



2-80 ARRESTS, ARREST WARRANTS AND BOOKING PROCEDURES

2-80-1 Policy

Department policy is to arrest a felony violator of laws which its officers are empowered to enforce. Officers shall issue citations when appropriate in lieu of arrest on non-violent misdemeanor offenses (not to include DWIs) when there are no circumstances necessitating an arrest. In all cases, officers shall follow correct legal procedures required in arresting, booking, and filing charges against such violators.

2-80-2 Rules Procedures

6 A. Felony Arrest Authority

1. Felony arrests may be made through the authority of a warrant, or on probable cause when there are exigent circumstances preventing the officer from obtaining a warrant. (*State v. Panaanan*, 2015 NMSC 031, 357 P.3d 958)
2. Probable cause arrests may be made for all felonies when there are exigent circumstances preventing the officer from obtaining a warrant.
3. Exigent circumstances include emergency situations requiring swift action:
 - a. to prevent imminent danger to life or serious damage to property; or
 - b. to forestall the imminent escape of a suspect; or
 - c. to forestall potential destruction of evidence; or
 - d. an exigency may also exist where it is not reasonably practical to secure a warrant under the circumstances, such as where the additional time to obtain a warrant makes it impractical.
4. The New Mexico Supreme Court has held that “exigency will be presumed” where an officer observes the commission of a felony, without reference to imminent danger, escape, or destruction of evidence, and that an on-the-scene arrest supported by probable cause will usually supply the requisite exigency.
 - a. However, an officer must obtain a felony arrest warrant if there is ample time to do so before making the arrest, provided that there is no concern that the additional time to secure an arrest warrant may result in failing to prevent imminent danger to life or serious damage to property, forestalling the imminent escape of a suspect, or the potential destruction of evidence.
 - b. Examples of situations when felony arrests require an arrest warrant include:



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- i. cases that are under investigation where an officer is gathering evidence or needs to refer the case to a detective for further investigation; and
 - ii. "cold cases".
5. Probable cause felony arrests may be made for all:
 - a. Felonies in progress (e.g., violent crimes, burglaries, etc.);
 - b. Violent crime offenses (e.g., aggravated battery, aggravated assault, criminal sexual penetration, etc.), since one or more of the exigent circumstances described under A.3 (1) through (4) above will generally be present; and
 - c. Felony narcotic offenses, when any of the exigent circumstances described under A.3 (1) through (4) above are present.
6. 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 has no community ties to the Albuquerque metropolitan area, e.g. transient, out of town resident, etc.; or
 - b. When one or more prior felonies or multiple offenses have been committed by the offender; or
 - c. When the arrest is approved by a supervisor based on extenuating circumstances; and
 - d. One or more exigent circumstance as described under A. 3 (1) through (4) above must be present.

6

B. Petty Misdemeanor/Misdemeanor Arrest Authority

1. Officers shall issue citations when appropriate in lieu of arrest on non-violent misdemeanor offenses (not to include DWIs) when there are no circumstances necessitating an arrest. Whether or not the person has a permanent address may not be the sole factor in determining to arrest the person rather than issuing a citation. If the officer issues a non-traffic citation, the officer must complete an incident report. If an arrest is necessary, the officer will include the reason in the narrative of the corresponding incident report.
2. When exigent circumstances justify the arrest.

6

C. Use of the Metropolitan Court Bonding Window



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

1. Officers will use the bonding window at Metropolitan Court located at 401 Lomas Blvd. NW to post a bond, pay a fine, or to resolve or quash a warrant in lieu of taking an arrested person to the Prisoner Transport Center (PTC) or the Metropolitan Detention Center (MDC) when feasible.
2. The outdoor walk-up bonding window is located on the building's south side. The bonding window closes for a brief time at the end of each shift (currently, from 6:00 a.m.-7:00 a.m., 2:00 p.m.-3:00 p.m., 10:00 p.m.-12:00 a.m.)
3. Officers can take an arrested person to the bonding window whenever they are arresting such individual for lower-level warrants, such as for traffic or petty misdemeanor charges. This allows the person to pay fines or post a bond without having to be booked into MDC.
4. The bonding window will accept all misdemeanor warrants including out-of-county warrants.
5. The bonding window does not deal with felony charges or cases.
6. The bonding window accepts cash only - credit cards, debit cards or checks are not accepted.
7. The person will be required to pay the full amount of a cash or surety bond at the bonding window. This means that the person cannot go through a bonding agency to pay ten percent (10%) of the bond at the bonding window.
8. Officers should check to see if the person has cash before taking that person to the bonding window. Officers should not wait for the person to get money from a friend, relative or acquaintance.
9. Metropolitan Court requests officers to have their agencies fax the warrant to the bonding window prior to arriving with the person.
10. Once the person completes the transaction at the bonding window, the officer may take that person back to their previous location if time or the situation permits.

