



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-22

Effective: 02/28/2022

Review: 02/28/2023

Replaces: 07/18/2016

2-22 JUVENILE DELINQUENCY

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- [1-1 Personnel Code of Conduct](#)
- [1-14 Rapid Accountability Diversion \(RAD\) Program](#)
- [1-26 Special Victims Section \(Currently 5-4\)](#)
- [2-8 Use of On-Body Recording Devices](#)
- [2-16 Records](#)
- [2-17 Offense/Incident Report Form](#)
- [2-60 Preliminary and Follow-up Investigations](#)
- [2-68 Interviews and Interrogations](#)

B. Form(s)

Juvenile Statement of Probable Cause
Juvenile Pre-booking Sheet
PD 4607 Juvenile Advise of Rights
New Day Juvenile Reception and Assessment Center Intake Form
State of New Mexico Uniform Incident Report

C. Other Resource(s)

NMSA 1978, Chapter 32A Children's Code

D. Rescinded Special Order(s)

SO 19-105 Juvenile Arrest Procedures

2-22-1 Purpose

The purpose of this policy is to provide procedures to Albuquerque Police Department (Department) personnel when engaging with children in enforcement roles.

2-22-2 Policy

It is the policy of the Department to endorse and support programs designed to prevent and control delinquent acts while compassionately handling children suspected or alleged to have committed delinquent acts as required by the New Mexico Children's Code. The Department recognizes the importance of working with juvenile justice partners to provide for the cooperation and coordination of investigation, intervention and disposition of cases, to minimize interagency conflicts, and to enhance the coordinated response. All Department personnel have a responsibility to participate and support the Department's operations in complying with the New Mexico Children's Code.



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2-22-3 Definitions

A. Child

A person less than eighteen (18) years old. The terms youth, child, and juvenile are used interchangeably within the Department and this Standard Operating Procedure (SOP).

B. Delinquent Act

An act committed by a child that would be designated as a crime under the law if committed by an adult as defined by NMSA 1978, Chapter 32A, Article 2.

C. Juvenile Charged With Serious Offense

A person who is fifteen (15) to eighteen (18) years of age who is charged with and indicted or bound over for trial for first degree murder. A juvenile charged with a serious offense is not a delinquent child as defined in the New Mexico Children's Code.

7 2-22-4 Procedures

A. Juvenile Justice Partners

1. Recognizing the importance of working with juvenile justice partners, the Special Victims Section Lieutenant or their designee will represent the Department at the Juvenile Justice Advisory Committee, which reports directly to the Governor of the State of New Mexico.

5 B. Statements, Interviews, and Interrogations

1. Sworn personnel shall not interview or interrogate a child suspected or alleged to have committed a delinquent act without both advising the child of their constitutional rights and securing a knowing, intelligent, and voluntary waiver.

N/A

- a. Sworn personnel shall record all interviews or interrogations of children (Refer to SOP Use of On-Body Recording Devices and SOP Interview and Interrogations for sanction classifications and additional duties).
- b. If a child is suspected or alleged to have committed a delinquent act, sworn personnel shall advise the child of their constitutional rights before questioning the child by:
 - i. Using the Juvenile Advise of Rights Form. Sworn personnel shall read directly from the form, including the plain language explanation, determine if the child understands each section of their rights, and have the child initial and sign the form.
- c. Once the child has been advised of their rights, the form has been completed, and a determination has been made they understand their rights, the child may



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waive those rights. Before accepting a waiver of rights sworn personnel shall determine if there is a knowing, intelligent, and voluntary waiver of their constitutional rights.

- i. Sworn personnel shall consider the following factors to determine whether the child has provided a knowing, intelligent, and voluntary waiver:
 1. The age and education of the child;
 2. Whether the child is in custody;
 3. The manner in which the child is advised of their rights;
 4. The length of questioning and circumstances under which the child is questioned;
 - A. Sworn personnel shall conduct questioning over a reasonable period of time with periodic breaks (i.e., meals, drinks, contacting parent, legal guardian, or custodian if prior contact has not been made, etc.).
 - B. To avoid the appearance of intimidation, the minimum number of sworn personnel required for officer safety shall conduct interrogations of children.
 5. The time of day and the treatment of the child at the time of questioning;
 6. The mental and physical condition of the child at the time of questioning; and
 7. Whether an attorney, friends, or relatives were present with the child during questioning.
- d. If the child does not knowingly, intelligently, and voluntarily waive their rights, sworn personnel shall not interview or interrogate the child.
- e. If sworn personnel are satisfied, the child knowingly, intelligently, and voluntarily waives their rights, they shall have the child initial the Juvenile Advise of Rights Form prior to any questioning.

