

ALBUQUERQUE POLICE DEPARTMENT
* PROCEDURAL ORDERS *

Effective: 11/18/2011; Replaces: 04/11/2007
POR07-04

2-26 INVESTIGATION OF PROPERTY CRIMES

POLICY:

Department policy is to have Field Services officers take the initial reports and conduct follow-up investigations on all property crime cases unless otherwise indicated in the department Standard Operating Procedures manuals.

PROCEDURE:

2-26-1 INITIAL AND FOLLOW-UP INVESTIGATIONS
[N/A]

Field Services officers will conduct the initial and follow-up investigation in all cases involving property crimes brought to their attention, with the exception of burglary offenses, **auto thefts and non-custody white collar crimes**. All **residential and commercial burglaries, auto thefts and non-custody white collar crimes** will be forwarded to the **Central Investigations Bureau, Property Crimes Division for follow-up**. All other follow-up investigations may be conducted by the initial officer or by Area Command Criminal Investigations personnel according to Field Services policy. Area commanders may request assistance from their Criminal Investigation detectives when needed.

RULES:

2-26-2 UNLAWFUL TAKING OF MOTOR VEHICLES (AUTO THEFT)
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A. Officers taking initial auto theft reports will verify license numbers and vehicle identification numbers (V.I.N.) prior to submitting a written offense report. Verification can be made through Motor Vehicle Division (M.V.D.) checks. Out-of-state licenses and vehicle identification numbers can be verified on the Mobile Digital Terminal (M.D.T.) in most cases and by the National Crime Information Center (N.C.I.C.) terminal operator via teletype in exceptional cases. If information cannot be verified, the report will be submitted with the reasons for lack of verification included in the narrative of the report.

Personnel completing auto theft reports shall have the Auto Theft Victim Questionnaire (PD Form 1391) attached to the report.

B. For N.C.I.C. entry, all auto thefts **and stolen license plates** will be called in to the Report Review Unit as soon as the license **plate**, vehicle **and/or V.I.N.** have been verified. Officers will note in their report the time Report Review was contacted for N.C.I.C. entry and the identity of the clerk to whom the information was given.

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C. **Recovery of Stolen Vehicles and/or License Plates**

- a. When recovering a stolen vehicle **that was reported by APD officers will submit a supplemental report. All header information from the original auto theft report will be used on the supplemental report. The supplemental report will list the vehicle recovery information only.**
- b. **When recovering a stolen license plate that was reported by APD, officers will submit a supplemental report. All header information from the original larceny report will be used on the supplemental report. The supplemental report will list the license plate in the property section of the report and the vehicle the license plate was on in the vehicle section of the report.**
- c. **If officers have an offender in custody, a supplemental report will be written to take the vehicle or license plate out of NCIC, and an original report will be written for any additional charges relating to the incident in which the offender was taken into custody. Both the original report and the supplemental report must refer to each other in their narrative sections by writing, "refer to (list agency) case number for additional information.**
- d. **All recovered vehicles and/or stolen license plates that had been reported stolen in a different jurisdiction will require an original APD offense report be filed. APD officers cannot write a supplemental to a different agency's original report.**

D. The theft of motor vehicles in which the victim signs a waiver of prosecution will not be entered into N.C.I.C. The intent to prosecute on the Offense/Incident report shall be signed.

E. Embezzled motor vehicles will only be entered into N.C.I.C. at the request of the investigating officer with a notation in the N.C.I.C. entry to hold the vehicle and I.D. the subject only. When possible, a warrant should be obtained for the offender. When a warrant is obtained, a copy will be attached to the vehicle supplement requesting entry into N.C.I.C. The intent to prosecute on the Offense/Incident report shall be signed.

F. Cases involving motor vehicles obtained through fraudulent means will follow the same guidelines as used for embezzled vehicles.

G. The Auto Theft Unit will have investigative responsibilities for and may be called out on the following types of cases:

1. In-custodies involving auto theft.
2. Receiving and transferring a stolen motor vehicle.
3. The altering or removing of a V.I.N.

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4. Personnel should also contact the Auto Theft Unit prior to towing any vehicle with an altered or removed V.I.N.

