape of the prisoner. If an escape does occur, the OIC will shall notify the watch commander and notify APD Communications the ECC to dispatch additional personnel to the area.~~
- ~~iii. In the event of an emergency, officers sworn personnel will shall utilize the red duress button on their hand-held radio to summon immediate assistance.~~

~~O.F. Photographs of Officers Sworn Personnel, and Suspects Individuals, and Prisoner In-custody Individuals~~

- ~~1. Crime Scene Specialists (CSS) shall take P photographs will shall be taken of all involved persons, the officer, suspect individual, and arrested person(s) involved individual in an incident when re:~~
 - ~~a. An officer, suspect or prisoner in-custody individual who has been injured even though the injury may not be visible, including injuries that are not visible;~~
 - ~~b. Subjects The individual resists in any manner that would be consistent with SOP Use of Force: —General; require a Use of Force report (2-52-7-B);~~
 - ~~c. Subjects Individuals are charged with b Battery on a p Police O officer, a Aggravated b Battery on a Police police o Officer, or and r Resisting a Arrest; or~~
 - ~~d. Persons Individuals who have pre-existing injuries.~~
 - ~~d.i. Officers Sworn personnel will shall document these injuries on the Offense and Incident Uniform Incident Report Form.~~
 - ~~2. It is the responsibility of T The arresting/reporting officer shall to ensure that a designated personnel or Field Investigator Crime Scene Specialist (CSS) responds to the scene to assume the responsibility for taking photographs.~~
 - ~~3. Photographs Taken by Personnel Other Than than a CSS n FI/FET~~
 - ~~a. The d Designated personnel shawill:~~
 - ~~a.i. T Take photographs if the injuries are minor;=~~
 - ~~b.ii. The designated personnel are Be responsible for tagging all photographs, consistent with SOP Submission of Evidence, Confiscated Property, and Found Items;=~~
 - ~~c.iii. The designated personnel shawill b Be required to complete a supplemental Supplemental report Report to document include the nature of the injury or damage and complaints or claims of damage for injury reported by the subject individual.~~
- =====
- ~~1. In all other instances, the photographs shawill be taken by a Field Investigator or Field Evidence Technician. CSS.~~



~~4.~~



~~P. Re Filing of Criminal Charges~~

~~When personnel are requested by the District Attorney's office or the Court Services Unit to re-file a criminal complaint, the officer will shall comply with the request within three (3) days or on the next available work day.~~



~~Q. Metropolitan Court Bench Warrants~~

~~1. The following procedure shwill be used when any law enforcement agency brings an individual to MDC for booking on a Metropolitan Court bBench wWarrant ONLY:~~

~~If it is discovered that a personn individual who is being booked on bench warrants only and has the cash on hand to post his/hortheir bond, the person individual is not to beshall not be taken through the booking process.~~

~~a. TInstead, the arresting officer is advised that the prisoner shall be escort the individual to the bonding window where the defendant individual can post his/hortheir bond, clear the bench warrant, and receive any appropriate court date(s).~~



~~R. G. When sworn personnel issue a cCriminal sSummons is issued iinstead ance of an aCriminal Summons instead of an aArrest wWarrant.~~

~~1. A Criminal summons Complaint can shall only be filed for misdemeanor charges only.~~

~~2. A police Uniform Incident Report must be written completed when filing a Criminal Summons.~~

~~2. A Criminal Summons may be filed when:~~

~~a. The officer did not witness the incident but has probable cause to believe a crime occurred.~~

~~b. The offender individual cannot be located.~~

~~c. The individual offender has been taken to a hospital medical facility and will not be released by the end of the officer's shift. This does not include individuals who have been charged with a domestic violence offenders offense.~~

~~3. Sworn personnel shall complete the A Criminal summons Summons Complaints should shall be completed on the State of New Mexico Criminal criminal Complaint complaint form with the word "SUMMONS" written across the top of the form.~~

~~3.~~

~~4. A Criminal Summons Complaint can be filed when:~~



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- ~~a. The officer did not witness the incident but has probable cause to believe the a crime occurred.~~
- ~~b. The offender cannot be located.~~
- ~~c. The offender has been taken to a hospital and will not be released by the end of the officer's shift. (This does not include domestic violence offenders. Refer to section 2-11-2-C)~~

~~4. The R~~required information on the ~~Criminal-criminal S~~summons-~~Complaint~~ ~~will~~shall be the same as a ~~c~~ustodial ~~Criminal-criminal C~~omplaintcomplaint.