2. Statements of Juveniles Under Thirteen (13) Years of Age

- a. Statements made by children under thirteen (13) years of age shall not be included in sworn personnel's Uniform Incident Reports.
- b. Sworn personnel investigating delinquent acts involving juveniles under thirteen (13) years old shall attempt to gather other evidence related to the delinquent act.

3. Statements of Juvenile Thirteen (13) to Fourteen (14) Years of Age

- a. In some circumstances, statements made by juveniles thirteen (13) to fourteen (14) years of age may be admitted in the court's discretion.
- b. Sworn personnel shall ask the juvenile if they desire to have a parent, legal guardian, custodian, or legal counsel present prior to taking a formal written statement. Sworn personnel shall make a reasonable attempt to accommodate the juvenile's request.

C. Juvenile Arrests



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1. The following methods of arrest shall be used involving juveniles aged eleven (11) through seventeen (17):
 - a. Sworn personnel shall make all reasonable attempts to notify a parent, legal guardian, or custodian when sworn personnel make an arrest or issue a citation and shall document their notification attempts in a Uniform Incident Report;
 - b. Sworn personnel shall call the on-call Juvenile Probation Officer Supervisor (JPOS) *prior* to transporting a juvenile to the Bernalillo County Juvenile Detention and Youth Services Center. The on-call number can be obtained through a Department Emergency Communications Center (ECC) Dispatcher;
 - i. Sworn personnel shall contact the JPOS who then runs a Risk Assessment Instrument (RAI) to determine whether the juvenile should be detained at the facility or should be released to the child's parent, legal guardian, or custodian or an adult authorized by the child's parent, legal guardian, or custodian.
 - ii. If the JPOS determines that the juvenile should be transported, sworn personnel shall transport the juvenile.
 - iii. Sworn personnel shall make every reasonable attempt to not detain or transport a juvenile within sight or sound of adults.
 - iv. Sworn personnel shall transport the juvenile to the Bernalillo County Juvenile Detention and Youth Services Center (YSC) (5100 2nd St. NW, 87107), and booked on the charges.
 - v. Prior to leaving the YSC, sworn personnel shall complete both the Juvenile Statement of Probable Cause and the Juvenile Pre-booking Sheet.
 1. Sworn personnel shall provide a copy of the Uniform Incident Report to YSC prior to leaving.
 2. Sworn personnel shall include all involved individuals and the supplemental narrative report must contain enough detail so court officials can proceed at arraignments, consistent with SOP Offense/Incident Report Form.
 - vi. Sworn personnel shall provide the Juvenile Statement of Probable Cause to the booking officer. Sworn personnel shall forward a copy of the Juvenile Statement of Probable Cause, Uniform Incident Report, and supplemental narrative report to the New Mexico Children, Youth, and Families Department (CYFD) Juvenile Probation Office.
2. Juveniles charged with a serious offense may be charged as an adult.
 - a. Sworn personnel shall work with the District Attorney's Office to determine whether a juvenile will be charged as an adult prior to arresting.
 - b. If the District Attorney's Office determines to charge a juvenile as an adult, sworn personnel shall file all necessary YSC paperwork and shall file an adult criminal complaint with the Bernalillo County Metropolitan Court prior to the juvenile's first court appearance.

