

ALBUQUERQUE POLICE DEPARTMENT
* PROCEDURAL ORDERS *

Effective: 08/27/99; Addition to the Manual

2-32 GRAFFITI CASES

POLICY:

The Special Investigations Division, Gang Unit, will be responsible for reviewing and submitting completed graffiti reports and cases to the City Attorney for civil action. This review and submission will be where public property was damaged or in certain cases where public funds were used to clean up graffiti on private property. **This policy will only apply to cases where an offender is in custody.**

DEFINITIONS:

2-32-1 COMPLETED REPORTS/CASES

The term completed report or case refers to the preliminary and or follow up investigation by an Area Command investigative unit (felony) or by an officer taking a misdemeanor report. A completed case or report will include:

- A. A case where an offender or offenders are clearly identified (proper name, DOB, SSN, etc.), including current address and telephone numbers.
- B. If the offender is a juvenile, the parents of the offender must also be identified (name, DOB, SSN, etc.), current address, employer, and phone numbers.
- C. Photographs of the damage MUST be taken.
- D. Statements from witnesses or offenders.
- E. Statements from private property owners.
- F. Estimate of the cost to repair the damages.

2-32-2 PUBLIC PROPERTY

This term refers to all government areas, buildings, vehicles, easements, utilities and property not owned by a private individual.

2-32-3 PRIVATE PROPERTY

This term refers to all areas, buildings, vehicles, easements, utilities and property owned by a private individual.

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RULES AND PROCEDURES:

2-32-4 FORWARDING CASES TO GANG UNIT

A copy of the completed report or case, where an offender is in custody, must be sent to the Special Investigations Division, Gang Unit, within 48 hours of the incident.

2-32-5 REVIEW BY THE GANG UNIT

- A. The Gang Unit will review the case for completeness and make a recommendation to pass the case to the City Attorney within 30 days if the matter meets the criteria for submission.
- B. Cases that do not meet the minimum criteria will be returned to the investigative unit or original officer with a notation as to the deficiency. The Area Command investigative unit or original officer may elect to correct the case and then resubmit the case to the Gang Unit.
- C. The Gang Unit will ascertain costs from the Graffiti Removal Unit if the Graffiti Removal Unit was called for clean up. This will be done through a supplemental report that will be attached to the completed case if it is submitted to the City Attorney.

2-32-6 PRIVATE COMPLAINTS

Due to the volume of private property incidents, officers are to make private property owners aware that the police department will not seek damages for costs incurred by a private property owner for graffiti removal. That is the responsibility of the property owner.

2-32-7 COURT ORDERED RESTITUTION

In certain cases a criminal court may order restitution in graffiti cases. Officers testifying at criminal trials are encouraged to have the judge impose restitution as part of the sentence.

2-32-8 GRAFFITI REMOVAL UNIT LIAISON

The Gang Unit Sergeant will coordinate with the Graffiti Removal Unit on a regular basis to determine the scope and threat of violent gang graffiti that the Graffiti Removal Unit encounters as a result of citizen calls that are not reported to the Department.