



2-104 CIVIL DISPUTES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices
- 2-80 Arrests, Arrest Warrants, and Booking Procedures
- 2-92 Crimes Against Children Investigations

B. Form(s)

Uniform Incident Report

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-104-1 Purpose

The purpose of this policy is to provide guidance to Albuquerque Police Department (Department) personnel when assisting the community with civil disputes.

2-104-2 Policy

It is the policy of the Department to respond to calls involving civil disputes primarily for the purpose of restoring order.

N/A 2-104-3 Definitions

None

7 2-104-4 Procedures

A. Disputes

5 1. Custody Disputes

- a. Sworn personnel responding to custody disputes where a Parenting Plan or court order regarding timesharing is in place shall limit their response to restoring order between the parties. Sworn personnel shall:
 - i. Not order or force the removal of the child from the current custodial parent; and



- ii. Advise the parties to seek legal advice on the matter and completely document the incident in a Uniform Incident Report.
- b. If sworn personnel encounter a situation where a pick-up order for a child has been issued by the court and signed by a judge, they shall enforce the pick-up order according to the directives outlined in the pick-up order.
 - i. Sworn personnel shall complete a Uniform Incident Report documenting the incident and the enforcement of the court's order.
- c. When sworn personnel suspect child abuse or neglect in the home of the current custodial parent, they shall call the New Mexico Children, Youth, and Families Department (CYFD) to take custody of the child, and CYFD decides appropriate placement of the child.
 - i. Sworn personnel shall complete a Uniform Incident Report documenting the incident, consistent with SOP Crimes Against Children Investigations.
- d. In cases where there is an Order of Protection addressing child custody, sworn personnel shall enforce the custody provisions of the Order so long as the custody portion has not expired or been modified by a more recent Order of Protection.

2. Disputes Involving Liens

Sworn personnel shall not attempt to take personal property away from one individual and give it to another if there is a dispute over ownership of the property involved.

3. Disputes Over Property Disposition

Sworn personnel shall advise the individual in possession of the property not to dispose of it until the courts have resolved the matter.

4. Disputes Involving Rent or Lease Agreements

Sworn personnel responding to calls regarding disputes over rent and/or lease agreements shall limit the response to restoring order.

B. Referrals for Legal Advice

Sworn personnel shall advise the individuals to seek legal advice and permit the courts to determine their respective rights to the property.

C. Court Order Enforcement

1. Sworn personnel are advised to be cautious of court orders of a suspicious nature. When one individual has a court order that appears to grant them the right to possession of the property in question, the order shall be enforced only by the official specifically directed to do so in the order.



2. Sworn personnel shall complete a Uniform Incident Report when they take action based on the content of a court order.
3. Sworn personnel shall document the court order with their on-body recording device (OBRD), consistent with SOP Use of On-Body Recording Devices.

D. Bondsman and Bounty Hunter Authority

1. The Emergency Communications Center (ECC) shall only dispatch sworn personnel on calls received from a bondsman or bounty hunter requesting a police response when there is a disturbance.
- 5 2. Sworn personnel shall not act as agents of, or on the behalf of, a bondsman or lend their cloak of "color of law" to this private undertaking.
3. Sworn personnel shall not give advice to a third party or a bondsman pertaining to the bondsman's authority.
 - a. The bondsman acts on their own, and sworn personnel shall not render assistance.
4. Once they have determined the bondsman's authority, sworn personnel should only become involved if there is an actual breach of the peace.
- 5 5. Sworn personnel shall not assist the bondsman/bounty hunter in gaining entry into the residence.
6. If the criteria are met, which justify warrantless entry into a residence, sworn personnel shall instruct the bondsman/bounty hunter to remain outside.
7. Sworn personnel shall only take custody of the individual when there is a verified arrest or bench warrant.



~~2-104-24~~ **CIVIL DISPUTES**

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

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices
- 2-80 Arrests, Arrest Warrants, and Booking Procedures
- 2-92 Crimes Against Children Investigations

B. Form(s)

Uniform Incident Report

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-104-1 Purpose

The purpose of this policy is to provide guidance to Albuquerque Police Department (Department) personnel when assisting the community with civil disputes.

~~4-24-12-104-2~~ **Policy**

It is the policy of the ~~Department~~ Department to respond to calls involving civil disputes primarily for the purpose of restoring order.

N/A

2-104-3 Definitions

None
~~the individual~~

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~~4-24-22-104-4~~ **Procedures**

A. Disputes

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1. Custody Disputes

- a. Sworn personnel responding to custody disputes where a Parenting Plan or Court Order regarding timesharing is in place shall limit their response to restoring order between the parties. Sworn personnel shall:



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- i. Not order or force the removal of the child from the current custodial parent; and
- ii. Advise the parties to seek legal advice on the matter and completely document the incident in a Uniform Incident Report.
- b. If sworn personnel encounter a situation where a ~~p~~Pick-up ~~o~~Order for a child has been issued by the ~~c~~Court and signed by a judge, they shall enforce the ~~p~~Pick-up ~~o~~Order according to the directives outlined in the ~~p~~Pick-up ~~o~~Order.
 - i. Sworn personnel shall complete a Uniform Incident Report documenting the incident and the enforcement of the ~~c~~Court's ~~o~~Order.
- c. When sworn personnel suspect child abuse or neglect in the home of the current custodial parent, they shall call the New Mexico Children, Youth, and Families Department (CYFD) to take custody of the child, and CYFD ~~will~~ decides appropriate placement of the child.
 - i. Sworn personnel shall complete a Uniform Incident Report documenting the incident, ~~c~~Consistent with SOP Crimes Against Children Investigations.
- ~~—~~In cases where there is an Order of Protection addressing child custody, sworn personnel shall enforce the custody provisions of the Order so long as the custody portion ~~of the Order of Protection~~ has not expired or been modified by a more recent Order of Protection.
- d.

