



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-80 (Formerly 2-14)

Effective: 11/01/2022 Review: 11/01/2023 Replaces: 04/26/2018

## 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### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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 \(Formerly 2-06 and 8-14\)](#)

[2-16 Reports \(Formerly 1-05\)](#)

[2-52 Use of Force: General \(Formerly 3-45\)](#)

[2-73 Collection, Submission, and Disposition of Evidence and Property \(Formerly 2-08\)](#)

[2-82 Restraints and Transportation of Individuals \(Formerly 2-19\)](#)

#### B. Form(s)

PD 3097 Temporary Detention Log

[PD 4201 Criminalistics Section Request for Service Form](#)

#### C. Other Resource(s)

McClendon, et al. v. City of Albuquerque, 29 F. Supp. 2d 1267 (D.N.M. 1996)

NMSA 1978, § 30-2-1 Murder

NMSA 1978, § 30-2-3 Manslaughter

NMSA 1978, § 30-6-1 Abandonment or Abuse of a Child

[U.S. Department of State Bureau of Consular Affairs](#)

#### D. Rescinded Special Order(s)

17-53 Court Order In *McClendon* and Arrest Procedures

17-93 Criminal Summons

20-18 Authority to Issue Citations and Arrest Pursuant to APD SOP and the McClendon Settlement and Agreement

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



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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. Exigency**

A situation known to sworn personnel prior to or at the time of a warrantless arrest which does not necessarily amount to an imminent threat of danger, escape, or destroyed evidence, but provides sufficient factual basis for making the warrantless arrest, such as an on-the-scene arrest based upon probable cause.

**B. Exigent Circumstances**

An emergency situation (known to sworn personnel prior to or at the time of a warrantless arrest) requiring swift action to prevent imminent danger to life, to forestall the imminent escape of a subject, or the immediate destruction of evidence.

**C. 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.

**5 2-80-4 Arrests**

**A. Felony Arrest Authority**

**N/A**

1. Sworn personnel may make felony arrests through the authority of an arrest warrant or based on probable cause, specific statutory authority to arrest, plus exigent circumstances or an articulable exigency that prevents securing an arrest warrant imminently.

**a. Sworn personnel may make probable cause felony arrests for all:**

- i. Violent crimes, including but not limited to, kidnapping, homicide, aggravated battery, aggravated assault, robbery offenses, criminal sexual penetration and contact, and felony domestic violence
- ii. Felony narcotic offenses; and
- iii. Felonies in progress, including, but not limited to, violent crimes and property crimes.

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.



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B. Misdemeanor/Petty Misdemeanor Arrest Authority

N/A

1. Sworn personnel may make arrests on misdemeanor crimes that occur in their presence

N/A

2. Sworn personnel may make a custodial arrest without an arrest warrant for a misdemeanor criminal offense that has occurred outside their presence provided probable cause, statutory authority to arrest, and exigent circumstances, or an articulable exigency exist which would imminently prevent securing an arrest warrant.
3. Sworn personnel shall issue a citation or summons for non-violent misdemeanor offenses, unless they can articulate and clearly document what facts or circumstances necessitated making a custodial arrest for that offense.
  - a. The individual's lack of a fixed address is not a justification for making a custodial arrest for a non-violent misdemeanor offense.
4. 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 non-violent misdemeanor and non-violent felony cases.
5. 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

1. The arresting officer shall:

N/A

- 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. Arrest(s) Involving Controlled Substances



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

E. Arresting Individuals Who Hold a Specialized Status

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.

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- a. 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.



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- 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 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](http://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.



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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:
    - 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





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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.

5. Sworn personnel may execute an arrest warrant without a supervisor present when the wanted individual comes into contact with sworn personnel during their normal course of duty.

N/A

6. When following the protocol for serving an arrest warrant at a known location, sworn personnel shall follow the requirements for serving a search warrant as outlined in SOP Execution of Search Warrants (refer to SOP Execution of Search Warrants for sanction classifications and additional duties).

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.

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8. Sworn personnel shall first obtain the approval of the Criminal Investigations Division Commander or their designee before seeking prosecutor or judicial approval for an arrest warrant affidavit for the following crimes:

a. Murder, pursuant to NMSA 1978, § 30-2-1;

b. Manslaughter, pursuant to NMSA 1978, § 30-2-3;

c. Child neglect that results in the death of a child, pursuant to NMSA 1978, § 30-6-1 F.;

d. Child abuse resulting in the death of a child age twelve (12) to eighteen (18), pursuant to NMSA 1978, § 30-6-1 G.; and

e. Child abuse resulting in the death of a child less than twelve (12) years of age, pursuant to NMSA 1978, § 30-6-1H.

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.

H. Teletype Requests



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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.
    - 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 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.





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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.

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 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).

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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;



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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;
  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.



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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.

**6** 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 the Department's records management system, 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 the Department's records management system 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. Sworn personnel shall conduct a warrants check on individual(s) before issuing a misdemeanor citation.



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- a. If the individual(s) has an outstanding misdemeanor warrant(s), sworn personnel shall make an arrest and complete a Criminal Complaint rather than issue a misdemeanor citation.
4. Supervisors shall approve all criminal complaints, criminal summonses, and juvenile statements of probable cause in the Department's records management system 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.
5. Supervisors shall email criminal complaints, criminal summonses, or juvenile statements of probable cause that were not completed in the Department's records management system 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.



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- 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. Using the Bernalillo County Metropolitan Courthouse Bonding Window

1. After sworn personnel confirm the existence of a valid misdemeanor warrant through ECC NCIC personnel, they shall:
  - a. Use the Bernalillo County Metropolitan Courthouse bonding window to allow individuals to post bond, pay fines, or resolve the warrant; and
    - i. The in-custody individual is required to pay the full bond amount.
  - b. Verify whether the individual has the required cash before transporting them to the Bernalillo County Metropolitan Courthouse bonding window.
    - i. Sworn personnel shall not wait for the individual's friend, relative, or acquaintance to bring the cash to the bonding window.



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D. 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.

E. 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:





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- 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.

F. 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;



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- 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.

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G. 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.

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



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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 Summonses
  - 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.
  - 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.



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I. 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](mailto: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.