6

D. Walk -Through Procedures If Established and In Use

“Walk -Through Procedures refers to the process of transporting an arrestee to either the Prisoner Transport Center (PTC) or to MDC for processing by Pre-Trial Services officials. Officers are required to utilize the “Walk-Through Procedures” if such procedures are established and in use at the PTC or MDC by the Settlement Agreement in the McClendon case. Currently, there are no Walk-Through Procedures in use by Pre-Trial Services.

6

E. Arrests-General



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

1. An offense report indicating all charges and detailing the circumstances will be written by the arresting officer for any incident or warrant service resulting in an arrest or protective custody.
2. Arresting officers will check NCIC/ACTION on all persons taken into custody. In the case of a hit subsequent to an arrest on other charges, the arresting officer will verify the hit through the NCIC/ACTION operator and advise the operator that the subject is in custody.
3. When dealing with persons who may be affected by a behavioral health disorder or a behavioral health crisis, officers shall refer to SOP 2-19, Response to Behavioral Health issues, in particular 2-19-8 regarding diversion from jail when appropriate.

F. Arrest of U.S. Postal Service Drivers/Military/Armored Car Drivers/Undocumented Foreign Nationals and Immigrants/ Foreign Diplomats/ Legal Foreign Nationals

6

1. The drivers of mail-carrying vehicles and armored cars shall not be taken into custody, except when they are charged with a felony or DWI, or when their mental or physical state is such that they are a hazard to the public. Upon taking such a driver into custody, the arresting officer shall:
 - a. Immediately have the local United States Postal Service office/armored car company notified.
 - b. Pending the arrival of a postal representative/armored car company supervisor, the arresting officer shall be responsible for the safety of the postal vehicle/armored car and its contents.

7

2. Whenever active duty military personnel are arrested and placed into custody for any offense, excluding minor traffic charges, the arresting officer shall notify the Kirtland Air Force Base Security Police Desk and advise them of the arrest.
3. Undocumented Foreign Nationals (Undocumented Immigrants)
 - a. The enforcement of immigration laws and the arrest of undocumented foreign nationals reside exclusively with the federal government.
 - b. Officers shall not stop, question, detain or arrest any person solely on the ground that they may be undocumented and deportable foreign nationals.
 - c. Officers shall not inquire about or seek proof of a person's immigration status, unless the person 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 is pertinent to the criminal investigation.
 - d. Officers shall not call federal immigration 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:



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- i. Officers shall obtain supervisor approval before contacting federal immigration officials; and
 - ii. Officers shall document the investigation in an offense/incident report.
- e. Officers do not have the authority to place an "ICE" hold on individuals suspected of having violated federal immigration laws.
- f. Officers shall not request assistance in language translation from any immigration official or agency.
- g. Officers 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.
- h. All children have a right to attend public schools in the United States. Officers shall not, under any circumstances, engage in stopping, questioning, detaining, investigating or arresting minor children (under 18 years old) on any immigration related matter while on or immediately in the vicinity of public school grounds or property. 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. Nothing in this SOP shall prevent an officer from investigating any city, state or federal non-immigration criminal violation or taking any action necessary for officer safety.

6

4. Arrest of Legal Foreign Nationals (Legal Immigrants)

- a. Whenever a legal foreign national is arrested, officers will:
- i. Immediately advise the foreign national of his right to have his government notified concerning the arrest and/or detention.
 - ii. The arresting officer will notify the foreign national's consulate of the arrest if the notification is mandated under the U.S. State Department guidelines. The guidelines can be obtained at the following website: travel.state.gov.

5

5. 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. Foreign diplomats will be dealt with on an individual basis.
- c. They shall not be placed under arrest.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- d. It is the officer's responsibility to ensure that the respective foreign consulate has been contacted. See 2-80-2-F-4-a-ii above for contact information.

