2-41 TRAFFIC STOPS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)
   - 2-1 Uniforms
   - 2-8 Use of On-Body Recording Devices (OBRD)

B. Form(s)
   - State of New Mexico Uniform Traffic Citation

C. Other Resource(s)
   - NMSA 1978, § 30-22-1(C) Resisting, Evading, or Obstructing an Officer
   - NMSA 1978, § 30-22-1.1 Aggravated Fleeing a Law Enforcement Officer
   - NMSA 1978, § 66-8-122(F) Immediate Appearance before Magistrate
   - NMSA 1978, § 66-8-123(D) Conduct of Arresting Officer; Notices by Citation

D. Rescinded Special Order(s)
   - SO 21-43 Amendment to SOP 2-41 Traffic Stops

2-41-1 Purpose

The purpose of this policy is to provide procedures for Albuquerque Police Department (Department) sworn personnel while conducting traffic stops.

2-41-2 Policy

It is the policy of the Department that sworn personnel will conduct traffic stops in accordance with training and the best interests of public safety.

2-41-3 Definitions

A. Marked Unit

   A vehicle is considered a marked unit when it is equipped with at a minimum forward and rear facing red flashing lights, a government-issued license plate, and Department insignia on both the driver and passenger side of the vehicle.

2-41-4 Procedures

A. Traffic Stops

   1. Sworn personnel initiating traffic stops for observed violations shall:
a. Only conduct traffic stops while:
   i. Wearing the regulation/standard uniform, consistent with SOP Uniforms (refer to SOP Uniforms for sanction classifications and additional duties); or
   ii. In plainclothes, displaying their badge and additionally wearing the Department-approved raid jacket or vest, consistent with SOP Uniforms (refer to SOP Uniforms for sanction classifications and additional duties).

b. Not charge an individual who fails to stop for a traffic stop with aggravated fleeing a law enforcement officer under NMSA 1978, §§ 30-22-l(C) or 30-22-1.1, unless the officer is in a marked unit that has decals or other prominent and visible insignia identifying the vehicle as a law enforcement vehicle;

c. Advise the Emergency Communications Center (ECC) of the impending stop;
   i. Sworn personnel shall provide the license plate information, if available, and location, and any other driver vehicle information (license plate, description of the vehicle, and/or occupants, etc.).

d. Conduct the traffic stop in a safe location which allows for a safe exit and approach to the driver’s vehicle;
   i. Sworn personnel shall engage emergency lights when conducting a traffic stop.
      1. An officer may use the siren, public announcement (PA) system, and hazard lights.
      2. An officer may use the spotlight and/or high beams to illuminate the inside of the vehicle and to provide a safe approach to the vehicle.

e. Identify themselves as a Department officer and advise the reason for the stop;

f. Identify the driver and complete a warrants and Motor Vehicle Division (MVD) check;

g. If warranted, issue a State of New Mexico Uniform Traffic Citation for the observed violations; and
   i. The officer may include the driver’s phone number and email address, or that such information is unavailable, in the State of New Mexico Uniform Traffic Citation.

h. Assist the driver in re-entering traffic safely.

2. If a State of New Mexico Uniform Traffic Citation is to be issued, sworn personnel shall:

   a. Explain all options to the driver/passenger;
   b. Provide a copy of the State of New Mexico Uniform Traffic Citation to the driver/passenger; and
   c. Review all documents with the driver/passenger.

3. Sworn personnel shall not accept payment for the State of New Mexico Uniform Traffic Citation.

4. For individuals who refuse to sign issued citations, sworn personnel shall:
a. Thoroughly explain that their refusal to sign the citation shall result in the arrest of the driver/passenger consistent with NMSA 1978, § 66-8-122(F) and NMSA 1978, § 66-8-123(D);

b. Advise their supervisor; and

c. Write a detailed Uniform Incident report of the incident when an arrest is made and log video into evidence, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices (OBRD) for sanction classifications and additional duties).