H. Vehicles in Dispute of Ownership

1. If it is determined that a dispute exists concerning the ownership of vehicles, officers/detectives will:
 - a. Obtain the paper copy of the MVD registration for the vehicle from the party(s) involved and title if available.
 - b. Contact N.C.I.C. to determine:
 - 1) the registered owner; verification of the paper copy of the vehicle registration and title,
 - 2) if the vehicle is reported stolen, and
 - 3) if the vehicle was reported embezzled.
 - c. If there are discrepancies concerning the validity of documents, and/or the N.C.I.C. inquiry and the documents provided by the party(s) involved, officers may, for guidance and advice, contact:
 - 1) auto theft detectives, or the on-call auto theft detective,
 - 2) APD Legal Advisor, or
 - 3) on-call ADA.
2. If it is determined beyond reasonable doubt that the true owner can be identified by verification of documents and/or other means, or if the vehicle was reported stolen/embezzled and after it has been processed, officers should allow the vehicle to be released to the proper owner.
3. If the discrepancies cannot be resolved, officers should:
 - a. Not take the vehicle away from one party and give it to the other.
 - b. Advise the parties to seek legal advise and, if necessary, have the courts determine their respective rights to the property.
4. An Offense/Incident report will be completed, detailing the facts concerning incidents of this nature. If possible, hand-written statements from the parties involved should be obtained.

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WHITE COLLAR CRIMES

- A. Except for in-custody cases, the Investigations Support Bureau, Investigations Division, White Collar Crime Unit will have investigative responsibility.
- B. When practical Field Services officers will investigate white collar crimes if there is an offender in custody. This includes any investigation when the offender is immediately apprehended or there are sufficient solvability factors to believe the offender can be identified and/or apprehended by Field Services officers conducting the follow-up investigation.
 - 1. Considering the complexity of the case, field supervisors must determine whether or not the initial officer will handle the follow-up investigation.
 - 2. All investigations which have insufficient solvability factors to identify or apprehend the offender will be turned over to the Investigations Support Bureau, Investigations Division, White Collar Unit.
- C. It is the responsibility of Field Services supervisors to ensure proper notification of investigative personnel, coordination, proper cases preparation, and final disposition of cases worked by Field Services personnel.
- D. When an offender is in custody and a Field Services supervisor wants the Investigations Division, White Collar Unit to either assist in, or take over a case, the White Collar Crimes Unit supervisor shall be notified. It will be the responsibility of the White Collar Crimes Unit supervisor to have a detective respond.
- E. Since many white collar crimes consist of multiple offenses, it is imperative that the White Collar Crimes supervisor be kept informed of the status of all ongoing white collar crimes investigations being conducted by Fields Operations personnel.

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BURGLARIES

- A. In all cases of residential and commercial burglary, the Burglary Unit will have responsibility for the investigation of the case.
- B. In all cases of auto burglaries the Impact Team will have responsibility for the investigation of the case.
- C. Field Services personnel will be responsible for initiating the original offense report and forwarding these reports as follows:

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1. Commercial and residential burglaries will be forwarded to the Burglary Unit. Officers will note in their reports that the investigation is to continue by stating "Investigation to continue by the Burglary Unit".
 2. Auto Burglaries will be forwarded to the Area Command Impact Team. Officers will note in their reports that the investigation is to continue by stating "investigation to continue by the Area Command Impact Team".
- D. In all cases involving "In-Custody" commercial and residential burglaries, the on-call burglary detective will assume immediate responsibility for the case.
1. Cases involving "In-Custody" commercial and residential burglary offenders, who are apprehended after normal office hours, the on-call burglary detective will be notified through APD radio and will assume sole responsibility for the investigation.
 2. In cases involving "in-custody" auto burglary offenders, who are apprehended after normal office hours, the on-call Impact Team detective will be notified through APD radio and will respond to the scene. Upon arrival the on-call detective will assume sole responsibility for the investigation.
- E. The Burglary Unit will have investigative responsibility in all cases involving "Fencing Operations" and large scale recoveries of stolen property.

2-26-5 ARSON
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- A. In cases of arson or suspected arson, Field Services officers will be dispatched when requested by the Albuquerque Fire Department District Fire Chief or senior fire officer at the scene. Field Services officers will:

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1. Contact the District Fire Chief or the senior fire officer at the scene, to determine why the fire is an arson/suspected arson and gather all pertinent information.
 2. Initiate the original offense report.
 3. Assist Albuquerque Fire Department personnel with securing and controlling the scene.
- B. If the crime is determined to be a misdemeanor, the officer will take any appropriate enforcement action and will be responsible for any follow-up investigation.