G. Arrest Warrants

1. In order to serve any warrant, the following information must be provided by the agency requesting service of the warrant:

- a. Physical Description: The warrant must include a description of the wanted person sufficient to identify the fugitive. The description should include:

- i. name
- ii. sex
- iii. race
- iv. height & weight
- v. hair color, and
- vi. date of birth or social security number

- b. Warrant Description: The warrant must include:

- i. the originating agency
- ii. court issuing warrant
- iii. jurisdiction and state
- iv. charge(s)
- v. date of warrant
- vi. warrant number
- vii. issuing judge
- viii. bond

- c. Extradition: If the warrant is not issued in the State of New Mexico, the warrant must indicate that the issuing jurisdiction will extradite before the warrant can be served.

2. Requests for additional information from the issuing agency should be made when a question exists in the mind of an officer or supervisor as to the identity or location of the fugitive, or the validity of the warrant.

7

3. If a discrepancy or contradiction exists in the description of the wanted person, officers will advise their immediate or on-duty supervisor. Supervisors will ensure that appropriate action is taken based on proper legal procedures.

4. In order to alleviate the problem of the arrest warrant being canceled before the arrested individual has been turned over to the Metropolitan Detention Center and booked on the arrest warrant the following procedure shall be followed:

- a. If an individual is arrested on an arrest warrant, and is not taken to the Metropolitan Detention Center, i.e.; has to be taken to the hospital or any other facility, the arresting officer will not pick up the arrest warrant at the



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- time. 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.
- b. The arrest warrant will be picked up at the time the arrested individual is physically taken to the Metropolitan Detention Center and added to the paperwork which has already been filled out.
5. The protocol for serving an arrest warrant shall follow the requirements of serving a search warrant which include (SOP Section 2-16):
- a. A Supervisor shall be present at the scene on all search warrants involving a dwelling or occupied structure and the supervisor is thoroughly briefed before the search warrant is executed.
 - b. All arrest warrants will include an offender history check for violent, special needs, or mental illness history.
 - c. For high risk or warrant services on individuals with special needs, to include individuals living with mental illness, consideration shall be taken to employ specialized units such as the tactical or CIT units.
 - d. All arrest warrant services shall include less than lethal equipment options.
6. This SOP does not limit an officer from executing an arrest warrant without a supervisor present when the wanted person comes into contact with a police officer in the normal course of duty, e.g., a traffic stop where the occupant of the vehicle has a warrant out for his/her arrest, or for an individual voluntarily willing to turn him/herself in.
7. Reference to DNA Information in Arrest Warrant Affidavits:
- a. Whenever forensic DNA information (including reference to a DNA "hit" or "match") is utilized 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 feels unable to reasonably explain the relative strength of DNA information to the recipient judicial officer, the affiant officer should contact the Crime Lab for an explanation of the relative strength of the DNA information.
 - ii. The affiant officer may then relay the Crime Lab's explanation to the recipient judicial officer in the affidavit.

H. Telephone Requests



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

1. A telephone request for the arrest of a fugitive will be treated as information only until confirmed by teletype, NCIC, or letter meeting the requirements set forth in subsection 2-80-2-G.

I. Teletype Requests

1. 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. If these requirements are not met, the issuing agency will be advised that APD cannot serve the warrant without additional information and the teletypes will be considered as information only and not as arrest authority
 - b. Teletypes permitting a choice will not be honored e.g., collection of fine in lieu of jail, restitution, court costs, etc.
 - c. Teletypes requesting arrest on domestic matters - child stealing, kidnapping, custodial interference •• should be carefully examined and referred to the Juvenile Section for service, except if exigent circumstances exist such as physical danger, abuse, or neglect of the victim child.
 - d. Teletypes requesting arrest on John Doe or white-collar crime warrants should be handled with caution. Information which was the basis for the warrant may be fictitious as to the identity of the offender. For example, checks returned for insufficient funds later found to be stolen and forged.
 - e. Teletypes from out-of-state agencies requesting arrest on high court misdemeanors must be directed to the Fugitive Unit for authority to serve.

J. Grand Jury Indictments

1. Arrests stemming from grand jury indictments will be made only after the resulting bench warrant is received by the Sheriff's Department Warrants Section. Knowledge that a "true bill" has been returned by the grand jury does not constitute grounds for a valid arrest.

K. Execution of Arrest Warrants

- 6 1. An 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 will not be arrested without multiple points of identification which confirm the subject's identity. The arresting officer shall advise the NCIC/ACTION operator when the suspect is in custody.
- 5 2. The search of 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.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- a. If 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 will be notified to respond to the area, and a search warrant obtained before proceeding with the search for a wanted person. Supervisor presence shall be mandatory with all warrant services.

3. Officers attempting to serve felony warrants will verify the warrants prior to 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 arrest.

