



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-81

Effective: 11/12/2021

Review: 11/12/2022

Replaces: 12/13/2017

2-81 OFF-DUTY CONDUCT: POWER OF ARREST

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[1-1 Personnel Code of Conduct](#)

[2-1 Uniforms](#)

[2-3 Firearms and Ammunition Authorization](#)

[2-41 Traffic Stops](#)

[2-56 Use of Force: Reporting by Department Personnel](#)

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, § 4-41-12 Entering Other Counties; Powers

D. Rescinded Special Order(s)

None

2-81-1 Purpose

The purpose of this policy is to provide Albuquerque Police Department (Department) sworn personnel requirements for taking law enforcement action while off-duty.

2-81-2 Policy

It is the policy of the Department to determine and regulate specific situations and locations at which an off-duty officer is permitted to take any law enforcement action.

N/A 2-81-3 Definitions

A. Conflict of Interest

A conflict of interest exists when an employee's personal interest or relationship in a transaction, business dealing, or an obligation conflicts with the employee's duties to the Department or City of Albuquerque.

B. Personally Involved

Where the off-duty officer has a personal interest in a disputed matter, or is asked to intervene on behalf of a family member or someone with whom they have an



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established relationship, except in situations where the off-duty officer is the victim of the crime.

2-81-4 Procedures

A. Liability Protection

1. Sworn personnel have liability protection for both on-duty and off-duty performance of official duties.
 - a. This protection does not extend to malicious acts that result in injury or damage or to those actions that sworn personnel knew, or reasonably should have known, were in conflict with the law, or the established policies or customs of the Department.

7 B. Off-Duty Responsibilities

1. Except as allowed by this Standard Operating Procedure (SOP), off-duty sworn personnel shall not enforce non-violent misdemeanors and low-level non-violent felonies, and non-violent felony warrants.
2. Off-duty sworn personnel shall immediately report any suspected or observed violent criminal activities or situations where there could be an immediate risk of physical harm to others to on-duty personnel. Sworn personnel shall report incidents by notifying the Emergency Communications Center (ECC) by telephone.
 - a. However, if the situation requires an immediate response, sworn personnel may use their Department-issued police radio, if available.
3. Once on-duty sworn personnel are on-scene, off-duty personnel shall remain available to relay any pertinent information to the responding on-duty officer(s). Off-duty personnel shall not involve themselves in the situation unless it threatens the safety of the on-duty sworn personnel and requires their continued presence and involvement.

N/A

4. Whenever an arrest is necessary, the off-duty arresting officer shall abide by all Department policies and procedures, including immediately reporting a use of force to their chain of command when involved in off-duty enforcement action (refer to SOP Use of Force: Reporting by Department Personnel for sanction classifications and additional duties).

N/A

5. While off-duty and conducting an arrest or other police function, such as using emergency warning equipment to warn drivers of possible danger or to slow down, sworn personnel shall have in their possession their badge, identification card, and Department-approved on-duty or off-duty firearm to effectively perform a police function (refer to SOP Personnel Code of Conduct, SOP Uniforms, and SOP



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Firearms and Ammunition Authorization sanction classifications and additional duties).

6. Sworn personnel shall advise their chain of command any time they act in their official capacity while off-duty, regardless of the extent of their involvement.

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C. Permitted Off-Duty Arrest

1. While off-duty, sworn personnel may make an arrest when the following situations occur:

- a. The arresting officer is not personally involved in the incident underlying the arrest;
- b. There is an immediate need for the prevention of a crime where there could be an immediate risk of physical harm to others or for the apprehension of a suspect for violent criminal activities;
- c. The crime would be charged as an offense requiring a full custodial arrest. The arresting officer is in possession of appropriate police identification (i.e., badge and identification care) (refer to SOP Uniforms for sanction classifications and additional duties); and
- d. The arresting officer is commissioned or cross-commissioned in the jurisdiction or the arresting officer is acting consistent with NMSA 1978, § 4-41-12.

N/A

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D. Prohibited Off-Duty Arrest

1. Sworn personnel shall not make an arrest while off-duty under the following circumstances:

- a. When the arresting officer is personally involved in the incident underlying the arrest;
- b. When engaged in off-duty employment of a non-police nature and when officer's actions further only the interests of the private employer; or
- c. When the arrest is made solely for enforcement of a minor traffic violations. Despite the fact that a police officer has police powers and responsibilities twenty-four (24) hours a day, throughout the jurisdiction, the off-duty officer shall not enforce minor traffic violations (refer to SOP Uniforms and SOP Traffic Stops for sanction classifications and additional duties).

N/A