

**TITLE: LIMITS OF AUTHORITY**

**CODIFIED:** 4.1  
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**PURPOSE**

The purpose of this directive is to define and discuss the scope and limits of the department's law enforcement authority and provide guidelines related to the use of authority and the discretion sworn personnel may use as alternatives to arrest.

**DISCUSSION**

Chapter 3, New Mexico Statutes Annotated outlines and authorizes the authority of Municipal Police Officers.

It is recognized that in the course of their duties, officers will have to use their own discretion. Many instances of public contact will occur in which an arrest may be justified by State Statute, but due to mitigating circumstances, an arrest should not be effected.

**POLICY**

It shall be the policy of the Santa Fe Police Department to operate pursuant to the authority vested in it by the State of New Mexico. Officers of the department shall fully understand the authority vested in them by the State of New Mexico and by the Chief of Police. Officers shall use judgement and discretion commensurate with their training and experience, in the execution of their duties.

**PROCEDURE**

**AUTHORITY**

**4.1.01** Officers shall have the same authority and limitations, in accordance with State Statute, as those imposed on the Chief of Police and his/her office. This includes the authority to carry and use firearms and other less-lethal weapons.

**4.1.02** The geographical area for which the Chief of the Santa Fe Police Department is commissioned is the City of Santa Fe, New Mexico. The enforcement of State Statutes and local ordinances is authorized within the City limits of Santa Fe, New Mexico. Sworn members of the Santa Fe Police Department are not authorized to enforce State Statues or local ordinances elsewhere unless allowed by law (Operational Assistance and Voluntary Cooperation Agreements).

**DISCRETION-MISDEMEANOR OFFENSES**

**4.1.03** Officers are cautioned to use discretion in the performance of their assigned duties, taking into consideration the conditions present at the time, the constraints of existing policy, Statutes, laws and/or ordinances pertaining to the situation and the available alternatives.

**4.1.04** Officers may arrest subjects for misdemeanor offenses committed in the presence of the officer or for misdemeanor crimes where there is a statutory exception to the requirement that the crime be committed in the presence of the officer.

**4.1.05** Officers who arrest persons for misdemeanor offenses may issue Non-Traffic Misdemeanor/Notice to Appear Citations in lieu of booking, unless the officer has specific grounds to justify physical arrest and booking.

**4.1.06** Notwithstanding the statutory exceptions to the misdemeanor arrest rule, an officer may arrest persons for misdemeanor offenses committed in his presence rather than issue a Notice to Appear in the following cases:

- The subject is a known habitual offender;
- The offense was violent in nature;

- The officer has reason to believe the accused will repeat the offense if left at liberty;
- The accused exhibits violent or disorderly behavior;
- The accused has no valid address;
- The accused has previously failed to respond to a notice or summons;
- The accused refuses to sign a Notice to Appear Citation or is unable to provide sufficient identification.

**DISCRETION - TRAFFIC OFFENSES**

4.1.07 Arrests for misdemeanor traffic offenses may be handled by the issuance of a Uniform Traffic Citation with the same guidelines as listed for a Notice to Appear.

4.1.08 New Mexico law prescribes the manner in which persons who commit a traffic infraction are to be cited.

4.1.09 New Mexico law further provides that any person arrested for a misdemeanor traffic offense must sign the Uniform Traffic Citation in order to secure his release.

**DECISION TO ARREST**

4.1.10 The decision regarding an arrest should be made after careful consideration of the following:

- Whether the arrest would cause a greater risk of harm to the general public than not arresting the offender;
- Whether the offense can best be handled through informal warning;
- The seriousness of the crime committed;

**RELEASE ON SIGNATURE**

4.1.11 If the arresting officer plans to release the defendant after securing a signature on a Notice to Appear, the officer shall obtain positive identification from the accused.

**ADDITIONAL ALTERNATIVES**

4.1.12 Additional methods which may be utilized as alternatives to arrest include but are not limited to:

- The issuance of a citation or Notice to Appear for misdemeanors or violations of ordinances in accordance with the guidelines in this directive;
- Informal resolution of the problem;
- A verbal warning prohibiting the conduct;
- Referral to a community service organization.
- Juveniles may be released to the custody of a Parent or legal guardian;
- Evaluation for protective custody or mental hold.

DRAFTED(adp)/08-00

APPROVED:   
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