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

7

1. After confirming the existence of a valid warrant through NCIC, officers 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.
 - c. The copy received by the Detention Center will be used in the booking procedure.

7

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

1. The arresting officer will cause a teletype to be sent to the jurisdiction holding the warrant, advising that the suspect 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.
2. The suspect will be booked into the MDC.

N. Release of Prisoners Arrested in Error/Error on Warrants

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1. Prisoners who are arrested and booked in error will be released as follows:
 - a. The arresting officer will notify his supervisor immediately.
 - b. The arresting officer or arresting officer's supervisor will contact the District Attorney's Office and they will assist in getting the prisoner released.
 - c. If the supervisor/officer is unable to contact the District Attorney's Office, the supervisor/officer will contact the on-call Assistant District Attorney (ADA).



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- i. The supervisor/officer will then send the ADA an email that explains the reason for the requested dismissal for their file.
 - ii. The supervisor will ensure that the prisoner is released.
 - d. The arresting officer will receive a copy of the Release Order and the Nolle Prosequi. The officer will then submit a copy of the completed offense/incident report along with the copy of the Release Order and Nolle Prosequi to the Risk Management Division.
 - e. If an error is discovered before the person is booked, the person will be released and the details will be written in the offense/incident report.
 - f. Release of subject in error on warrants - When it is determined that the wrong subject has been arrested based on a warrant; the following procedures will be adhered to:
 - i. The Identification Unit will notify the on-duty Communications supervisor immediately upon confirming the wrong subject is in custody. The Identification Unit will provide the Communications supervisor with the name of the identification technician, and the reason why the subject should be released (i.e., fingerprint, tattoos, and physical differences).
 - ii. The APD Communications supervisor will immediately notify the appropriate on-duty watch commander or sergeant of the inappropriate arrest.
 - iii. The on-duty watch commander or supervisor will have the arresting officer, if available, or another officer proceed to the Metropolitan Detention Center and begin the release process. The on-duty supervisor will also have APD Communications contact the on-call Risk Management representative.
 - iv. The APD supervisor will ensure that a copy of the report is forwarded to the APD Risk Management Safety Officer by the end of the shift.
 - g. At no time, will a prisoner be released "Pending Further Investigation."

O. Booking

1. All charging documents (i.e., criminal complaint, Citations) and the pre-booking forms will 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.
 - b. The pre-booking form will be returned to the officer so he/she may process the defendant through medical and through MDC's booking procedures.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

2. Custodial Booking

- a. Adult offenders arrested by department officers 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. This will include all Federal, State, County, and City prisoners. Active duty military offenders wanted for AWOL or desertion (etc.), who is arrested for a military offense only, may be turned over to military authorities at Kirtland Air Force Base. In all cases a report will 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-5.
- c. If an arrest is based on a warrant, the officer will specify the following on the pre-booking form:
 - i. Warrant number and the type of warrant, felony or misdemeanor.
- d. When additional charges are placed against an individual, the officer will notify the booking desk personnel in person, making sure that the offender 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 be written to indicate this notification.
- e. Officers will secure all weapons in their vehicles or in the lock boxes prior to entering the booking facility. The side handle baton, kubaton, and mace are equipment that is permitted to be carried by officers into the facility.
- f. A thorough search of the prisoner will 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 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 be booked on felony charge(s) only.
 - ii. The offender will be charged with all felonies and misdemeanors collectively in the District Court.
 - iii. The original report will contain the misdemeanor charges the offender should be charged with.