D. Juvenile Citations



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1. If the JPOS determines that the juvenile should not be detained, sworn personnel shall write a citation.
2. Sworn personnel who issue a citation for delinquent offenses shall complete a Uniform Incident Report before the end of their shift, consistent with SOP Records.
3. If the juvenile is not remanded to the facility, sworn personnel are instructed to document in their report:
 - a. The name of JPOS they spoke to;
 - b. The time of contacting with JPOS;
 - c. Who or what facility the juvenile will be released to; and
 - d. The JPOS they emailed the Uniform Incident Report to.
4. Sworn personnel shall use similar verbiage in their reports to document this decision, as follows:
 - a. "On today's date, I contacted (name of JPOS) at ##### hours. (Name of JPOS) informed me that (Name of Juvenile) would not be detained at the JJC due to their assessment and their return of the Risk Assessment Instrument (RAI). (Name of JPOS) instructed me release (Name of Juvenile) to (Name of Facility or Guardian). At ##### hours, I released (Name of Juvenile) to (Name of Facility or Guardian)."
5. Sworn personnel shall forward a copy of the Juvenile Statement of Probable Cause and the Uniform Incident Report to JPO.

E. Reports Involving Juveniles

1. When sworn personnel refer a matter involving a juvenile to a specialty unit, the initial reporting sworn personnel shall complete their Uniform Incident Report prior to the end of their shift, consistent with SOP Records.
2. When sworn personnel refer a child to JPO for allegedly committing a delinquent act, sworn personnel shall complete their Uniform Incident Report before the end of their shift, consistent with SOP Records.
3. The initial reporting sworn personnel's immediate supervisor shall ensure that the Uniform Incident Report and any other pertinent document(s) completed (i.e., statements, photographic arrays, etc.) are delivered to the JPO within twenty-four (24) hours of the incident.

F. Juvenile Probation and Children's Court Liaison

1. The Special Victims Section Lieutenant shall serve as the liaison with the JPO and the Children's Court Attorney.



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2. The Special Victims Section Lieutenant shall ensure that up-to-date contact information for JPO are available to all Department offices and substations.

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G. Fingerprints, Photographs, and Physical Evidence

1. Children under thirteen (13) shall not be photographed and/or fingerprinted for identification purposes without first obtaining a court order.
2. Sworn personnel shall not attempt to obtain other forms of identification without a court order.

H. Juvenile Reports

1. Department personnel shall stamp "JUVENILE" on the face of all reports containing information on juveniles listed as offenders, suspects, or witnesses.
2. Department personnel shall not release confidential records related to a juvenile unless provided for by law, consistent with SOP Personnel of Code Conduct.
3. Sworn personnel shall write a close-out supplemental narrative report and submit it to their chain of command, when the allegations are against juveniles, and those alleged delinquent acts would be considered a felony if committed by an adult, consistent with SOP Preliminary and Follow Up Criminal Investigations.

I. Juvenile Arrest Warrants

1. Sworn personnel shall use the Juvenile Arrest Warrant.
2. Sworn personnel shall only apply for a juvenile arrest warrant to a Children's Court or District Court judge.
3. Once a juvenile arrest warrant is signed by a District Court judge, sworn personnel shall file and return the Juvenile Arrest Warrant to the court clerk at the Juvenile Justice Center.

J. Delinquent Acts As Misdemeanor Offenses

1. Non-traffic Delinquent Acts
 - a. Responding sworn personnel shall complete a Uniform Incident Report, conduct a preliminary investigation, and determine if the juvenile offense would be classified as a misdemeanor if the offender were an adult.
 - b. Sworn personnel shall attempt to obtain a statement from the alleged victim, consistent with SOP Interviews and Interrogations. It must include all necessary elements of the offense, and an adequate summary of relevant facts to establish a basis for the complaint.



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2. Citing for Delinquent Acts

- a. Before issuing a misdemeanor citation, sworn personnel shall determine if there is an outstanding warrant or if the juvenile is on probation, by calling the YSC.
- b. When sworn personnel cite juveniles for delinquent acts, sworn personnel shall make reasonable attempts to notify the juvenile's parents, legal guardians, or custodians. In any case, sworn personnel shall attempt to obtain the juvenile's signature on the citation.
 - i. Sworn personnel who issue the citation may take the juvenile home and issue the citation on-scene or have a legal guardian or an adult authorized by the juvenile's parent, legal guardian, or custodian take custody of the juvenile.
- c. When a juvenile refuses to sign a citation, sworn personnel shall:
 - i. Call the JPO to advise them of the crime and have JPO run their RAI to determine whether the juvenile shall be transported to YSC; and
 - ii. If the JPO refuses to remand the juvenile, sworn personnel shall issue a summons and forward their Uniform Incident Report to the JPO.
- d. Sworn personnel shall write a Uniform Incident Report whenever they issue a misdemeanor citation.
- e. Sworn personnel shall staple the misdemeanor citation to the original Uniform Incident Report and turn both into the Records Division.
 - i. Records Division personnel shall make the necessary copies and forward them to JPO, who sends notice to the juvenile and parents, legal guardians, or custodians regarding court appearances.
- f. For juveniles with alcohol-related offenses, sworn personnel shall consider referring qualified juveniles to the Rapid Accountability Diversion (RAD) Program as an alternative to citing them, consistent with SOP Rapid Accountability Diversion Program.
 - i. If the juvenile does not qualify for the RAD Program, sworn personnel shall issue a citation, refer the juvenile to the Juvenile Justice Center, and send the citation to the JPO.

