



2-103 TRESPASS NOTIFICATIONS

Related SOP(s), Form(s), other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

2-16 Records

B. Form(s)

PD 3085 Criminal Trespass-Order Not to Return (CT) Form

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-103-1 Purpose

The purpose of this policy is to enable sworn personnel, businesses, and community members to prevent individuals from criminally trespassing onto real property through the issuance of the Criminal Trespass (CT) form. This form is designed to be used at businesses and residences as a way to formally notify an individual that the person in possession of real property has denied or withdrawn consent for the individual to enter or remain on the property.

2-103-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide the CT form as requested and authorized by law.

2-103-3 Definitions

A. Real Property

A term applied to land and immovable property on land such as buildings.

7 2-103-4 Rules and Procedures

A. Criminal Trespass (CT) Form

1. Sworn personnel shall:



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-103 (Currently 4-23)

P&P Draft 02/02/2022

N/A

- a. Issue a CT form when requested by the owner, lessee, proprietor, or any other person in lawful possession of real property who lawfully denies or withdraws consent for an individual to return on or be around the property;
 - b. Complete the CT form and obtain the following signatures:
 - i. The owner, lessee, proprietor, or any other person in lawful possession of real property;
 - ii. The issuing officer; and
 - iii. The individual being denied consent to return to the property.
 - c. Indicate "Refused" in the signature box if the individual refuses to sign the CT form;
 - d. Provide one (1) copy of the CT form to:
 - i. Records Division personnel, consistent with SOP Records (refer to SOP Records for sanction classifications and additional duties);
 - ii. The owner, lessee, proprietor, or any other person denying or withdrawing consent; and
 - iii. The individual for whom consent to enter or return to the property was denied or withdrawn.
 - e. Complete a Uniform Incident Report, consistent with SOP Reports.
2. When available, sworn personnel who respond to a call for service for an individual who allegedly criminally trespassed shall:
- a. Include the original Computer-Aided Dispatch (CAD) entry and case number from the previously issued CT in the Uniform Incident Report narrative section; and
 - b. Obtain a copy of the CT form from the owner, lessee, proprietor, or any other person or Records Division personnel as evidence.



~~4-23~~ 2-103 ~~_____~~ TRESPASS NOTIFICATIONS

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

A. Related SOP(s)

~~SOP-2-16~~ Records

B. Form(s)

PD 3085 Criminal Trespass-Order Not to Return (CT) Form

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-103-1 Purpose

~~The purpose of this policy Criminal Trespass Notification-Order Not to Return Form is to give enable officers sworn personnel, businesses, and citizens the community members more leverage into enforcing the crime of prevent individuals from Criminally Trespassing onto real property through the issuance of the Criminal Trespass (CT) form formal documentation. This form is designed to be used at businesses and residences, as a way to formally notify an individual, that the person in possession of real property has denied or withdrawn consent for the individual to enter or remain on the property.~~

2-103-2 Policy

~~It is the policy of the Albuquerque Police Department (Department) to provide the Criminal Trespass Notification-Order Not to Return documents CT form as requested and authorized by law.~~

2-103-3 Definitions

A. Real Property

A term applied to land and immovable property on land such as buildings.

7 2-103-4 Rules and Procedures



~~4-23-1 Rules and Procedures~~

~~1. Criminal Trespass (CT) Notification - Order Not to Return Form (CT) (CT)~~

~~A.~~

~~2.~~

1. Sworn personnel shall:

~~3. Issue a CT form when requested by. The purpose of the Criminal Trespass Notification form is to give officers, businesses, and citizens more leverage in enforcing the crime of Criminal Trespass through formal documentation. This form is designed to be used at businesses (for shoplifting, disturbances, etc.) and residences, as a way to formally notify a subject that he/she has been denied consent to enter or remain on the property of another. This form is not designed for parking lot/cruiser problems.~~

~~a. If the owner, lessee, proprietor, or any other person in lawful possession of real property, who lawfully denies or withdraws consent for an individual subject to return on or be about that around the property, sworn personnel issue a~~

~~4. C, an officersworn personnel shall complete an offense/incident report utilizing the New Mexico Uniform Incident report.~~

~~a. complete the Criminal Trespass Notification - Order Not to Return Form CT form and obtain the following signatures: by the officer.~~

~~b.~~

~~b. Sworn personnel shall obtain sig the following~~

~~i. The owner, lessee, proprietor, or any other person in lawful possession of real property;~~

~~ii. The issuing officer; and~~

~~iii. The individual being denied consent to return to the property are obtained.~~

~~iii. Sworn personnel shall s can of~~

~~Indicate Enter "Refused" in the signature box i by~~

~~(if the subject individual refuses to sign the CT form, Sworn Personnel shall, write "Refused")~~

~~5.~~

~~c.~~

~~6. Sworn personnel shall Disseminate Provide one (1) copy of the CT form to each of the following; the sworn personnel officer shall disseminate the one copies as follows:~~

~~d.~~

~~a.i. The One copy to Department's Records Division personnel, consistent with SOP 2-16 Records (refer to SOP Records for sanction classifications and additional duties); Attach the original to the Offense/Incident Report.~~

N/A



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-103 (Currently 4-23)

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- ~~b.ii. The One copy to the The Owner, lessee, proprietor, or business any other person denying or withdrawing consent; and denying consent; and will keep a copy on file at the property.~~
 - ~~iii. The One Copy to the The subject/offender individual for whom consent to enter or return to the property was denied or withdrawn or denied being denied consent to return to the property.~~
 - ~~e. Complete a Uniform Incident Report, consistent with SOP Record Reports.~~
2. ~~When available, Sworn personnel who respond to a call for service for an individual who an allegedly violation of criminally trespassed shall when available:~~
- ~~a. Include the original Computer-Aided Automated Dispatch (CAD) entry and case number from the previously issued CT in the Uniform Incident Report narrative section; and~~
 - ~~b. Obtain a copy of the CT form from the owner, lessee, proprietor, or any other person/business or the Records Division personnel as evidence.~~
 - ~~e. shall be given a copy.~~
7. ~~If an officer is responding to an alleged violation of Criminal Trespass, the officer shall:~~
- ~~a. Include in the Criminal Trespass Offense/Incident report narrative section, the incident number from the upper left hand corner of the Criminal Trespass Notification form.~~
 - ~~b. When subpoenaed into Court, obtain a copy of the original Criminal Trespass Notification from Records as evidence.~~