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- C. If the crime is determined to be a felony, the Albuquerque Fire Department Arson Unit will conduct all follow-up investigations. However, if arson is used incidental to a crime which results in death, great bodily harm or permanent disfigurement, Field Services officers will call out Area Command Violent Crime Investigations and Criminalistics personnel who will, upon arrival, be responsible for follow-up investigation. This investigation will be coordinated with the Albuquerque Fire Department.
- D. The Albuquerque Fire Department is required to make a Federal Fire Incident Report on all fires. In the event an officer is dispatched or discovers a fire and extinguishes it without assistance, the Albuquerque Fire Department must still be notified.

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LARCENY AND OTHER CRIMES

- A. Officers will note in offense reports if an investigation is to continue by stating, "Investigation to continue by officer or Area Command Property Investigations" (depending on who will have responsibility) in the report narrative. If the case is to be considered inactive pending further leads, this will be stated in the report narrative and the appropriate investigative status box will be checked on the report form.
- B. The complaint in every case must be advised that any cases filed is for the sole purpose of prosecuting the offender, and not for the purpose of recovering personal property, losses, or forcing payments or collections of any kind.
- C. When an officer is conducting an investigation which requires contacting possible witnesses, the officer will list the names, addresses, and telephone numbers of the persons contacted. Officers will not submit reports which state "Officer checked neighborhood with negative results."
- D. Officers will not advise victims that a detective will contact them.

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- E. If a complainant refuses to prosecute, officers will attempt to obtain the complainant's signature on a Waiver of Prosecution form.

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COMPUTER FORESICS UNIT

- A. Computer Forensics detective(s) will provide technical and forensic computer and telecommunications expertise to assist department personnel in the investigation of cases involving computers and telecommunication devices. Computer Forensics detective(s) will attempt to heighten awareness of department personnel of the increasing use of high tech devices in the

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commission of crimes, through training. Computer Forensics detective(s) will be assigned to the Scientific Evidence Division.

B. Responsibilities of Computer Forensics Detective(s):

1. Assume investigative responsibility for all computer crime cases.
2. Assume investigative responsibility for all telecommunication crime cases.
3. Provide forensic processing of all seized computers, computer related equipment, and telecommunication devices.
4. Assist department personnel in the investigation of crimes perpetrated through the use of computers or telecommunication devices by:
 - a. Preparation and execution of search warrants.
 - b. Planning the service of search warrants to insure the preservation of computers, and the information contained therein.
 - c. Seizure of computers, computer related equipment, and telecommunication devices.
 - d. Evaluate seized high tech equipment for value, in order to initiate forfeiture proceedings.
5. Provide department personnel with training in the use of computers that enhance investigative and/or patrol activities.
6. Assist outside agencies with computer crime investigations when requested.
7. Maintain a liaison with national labs such as: Sandia National Laboratories, Los Alamos National Laboratories and Phillips Labs, for technology transfer.
8. Receive and review all offense reports involving computers, computer equipment, and telecommunication devices.
9. Computer Forensics Detective On-call – Personnel requiring assistance after normal work hours can contact the Computer Forensics Detective by pager (251-3729) or request Radio Control to contact the Criminalistics Supervisor on-call.

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C. Obtain/Seizure of a Computer and/or Technical Equipment

1. Personnel seizing a computer and/or technical equipment will contact a Field Investigator to photograph and seize the equipment.
2. Personnel requiring assistance in Search Warrant preparation or execution of a warrant, seizing a computer and/or technical equipment, or acquiring a computer on site, will contact the Computer Forensics Detective at the Crime Lab, or page 251-3729.

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2-26-8 MAJOR CASE PRINTS
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In cases where it is necessary to take major case prints and the suspect is in custody of the Bernalillo County Detention Center, a court order will be obtained. In non-custody cases, voluntary consent may suffice. In all cases where authorization for major case prints has been obtained, arrangements will be made to have the prints taken by criminalistics personnel in the Criminalistics Section, if possible.

2-26-9 PAWN SHOP DETAIL

POLICY:

It is the policy of the Albuquerque Police Department to recover stolen property and prosecute offenders through the enforcement of state statutes and city ordinances regulating pawnshops, secondhand dealers, junk dealers and recycle centers.

PURPOSE:

To establish a formalized procedure on the regulation and investigation of criminal activity stemming from pawn shops, secondhand dealers, junk dealers and recycle centers.

- A. Pawn ticket Entry:** The senior office assistant or designee will be responsible for ensuring the review and entry of pawn tickets received from pawnshops, and second hand dealers, according to the following procedure.

1. When pawn tickets are received from pawnshops in accordance with state statutes and city ordinances, they will be checked for accuracy, date and time report was made available to APD, and for confirmed stolen property hits through NCIC.

