



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-42

Effective: 12/29/16 Review Due: 12/29/17 Replaces: 01/17/16

### 3-42 INVESTIGATION OF POLICE PERSONNEL

#### 3-42-1 Purpose

This policy details the procedures to be followed when investigating sworn law enforcement officers or civilian law enforcement personnel suspected of committing a criminal act.

#### 3-42-2 Policy

Department policy is to investigate all criminal cases involving police personnel suspected of committing a criminal act.

#### 3-42-3 Procedures

##### 5 A. Criminal Investigations Involving Sworn Law Enforcement Personnel

1. Any time a sworn law enforcement officer is a potential suspect in a crime, an APD supervisor will be called to assist with a preliminary investigation.
  - a. Acting sergeants will not conduct investigations of sworn personnel.
2. If the accused is a suspect or the focus of a criminal investigation, the criminal investigation shall be handled by the appropriate agency or Department entity.
3. The Internal Affairs Section will be notified immediately by the on-scene supervisor and will have sole responsibility for the administrative investigation.
4. The specialized unit conducting the criminal investigation will act as a liaison between any prosecutor's office and the Department.
5. The on-scene supervisor will ensure that misconduct of APD personnel, which is not of a criminal nature, is documented and prepared separately from any police reports. All administrative investigative documentation will be forwarded to the Internal Affairs Section, by 0800 hours the following day.
6. After suspects have been booked on the appropriate charges, the arresting officer's commanding officer will ensure that the proper documentation has reached the assistant chief's, deputy chief's, or major's office, as appropriate, by 0800 hours the following day.
7. The appropriate assistant chief, deputy chief, or major will be notified immediately by the on-scene supervisor, who will then notify the Duty Chief.
8. The Duty Chief will notify the Settlement Agreement parties, as required by [SOP 2-35 – Notification to Settlement Agreement Parties](#).



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9. If officers from non-APD agencies are involved, that agency head will be contacted by the on-scene supervisor after the suspect has been booked on the appropriate charges. The APD Internal Affairs Section will not be notified concerning non-APD officers.

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B. Felony Crimes Involving Law Enforcement Officers or Non-Sworn Personnel

1. If personnel from any law enforcement agency are suspected of having committed a felony crime, the dispatched officer will immediately request an APD supervisor, who will then assume responsibility for the investigation.
2. The supervisor will attempt to establish probable cause and will make the arrest with the same discretion and standards as used when dealing with any other citizen.
3. After probable cause has been established that a felony was committed, the arrest will be made by the investigating supervisor, following procedures as outlined in [SOP 2-80 - Arrests, Arrest Warrants, and Booking Procedures](#).
  - a. If an arrest is appropriate, the suspect(s) will be booked. The arresting supervisor will ensure that, after the booking process, sworn suspects are segregated from other prisoners for their safety.
  - b. Where an arrest is not appropriate, the chain of command will be notified prior to the release of the suspect, and this will be documented in the report.
4. A completed criminal case will be submitted to the District Attorney's Office in accordance with [SOP 2-74 – Submission of Cases to the District Attorney](#).

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C. Misdemeanor Crimes Involving Law Enforcement Officers or Non-Sworn Personnel

1. If personnel from any law enforcement agency are suspected of having committed a misdemeanor crime, the investigating officer will initiate the investigation. A supervisor will be contacted to review the determination of probable cause. If probable cause exists, the supervisor will assume overall responsibility for the investigation and will ensure that the suspect is processed the same as any other citizen.
2. Enforcement action of misdemeanors will follow procedures as outlined in [SOP 2-80 – Arrests, Arrest Warrants, and Booking Procedures](#) and [SOP 2-40 – Misdemeanor Traffic and City Ordinance Enforcement SOP](#).
3. If an on-scene arrest of sworn personnel is warranted for a misdemeanor crime, the arrest will be made by the investigating supervisor. The arresting supervisor will ensure that, for the suspect officer's personal safety, that appropriate notifications are made to MDC personnel.



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4. If the incident is complex and requires further investigation before enforcement action can be made, the appropriate assistant chief, deputy chief, or major will assume responsibility for coordinating the completion of the investigation.

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D. DWI Involving Law Enforcement Officers

1. If law enforcement officers are suspected of DWI, the following standards will be adhered to:
  - a. When an officer has reason to believe a DWI investigation is necessary, an APD supervisor will be called to take over the investigation or will be present during the investigation. The enforcement discretion will be the same as when dealing with any other citizen.
  - b. The breath test will be witnessed by the investigating supervisor.
2. The appropriate assistant chief, deputy chief, or major will be notified immediately by the investigating supervisor who will then notify the Duty Chief.

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E. DWI Involving Non-Sworn Personnel of Law Enforcement Agencies

1. If non-sworn personnel of a law enforcement agency are stopped and suspected of DWI, they will be treated the same as any other citizen.
2. When non-sworn personnel from the Albuquerque Police Department are arrested for DWI, the arresting officer's commanding officer will ensure that the proper documentation has reached the office of the arrestee's chain of command by 0800 hours the following day.

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F. Traffic Enforcement Involving Law Enforcement Officers or Non-Sworn Personnel

1. Investigating officers will retain discretion whether to cite, write a warning, or give a verbal warning on non-mandatory appearance traffic offenses. However, the decision to cite will not be deferred until a later date.
2. Mandatory appearance traffic offenses will be handled as outlined in the "Misdemeanor Crimes Involving Law Enforcement Officers or Non-Sworn Personnel" subsection above.

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G. Sworn Officers Involved in Domestic Violence Incidents

1. Upon arrival on the scene of a domestic violence call involving a police officer, the responding officer shall immediately notify the Emergency Communications Center and request a supervisor of higher rank than the involved officer respond to the scene, regardless of the involved officer's jurisdiction and investigate in accordance with the [Domestic Violence SOP](#).



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2. A supervisor of higher rank shall respond to the scene of all domestic violence incidents involving a police officer, regardless of the involved officer's jurisdiction.
3. Whenever an APD officer is arrested, the officer's lieutenant or higher ranking officer shall relieve the accused officer of all service weapons, badges, and police identification cards in accordance with the [Relief of Duty SOP](#).
4. The on-scene supervisor shall notify the Duty Chief and the accused officer's immediate supervisor as soon as possible. In the event that the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's chief is notified. All notifications, and attempts to notify, shall be fully documented.
5. At the conclusion of the investigation, the supervisor will forward all documents involving APD employees to the Internal Affairs Section.