



## **2-86 INVESTIGATION OF PROPERTY CRIMES**

### **Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

#### **A. Related SOP(s)**

- 1-16 Auto Theft Unit (Formerly 5-11)
- 2-8 Use of On-Body Recording Devices (OBRD) (Formerly 1-39)
- 4-23 Trespass Notification

#### **B. Form(s)**

- PD 1337 Waiver of Prosecution
- PD 3085 Criminal Trespass Notification-Order Not to Return

#### **C. Other Resource(s)**

*McClendon, et al. v. City of Albuquerque*, 29 F. Supp. 2d 1267 (D.N.M. 1996)  
SO 20-18 Authority to Issue Citations and Arrest Pursuant to APD SOPs and the  
*McClendon* Settlement Agreement

#### **D. Rescinded Special Order(s)**

- SO 18-124 Eliminate Auto Theft Questionnaire

### **2-86-1 Purpose**

The purpose of this policy is to provide guidance to and procedures for Albuquerque Police Department (Department) personnel who investigate property crimes.

### **2-86-2 Policy**

It is the policy of the Department for Field Services Bureau (FSB) sworn personnel to investigate property crimes, to complete the initial Uniform Incident Report, and to conduct follow-up investigations on all cases for property crimes unless otherwise indicated in the Department's Standard Operating Procedures (SOP).

### **N/A 2-86-3 Definitions**

#### **A. Life-threatening Injury**

Any injury that involves serious physical harm that may result in significant or permanent disfigurement or the loss of a major bodily organ or function, including, but not limited to, the loss of a limb, paralysis, or the loss of eyesight; that may necessitate medical or surgical intervention to prevent permanent impairment; that could potentially cause a significant reduction in the quality of life; or that has the likelihood of causing death.



**7** 2-86-4 Procedures

A. Auto Theft Investigations

1. Department personnel shall:

- a. Verify through the Motor Vehicle Division's (MVD) system that the license plate number and Vehicle Identification Number (VIN) match the vehicle before completing a Uniform Incident Report; and
  - i. In most cases, with assistance from an Emergency Communications Center (ECC) National Crime Information Center (NCIC) Operator, Department personnel can verify out-of-state license plates and VINs through their Mobile Dispatch Terminal (MDT).
    - 1. The ECC NCIC Operator may need to send a teletype to the outside agency for certain cases.
  - ii. If Department personnel cannot verify the license plate number and/or VIN, they shall document the reason in the narrative portion of their Uniform Incident Report.
- b. Report the stolen vehicle and/or license plate to NCIC Reporting Unit personnel.
  - i. Department personnel shall document in their Uniform Incident Report:
    - 1. The time they reported the stolen vehicle and/or license plate to NCIC Reporting Unit personnel; and
    - 2. The name of the employee in the NCIC Reporting Unit who received the report for entry into the NCIC database.
  - ii. The NCIC Reporting Unit employee who received the report shall enter the stolen vehicle and/or license plate in the NCIC database as soon as they receive the report from Department personnel.

2. Department personnel shall not request for a stolen vehicle to be entered in the NCIC database if the victim declines to prosecute and the victim signs the Waiver of Prosecution form.

**N/A** 3. Auto Theft Unit personnel shall follow the procedures for auto theft investigations outlined in SOP Auto Theft Unit (refer to SOP Auto Theft Unit for sanction classifications and additional duties).

**N/A** 4. Auto Theft Unit personnel may be called out to assist with:

- a. Investigations involving an auto theft when an individual is in custody, and the case requires additional follow-up investigation;
- b. Investigations involving the receiving and transferring of a stolen vehicle;
- c. Investigations involving an altered or removed VIN; and
- d. Investigations involving any vehicle with an altered or removed VIN before Department personnel have it towed.