B. Recovered Stolen Property

1. Stolen property Origination From The City Of Albuquerque
 - a. When stolen property is located in pawnshops or second hand dealers, the NCIC hit on the property will be checked against the pawn ticket for accuracy. If stolen property out of Albuquerque is located in our jurisdiction, the pawnshop detective will place a police hold on it. The pawnshop detective will enter the hold into the pawnshop hold book located in the Sergeants' office.
 - b. The detective originating the report shall place a hold on the item. The pawnshop hold book will be maintained by the pawn detail Sergeant.
 - c. A supplemental report will be written detailing all the pertinent facts of the case. A pawn hold is a formal notification to the pawn shop or second hand dealer that property within their business has been

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identified as being stolen or possibly stolen. This requires the pawnshops to hold the stolen property in the pawnshop until a detective can take custody of it. The detective will obtain the name of the pawnshop or second hand dealer employee that they advised to hold the item.

- d. When property is seized, the hold will be removed from the hold book and the article will be removed from NCIC. Before seizing the property the detective will verify all possible description (make, brand, colors, styles, serial number, caliber, model numbers, markings, and owner applied numbers). Items seized will also include property that has been identified as evidence pertaining to the prosecution of a criminal case, and items which have been identified through investigation as having been stolen. If property is seized detective will fill out a property receipt and give a copy to the pawnshop or second hand dealer. The original will be turned in to records. When impounding the property the pawnshop or second hand dealer will be listed as an additional victim in the synopsis.
- e. All incidents of recovered stolen property from pawnshops or second hand dealers shall be handled by the pawn detail. The pawn detail detective will have primary responsibility for seizing property from pawnshops and second hand dealers. If the department is notified of stolen property in a pawnshop or second hand dealer after normal pawn detail hours, then a field officer or detective dispatched to the call shall place a police hold on that item and contact the pawn detail the next duty day and advise them of the police hold so that the pawn detail can take over the investigation.
- f. All rental property, items that are alleged to be stolen property, but clear proof of ownership has not been established or the ownership is in dispute, that is pawned or taken to a second hand dealer will not be recovered by the pawn detail; this becomes a civil issue and is not a criminal issue. Detectives shall document these incidents and a police hold may be placed on those items pending civil actions.

2. Stolen Property from other Jurisdictions (In State)

- a. The Senior Office Assistant will fax a copy of the pawn ticket with the stolen article hit to the appropriate agency. In the comments section of the fax they shall advise the agency if a hold has been placed on the item. If the agency is out side of Bernalillo County, at the request of that agency a detective will either place a 30 day hold on the item or recover the item for them. If the item is recovered at the agency's request, the detective will write a recovered stolen property report.

3. Stolen Property from Jurisdictions Out Of State

- a. The Senior Office Assistant will fax a copy of the pawn ticket with the stolen article hit to the appropriate agency. A pawn detail detective will recover the item and tag it into evidence. A recovered stolen property report shall be taken to include the originating agency report number.

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The pawnshop detective will investigate the person pawning the property until all viable leads have been exhausted.

4. Disposition of Property: Property can be released to the owner only with the approval of the assigned detective. If the pawnshop or second hand dealer requests a property disposition hearing in Metro Court, then the property cannot be released until the presiding judge rules on who shall receive the property. Property recovered for other jurisdictions can be released to the responsible agency or agency representative with the authorization of the assigned detective. If the owner cannot be located, the property will be tagged into evidence until the property custodian can publish a public notice.

C. Inspections and Violations

1. Violations of City Ordinances/ State Laws: The Pawn Detail will investigate all violations of state statute or city code involving pawnshops or second hand dealers. Upon the completion of the investigation, the detective will submit the case to the proper prosecutorial agency for review.
2. Inspection of Pawnshops and Second Hand Dealers
 - a. The pawn detail will conduct a yearly inspection of each pawnshop. The detective will also inspect second hand dealers and recycle centers as frequently as possible. The results of the inspections will be recorded on an inspection form and appropriate action will be taken on any violations found. The detective will sign the inspection form and provide the business a copy of the inspection form after the business representative has signed it, acknowledging receipt. If the responsible party refuses to sign the inspection form, the detective will write refused in the area provided for the responsible party to sign and give them a copy.
 - b. The pawn detective will keep a file on each pawnshop, second hand dealer and recycle center. The inspection form will be placed in the corresponding business file. Any significant contact with these businesses will be noted on the inspection form with the times and date. The original will be placed in the shop's file.