2. Disputes Involving Liens

Sworn personnel shall not attempt to take personal property away from one individual and give it to another if there is a dispute over ownership of the property involved.

3. Disputes ~~d~~ Over Property Disposition

Sworn personnel shall advise the individual in possession of the property not to dispose of it until the courts have resolved the matter.

~~A.~~ 4. Disputes Involving Rent or Lease Agreements

Sworn personnel ~~Officers~~ responding to calls regarding disputes over rent and/or lease agreements shall ~~not~~ limit the response to restoring order.

~~B.~~ Disputes Involving Liens

~~The officer should not attempt to take personal property away from one party and give it to another if there is a dispute over ownership of the property involved.~~

~~C.~~ B. Resolution Referrals for Legal Advice

Sworn personnel ~~The officer shall~~ advise the individual parties to seek legal advice and permit the courts to determine their respective rights to the property.



~~D.~~ Disputed Property Disposition

~~The officer should advise the party in possession of the property not to dispose of it until the courts have resolved the matter.~~

~~E.C.~~ Court Order Enforcement

1. Sworn personnel are advised to beware be cautious of cCourt o-Order of a suspicious nature.

When if one individual party has a cCourt o-Order that appears to give grant that individual party them the right to possession of the property in question, that order shall not be enforced only by the oOfficial specifically directed to do so in the order.

~~1. Officers are advised to beware of court orders of a suspicious nature.~~

2. Sworn personnel shall complete a Uniform Incident Report wWhen they an officer takes action based on the content of a cCourt o-Order.
~~an incident report will be written~~

3. Sworn personnel shall document a tThe cCourt o-Order shall be documented with their oOn-bBody rRecording dDevice (OBRD), as consistent with SOP Use of On-Body Recording Devices.
~~and a copy of the court order (made by the officer) will be attached to that report.~~

~~F.D.~~ Bondsman and Bounty Hunter Authority

~~The Emergency Communications Center (ECC) shall only dispatch sworn personnel on cCalls received from a bondsman or bounty hunter requesting a police response. to a location will only be dispatched when there is a disturbance.~~

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2. Sworn personnel Officers shawill not act as "agents" of, or on the behalf of, a bondsman or lend their cloak of "color of law" to this private undertaking.

3. Sworn personnel shall Officers will not give advice to a third-party or a bondsman pertaining to the bondsman's authority.

~~The bondsman willwill acts on their own, and sworn personnel shaofficers will not render assistance.~~

a.

4. Once they have determined the bondsman's authority, sSworn personnel should only become involved if there is an actual breach of the peace.

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~~Once they have determined the bondsman's authority,~~

~~2, the officer should only become involved if there is an actual breach of the peace.~~



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5. Sworn personnel shall ~~Officers will not assist the bondsman/bounty hunter in gaining entry into the residence.~~

~~3. Officers may enter the residence when exigent circumstances or an emergency situation exists or arises, or if there is an outstanding warrant for the individual who is believed to reside at the residence and the officer has visually identified the fugitive.~~

6. If the criteria are met, which justify warrantless entry into a residence, sworn personnel shall instruct the bondsman/bounty hunter to remain outside. ~~If criteria which would justify warrantless entry into a residence criteria, which would justify warrantless entry into a residence, are met.~~

~~a. criteria are met, which allows officers to enter the residence to affect an arrest for an outstanding warrant, the bondsman will be instructed to remain outside. The officer will take custody and follow current booking procedures.~~

b. Sworn personnel shall only take custody of the individual when there is a verified arrest or bench warrant. ~~When the defendant does not have a verified warrant, the officer will not take custody of the defendant from the bondsman.~~

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G. Custody Disputes

~~1. Officers responding to custody disputes where a Parenting Plan or Court Order regarding timesharing is in place will limit the response to restoring order between the parties. Officers will not order or force the removal of the child from the current custodial parent. Officers will advise the parties to seek legal advice on the matter and completely document the incident in a report.~~

~~2. If an officer encounters a situation where a Pick Up Order for a child has been issued by the court and signed by the judge, the officer will enforce the Order according to the directives outlined in the Order. A complete report will be written by the officer, documenting the incident and the enforcement of the court's order.~~

~~3. In cases where the officer suspects child abuse or neglect in the home of the current custodial parent, the officer will call Children Youth and Families (CYFD) to take custody of the child on a 48-hour hold and CYFD will decide appropriate placement of the child. A report will be written documenting the incident.~~

~~4. In cases where there is an Order of Protection addressing child custody, officers shall enforce the custody provisions of the Order so long as the custody portion of the Order of Protection has not expired or been modified by a more recent Order.~~