3. Report Distribution-Court Services Unit

- a. Arrest Reports



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- i. The report will be completed prior to the end of shift.
 - ii. The officer completing the report will notify their supervisor or the on-duty supervisor, that a felony arrest report is awaiting approval in Copperfire.
 - iii. The officer will 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 will download and e-mail the report to Court Services at APDFelonyArrests@cabq.gov.
 - v. E-mail will be the sole means of transmitting a felony arrest report to Court Services.
 - vi. Fax or drop-off will not be used unless in the rare circumstance when e-mail is unavailable.
 - b. Supervisors will be held accountable for those reports that are not sent to Court Services.
 - c. Officers will notify booking personnel if their prisoner(s) are a potential medical and/or security hazard.
4. Non-Custodial Booking (Processing an Identification)
- a. A person arrested for a felony offense which 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 arrested for a violent felony offense is not eligible for release under this section. A violent felony offense is:
 - i. Aggravated arson, arson resulting in bodily injury
 - ii. Aggravated assault and/or battery
 - iii. Dangerous use of explosives
 - iv. Homicide, homicide by vehicle
 - v. Voluntary and/or involuntary manslaughter
 - vi. Kidnapping
 - vii. Criminal sexual penetration, criminal sexual contact of a minor
 - viii. Great bodily injury by vehicle
 - ix. Abandonment and/or abuse of a child.
 - c. The arresting officer will not release a subject arrested for a non-violent felony if anyone of these factors are present - when the offender(s):
 - i. Is a flight risk.
 - ii. Has an extensive record that indicates a likelihood to commit additional criminal offenses.
 - iii. Identity is uncertain.
 - iv. Poses a threat to victims or witnesses.
 - v. Upon release, may interfere with the investigation of the crime on which he/she was arrested.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- vi. Was arrested on the felony charges of residential burglary, aggravated burglary, trafficking in a controlled substance, or a felon in possession of a firearm.
- vii. Was arrested for domestic violence, or DWI, therefore are not eligible for processing and identification under this section.
- d. An officer may detain and transport a person to a mental health evaluation facility if the officer has reasonable grounds to believe, based on his/her own observation and investigation, that the person, as a result of a mental disorder, presents a likelihood of serious harm to himself or herself or to others and that immediate detention is necessary to prevent such harm. "Likelihood of serious harm to himself or herself" includes serious harm by grave passive neglect. Such encounters are not arrests and the officer may not transport the person to a jail or other detention facility.

5. Criminal Complaints

- a. When booking a subject on misdemeanor or felony charges, the charging officer will submit a completed Criminal Complaint form.
- b. The upper portion of the complaint form, with the exception of the docket number and date filed, will be completed in its entirety by the charging officer.
- c. Officers shall complete the criminal complaint form, including the officer's first and last name in TraCS
 - i. When these requirements are not met, Metropolitan Court will reject the complaints.
 - ii. When notified of a rejected complaint, the officer will complete a new complaint within three 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 will be notified.
- d. A supervisor will sign the complaint form in addition to the arresting officer if there are felony charges and/or misdemeanor charges. Telephonic approval is acceptable for misdemeanor charges only.

6. Criminal Complaint Forms Pertaining to Domestic Violence

- a. Domestic violence will be listed in the charges portion of the criminal complaint form along with any other criminal charges.

P. Felony or Misdemeanor Arrest Involving Controlled Substances



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

1. All felony and misdemeanor arrests involving any narcotic or controlled substance may require, with the completed initial report, a Criminalistics Section Request for Service form (APD 4201) requesting drug analysis.
2. A copy of the request for drug analysis will also be required for a completed drug case.

Q. Custody of Prisoners

4

1. When an individual is taken into custody, the prisoner 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 be used.
 - iii. A handcuffing post.
 - b. The Officer in Charge (OIC) of the detainee will notify a supervisor before placing a prisoner in temporary detention.
 - c. The OIC Responsibilities:
 - i. A Temporary Detention Log (PO form 3097) will be kept in a highly visible location in, or immediately adjacent to the temporary detention area. The log will contain the following information:
 - a) Name of the prisoner
 - b) Date and time placed in and removed from temporary detention
 - c) OIC signature
 - d) Name of the supervisor notified of the detention
 - e) Record of the time the prisoner was visually and verbally checked (at a minimum, every 30 minutes, note subsection 2-80-2-Q-2-c-i-h) below.
 - f) Violent prisoners, and/or prisoners who become violent will be monitored at all times, and will not be left unattended under any circumstances.
 - g) If possible, the supervisor's signature should be included documenting the authorization to utilize temporary detention.
 - h) The OIC will document movement of the detainee 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 detainee.
 - ii. A security/cleanliness inspection of the detention area will be conducted prior to securing the prisoner.
 - iii. Before the prisoner is secured in the temporary detention area, the OIC will:



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- a) Search the prisoner in accordance with Department SOP Procedural Orders, Section 2-82-3-C.
 - b) Remove all items (evidence/personal property) from the prisoner and place them in a secure area during the period of detention.
 - c) Any property of evidentiary value will be handled in accordance with Department SOP Procedural Orders, Section 2-73.
 - d) Personal property removed from the prisoner will accompany him/her to booking.
 - e) The prisoner will be secured (handcuffed) to a fixed object specifically designed for this purpose in such a manner that maximizes the comfort of the prisoner.
 - f) The prisoner will be visually and verbally monitored, checking his/her behavior at least every 30 minutes, to ensure the safety of the prisoner. After 2 hours, a supervisor must be notified of the detainee's continued detention and the detainee must continue to be monitored every 30 minutes by the OIC or designee to ensure the safety of the detainee.
 - g) Males, females and juveniles will be held separately.
 - h) Prisoners are to be provided access to water, restrooms or any other justifiable need.
 - When prisoners are allowed a restroom break, they shall be escorted by a person of the same sex.
 - Before being escorted to the restroom, all prisoners must be thoroughly searched and all items must be removed from the prisoner.
 - 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.
 - Handcuffs may be moved to the front or removed for restroom breaks.
 - Caution should be used when determining whether or not to remove handcuffs from a prisoner. Partial restraint is preferable to no restraint at all.
 - Handicap rails may be used to secure one hand of the prisoner or the purpose of a restroom break.
- d. Security Measures
- i. Access to the temporary detention area where a prisoner is being held will be limited to sworn personnel only. If the area is a holding room, only the OIC or designee may frequent the room.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- ii. In all instances, the OIC will guard against any circumstance, which may arise that can facilitate an escape of the prisoner. If an escape does occur, the OIC will notify the watch commander and notify APD Communications to dispatch personnel to the area.
- iii. In the event of an emergency, officers will utilize the red duress button on their hand-held radio to summon immediate assistance.

R. Photographs of Officers and Suspects/Prisoners

6

1. Photographs will be taken of all persons, the officer, suspect and arrested person(s) involved in an incident where:
 - a. An officer, suspect or prisoner has been injured even though may not be visible.
 - b. Subjects resist in any manner that would require a Use of Force report (2-52-7-B).
 - c. Subjects are charged with Battery on a Police Officer, Aggravated Battery on a Police Officer, and Resisting Arrest.
 - d. Persons have pre-existing injuries. Officers will document these injuries on the Offense and Incident Report Form.
2. It is the responsibility of the arresting/reporting officer to ensure that a designated personnel or Field Investigator responds to the scene to assume the responsibility for taking photographs.
3. Photographs Taken by Personnel Other Than an FI/CSS
 - a. The designated personnel will take photographs if the injuries are minor.
 - b. The designated personnel are responsible for tagging all photographs.
 - c. The designated personnel will be required to complete a supplemental report to include the nature of the injury or damage and complaints or claims of damage for injury reported by the subject.
4. In all other instances, the photographs will be taken by a Field Investigator or Crime Scene Specialist.

S. Re-Filing of Criminal Charges

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

T. Metropolitan Court Bench Warrants

1. The following procedure will be used when any law enforcement agency brings an individual to MDC for booking on a Metropolitan Court Bench Warrant only:



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- a. If it is discovered that a person who is being booked on bench warrants only and has the cash on hand to post his/her bond, the person is not to be taken through the booking process. Instead, the arresting officer is advised that the prisoner shall be escorted to the bonding window where the defendant can post his/her bond, clear the bench warrant, and receive any appropriate court date(s).

U. Issuance of a Criminal Summons In lieu of Arrest Warrant

1. A Criminal Summons Complaint can be filed for misdemeanor charges only.
2. A police report must be written when filing a Criminal Summons.
3. Criminal Summons Complaints should be completed on the State of New Mexico Criminal Complaint form with the word "SUMMONS" written across the top of the form.
4. A Criminal Summons Complaint can be filed when:
 - a. The officer did not witness the incident but has probable cause to believe the crime occurred.
 - b. The offender cannot be located.
 - c. The offender has been taken to a hospital or mental health evaluation facility and will not be released by the end of the officer's shift. (This does not include domestic violence offenders; refer to section 2-83-4-C).
5. Required information on the Criminal Summons Complaint will be the same as a Custodial Criminal Complaint.
6. Incomplete/incorrect information on the Criminal Summons Complaint
 - a. The Court Services Supervisor will review all Criminal Summonses. If the information on the complaint is incomplete/incorrect the Court Services Supervisor will notify the officer of the corrections needed.
 - b. The officer will have three days or their next available work-day to correct the summons.
 - c. If the Summons Complaint is returned to the submitting due to an incorrect address, the Complaint will be dismissed.
 - d. If the summons is not corrected, the officer's commander will be notified.
 - e. If the officer is unable to locate the correct identifiers or a current address for the defendant, the officer will write a supplemental report documenting these reasons.
7. Filing the Criminal Summons Complaint



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-80

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 01/14/16

- a. The completed original complaint, 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 two copies, must be sent to the Court Services Unit for filing.
- c. The original complaint must contain an original signature. Faxed copies will not be accepted.