



2-62 CRIMINAL BACKGROUND INVESTIGATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

None

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-62-1 Purpose

The purpose of this policy is to outline the procedures that seek to protect the privacy rights of community members while completing criminal background investigations.

2-62-2 Policy

It is the policy of the Albuquerque Police Department (Department) to conduct background investigations that are related to active case investigations, to maintain the confidentiality of case investigations, and to destroy case files for investigations once their relevance is no longer needed.

N/A 2-62-3 Definitions

A. Criminal Background Investigation

The collection of information about individuals, businesses, or organizations based on known or suspected criminal activity.

6 2-62-4 Procedures

A. Criminal Background Investigations

1. Department personnel shall generate a Computer-Aided Dispatch (CAD) number before beginning a criminal background investigation.



2. Department personnel shall conduct criminal background investigations on their initiative only when the following circumstances exist:
 - a. The criminal background investigation is part of their normal job duties or when directed by a supervisor;
 - b. When information is received that individuals or businesses are believed to be involved or are about to engage in criminal activity;
 - c. As necessary for licensing of business or persons, when required by law or regulation;
 - d. When the subject of the investigation has consented in writing to a criminal background investigation; or
 - e. As necessary for Internal Affairs Professional Standards (IAPS) Division investigations as directed by the Chief of Police.

5 B. Criminal Predicate for Criminal Background Investigation

1. Department personnel shall only conduct a criminal background investigation on individuals, businesses, addresses, or other personnel when they have identifying information related to a possible criminal offense.
2. If Department personnel do not know or believe the information is related to a crime, they shall terminate their investigation.

3 C. Confidentiality of Criminal Background Information

1. Department personnel shall maintain strict confidentiality of criminal background information collected as part of the investigation.
2. Department personnel shall keep criminal background information classified due to its sensitive nature.

5 D. Requests from Outside Agencies

Department personnel shall not perform criminal background investigations at the request of an outside agency if it is clear from the request that the criminal background investigation would violate constitutional rights or would be a violation of the law.

4 E. Use of Information

Department personnel shall only use information obtained during the criminal background investigation for the intended purpose of the investigation or to follow-up on identified criminal activity.

F. Destruction of Criminal Background Information



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-62 (Formerly 1-06)

P&P Draft 04/20/2022

1. Department personnel shall destroy electronic or paper background information when it is determined that the information is no longer needed to meet statutory or regulatory requirements, consistent with federal, state, and local laws.
 - a. Background information that is gathered as part of a criminal background investigation shall become a part of any investigative file that is kept and is subject to destruction requirements established for criminal investigations.

REDLINED



2-62 CRIMINAL BACKGROUND INVESTIGATIONS

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

A. Related SOP(s)

None

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-62-1 Purpose

The purpose of this Department policy is to outline the procedures that seek to protect the privacy rights of community members while completing criminal background investigations.

2-62-2 Policy

It is the policy of the Albuquerque Police Department (Department) to conduct background investigations that are tied related to active case investigations, to maintain the confidentiality of case consistent with a citizen's community member's right to privacy and constitutional guarantees. The results of these investigations, shall be kept confidential and to destroyed case files for investigations once their relevance is no longer needed.

N/A

2-62-3 Definitions

~~A. Administrative Background Investigation~~

~~The collection of information about individuals, community members, businesses, or organizations as necessary for licensing of businesses, organizations, or persons, when required by state law, regulations, or when the subject of the investigation has consented to a background investigation.~~

~~B.A. Criminal Background Investigation~~

~~The collection of information about individuals, businesses, or organizations based on known or suspected criminal activity.~~



2-62-4 _____ Procedures

A. Criminal Self-Initiated Background Investigations

1. Department personnel shall generate a Computer-Aided Dispatch (CAD) number prior to beginning a criminal background investigation.

~~4-2. Personnel Investigative Sworn~~ Department personnel shall may conduct criminal background investigations on their initiative only when the following circumstances requirements are exist met:

~~_____ The criminal background investigation A computer aided dispatch (CAD) number or case number must be generated prior to beginning the background investigation.;~~

~~a. As part of their normal job duties or when directed by a supervisor.;~~

~~2. When information is received that named persons individuals or businesses are believed to be involved, or are about to engage, in some criminal activity.;~~

~~b.;~~

~~a-c. As necessary for licensing of business or persons, when required by law or regulation.;~~

~~b-d. When the subject of the investigation has consented in writing to a criminal background investigation. OR and/or~~

~~e-e. As necessary for Administrative Review Section Internal Affairs Professional Standards (IAPS) Division investigations as directed by the Chief of Police.~~

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B. Criminal Predicate for Criminal Background Investigation

1. If a Department personnel shall only conduct a criminal background investigation on individuals, businesses, addresses, or other personnel when they have identifying information related to a possible criminal offense. is being conducted as a prerequisite for a criminal investigation, officers sworn personnel shall must have a reason to believe that the background will take the investigation toward actual or possible criminal situations.

2. If officers sworn Department personnel do not know or believe the information is related to a crime-related, they shall terminate their investigation must shall be terminated.

3

C. Confidentiality of Criminal Background Information

1. Department personnel shall be extremely careful to maintain strict confidentiality for of criminal B background information that is collected as part of a criminal the investigation.

2. Department personnel shall keep criminal This background information is considered classified due to its sensitive nature. Personnel, both sworn and non-



~~sworn, must~~ shall be extremely careful to maintain strict confidentiality.

5 D. Requests ~~From Other~~ Outside Agencies

~~Sworn Department P~~ personnel shall not perform ~~a~~ criminal background investigations at the request of ~~an outside~~ another agency if it is clear from the request that the criminal background investigation would violate constitutional rights or would be a violation of the law.

4 E. Use of Information

Department personnel shall only use ~~The information obtained will~~ during the criminal background investigation ~~shall be used only~~ for the intended purpose of the investigation or to follow-up on identified criminal activity.

F. ~~Purging~~ Destruction of Criminal Background Information

1. ~~Sworn Department personnel shall P~~ purging destroy electronic or paper of background information ~~will shall be conducted~~ when it is determined that the information is no longer needed to meet statutory or regulatory requirements, consistent with federal, state, and local laws.

~~Background information that is gathered as part of a criminal background investigation will shall~~ become a part of ~~any~~ the operational file of the investigation ~~investigative file that is kept~~ and ~~will be~~ is subject to ~~purge~~ destruction requirements established for criminal investigations.

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