K. Traffic Offenses

1. Consistent with NMSA 1978, § 32A-2-3, the following listed traffic offenses are delinquent acts, including but not limited to:
 - a. Driving while under the influence of intoxicating liquor or drugs;
 - b. Failure to stop in the event of an accident causing death, personal injury or damage to property;
 - c. Unlawful taking of a vehicle or motor vehicle;
 - d. Receiving or transferring of a stolen vehicle or motor vehicle;
 - e. Homicide by vehicle;
 - f. Injuring or tampering with a vehicle;
 - g. Altering or changing of an engine number or other vehicle identification numbers;



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- h. Altering or forging of a driver's license or permit or any making of a fictitious license or permit;
 - i. Reckless driving;
 - j. Driving with a suspended or revoked license; or
 - k. An offense punishable as a felony.
 2. When sworn personnel issue a juvenile a citation for the above-listed offenses, sworn personnel shall:
 - a. Check the court appearance box;
 - b. Write, "Juvenile/5100 2nd Street NW" on the address line of the citation;
 - c. Write, "To be notified" on the date line of the citation;
 - d. Advise the juvenile that they will be notified by mail of the hearing date by JPO; and
 - e. Deliver or ensure delivery of the citation to the appropriate box near the Metropolitan Court Liaison.
 3. Sworn personnel shall cite juveniles for all other traffic offenses into Metropolitan Court.
 - a. Sworn personnel shall attempt to notify the juvenile's parent, legal guardian, or custodian if the juvenile refuses to sign a citation.
 - i. If all reasonable attempts fail, sworn personnel shall note on the citation "Signature Refused", and release the juvenile.
 - ii. Sworn personnel shall:
 1. Write a Uniform Incident Report and a summons for the juvenile to Metropolitan Court;
 2. Submit the Uniform Incident Report to their supervisor; and
 3. Staple the citation to the summons that is submitted to Metropolitan Court.
 4. Sworn personal who encounter a combination of delinquent and non-delinquent acts by a juvenile shall write a Uniform Incident Report for all allegations and shall forward the report to JPO.
- L. New Day Reception and Assessment Center (NDAC)
 1. Sworn personnel may take juveniles to the New Day Juvenile Reception and Assessment Center (NDAC), an alternative facility where at-risk juveniles (including juveniles in custody or who have charges pending), in lieu of the Juvenile Detention Center. The NDAC provides intake services, risk assessment, crisis intervention, and referral services for juveniles who were arrested or cited for misdemeanor offenses. The NDAC is open and staffed twenty-four (24) hours a day, seven (7) days a week.
 2. Sworn personnel shall:



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- a. Once the juvenile has been remanded to the custody of NDAC, ensure that NDAC personnel make the necessary contacts and forward the appropriate information to the District Attorney's Office, Juvenile Probation and Parole, and the Juvenile Detention Center;
 - b. Complete all Uniform Incident Reports prior to the end of their duty shift, consistent with SOP Records; and
 - c. Email all arrest reports to the appropriate location as outlined in Department policies and procedures.
3. Sworn personnel shall not leave paperwork at the NDAC other than the intake form and the juvenile's copy of a citation, if applicable.

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M. Confidentiality of Records

1. Department personnel shall be responsible for the confidentiality of records involving all juveniles aged seventeen (17) and below, consistent with NMSA 1978, § 32A-2-32 and consistent with SOP Special Victims Section.