~~a.~~

~~When f~~iling a ~~c~~Criminal ~~s~~ummons, ~~s~~worn ~~p~~ersonnel ~~shall~~ ~~;~~

~~i.~~ ~~S~~send the completed ~~C~~riminal ~~S~~ummons, including any traffic citations, to ~~the~~ Court Services Unit personnel for filing.

~~4.~~

~~a.~~ If the criminal complaint is computer generated, sworn personnel shall send the the original criminal complaint , in addition to plus three (3) copies , must be sent to the Court Services Unit personnel for filing.

~~b.~~ The original criminal complaint must contain an original signature.

~~i.~~ Faxed copies shall not be accepted.

~~5. Sworn personnel shall complete Faxed copies are not be accepted. A Uniform Incident Report must be completed when filing a Criminal Summons~~when filing a criminal summons.

~~5.~~

~~6. Incomplete/incorrect~~Incorrect information-Information on the ~~Criminal Summons~~Complaint

~~a.~~ The Court Services Unit sSupervisor shwill review all ~~Criminal-criminal S~~ummonssummons.

~~a.~~ If the information on the ~~C~~riminal ~~S~~ummonscomplaint is incomplete/incorrect, the Court Services Unit Supervisor shwill notify the officer of the corrections needed, consistent with SOP Court Services Unit.

~~i.~~

~~b.~~ The officer ~~will~~shall have three (3) days or their next available work day to correct the criminal summons.

~~b.~~

~~c.~~ If the ~~C~~riminal ~~S~~ummons-summons ~~Complaint~~ is returned to the submitting officer due to an incorrect address, the ~~Complaint~~Criminal Summons will be dismissed.

~~c.~~

~~d.~~ If the criminal summons is not corrected, the officer's commander shwill be notified.

~~d.~~



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~~e. If the officer is unable to locate the correct identifiers or a current address for the defendant, the officer will shall write complete a supplemental Supplemental report Report documenting these reasons.~~

~~e.~~

~~7. When Filing the a Criminal Summons Sworn Personnel shall: Complaint~~

- ~~a. The completed original Send the completed complaint Criminal Summons, including any traffic citations, must be sent to the Court Services Unit for filing.~~
- ~~b. If the complaint is computer generated, the original complaint, in addition to three (3) copies, must be sent to the Court Services Unit for filing.~~
- ~~The original complaint must contain an original signature.~~

~~H. Faxed copies are will not be accepted.~~
Uniform Incident Report Distribution

1. Uniform Incident Reports for Arrests

- ~~a. Sworn personnel shall complete The Uniform Incident Report shall be completed before the end of their shift.~~
 - ~~i. The officer completing the Uniform Incident Report shall notify their supervisor or the on-duty supervisor, that a felony arrest Uniform Incident Report is awaiting approval in the Department recordsport management system.~~
- ~~b. The officer shall not go off-duty until the in-custody felony Uniform Incident Report is approved, in the event any corrections need to be made.~~
- ~~c. The supervisor, upon approving the Uniform Incident Report shall download and e-mail the report to Court Services Unit personnel at apdfelonyarrest@cabq.gov. -apdfelonyarrest@cabq.gov-~~
- ~~d. An email shall be the sole means of transmitting a felony arrest Uniform Incident Report to the Court Services Unit personnel.~~
- ~~e. Sworn personnel shall not Fax or drop-off shall not be used Uniform Incident Reports unless in the rare circumstance when email is unavailable.~~

2. Supervisors shall be held accountable for those Uniform Incident Reports that are not sent to the Court Services Unit personnel, consistent with SOP Court Services Unit.

~~Sworn personnel shall notify MDC booking personnel if their prisoner in-custody individual(s) are a potential medical and/or security hazard.~~

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