5. Recovering Stolen Vehicles

- a. When Department personnel recover a stolen vehicle for which they completed the initial Uniform Incident Report, they shall:
  - i. Confirm with an ECC NCIC Operator that the vehicle is still listed as being stolen through an ECC NCIC;
  - ii. Contact the NCIC Reporting Unit to update the status of the vehicle in the NCIC database;
  - iii. Complete a Supplemental Report; and
    1. Department personnel shall duplicate the header information from their initial Uniform Incident Report in their Supplemental Report.
    2. The Supplemental Report shall list the recovered vehicle's information and how it was recovered.
  - iv. Include any additional charges in the Supplemental Report.
    1. If the vehicle was reported as stolen by an outside agency, Department personnel shall complete a Uniform Incident Report.
- b. When Department personnel recover a vehicle that was reported by an outside agency and entered into the NCIC database as being stolen, they shall:
  - i. Complete the initial Uniform Incident Report;
    1. Department personnel shall not complete a Supplemental Report for the initial Uniform Incident Report that was completed by the outside agency.
  - ii. Request for an ECC NCIC Operator to notify the outside agency through a teletype that they recovered the stolen vehicle; and
  - iii. After the ECC NCIC Operator sends a teletype, wait for the outside agency to confirm that they continue to show the vehicle as being stolen.
- c. When Department personnel recover a stolen vehicle, when sworn personnel have an individual in custody, they shall complete a Supplemental Report, including any additional charges.
  - i. If an outside agency reported the vehicle as being stolen, Department personnel shall complete the initial Uniform Incident Report.

6. Recovering Stolen License Plates

- a. When Department personnel recover a stolen license plate for which they completed the initial Uniform Incident Report, they shall:
  - i. Confirm the status of the license plate through an ECC NCIC Operator;
  - ii. Contact the NCIC Reporting Unit to update the status of the license plate in the NCIC database; and
  - iii. Complete a Supplemental Report.
    1. Department personnel shall duplicate the header information from their initial Uniform Incident Report in their Supplemental Report.
    2. The Supplemental Report shall list the stolen license plate in the Property section of the report and the vehicle the license plate was stolen from in the Vehicle section of the report.
- b. When Department personnel recover a license plate that was reported by an outside agency and entered into the NCIC database as being stolen, they shall:
  - i. Complete the initial Uniform Incident Report;



1. Department personnel shall not complete a Supplemental Report for the initial Uniform Incident Report that was completed by the outside agency.
- ii. Request for an ECC NCIC Operator to notify the outside agency through a teletype that Department personnel recovered the stolen license plate; and
- iii. After the ECC NCIC Operator sends a teletype, wait for the outside agency to confirm that they continue to show the license plate as being stolen.

7. Disputes Involving Vehicle Ownership

- a. When two parties dispute the ownership of a vehicle, Department personnel shall:
  - i. Obtain from the involved party(s) paper copies of the MVD vehicle registration and, if it is available, the vehicle's Certificate of Title; and
  - ii. Contact an ECC NCIC Operator to determine:
    1. Who the registered owner is;
    2. Whether the vehicle has been reported as stolen; or
    3. Whether the vehicle has been reported as embezzled.
- b. Department personnel may contact the following people when there are discrepancies pertaining to the validity of the documents provided by the involved party(s) and/or the ECC NCIC inquiry:
  - i. An Auto Theft Unit Detective, including the on-call Auto Theft Unit Detective;
  - ii. The Department's legal advisor; or
  - iii. The on-call Assistant District Attorney.
- c. When Department personnel establish beyond a reasonable doubt that the true owner of the vehicle can be identified by verification of documents and/or other verification processes, they may release the vehicle to the rightful owner.
- d. When Department personnel cannot resolve the discrepancies, they shall:
  - i. Not take the vehicle away from one party and give it to the other party; and
  - ii. Advise the parties to seek legal advice to, if necessary, have the courts determine their respective rights to the property.
- e. Department personnel shall complete a Uniform Incident Report, detailing the facts concerning disputes involving vehicle ownership.

N/A

N/A

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8. Embezzled Motor Vehicles

- a. Department personnel shall only enter embezzled motor vehicles into the NCIC database at the request of investigating sworn personnel with a notation in the NCIC database entry to hold the vehicle and identify the occupant(s) only.
- b. When possible, sworn personnel shall obtain a warrant for an individual who commits embezzlement.
- c. Department personnel shall record the victim's request to prosecute by using their OBRD.
- d. Department personnel shall follow the same guidelines used for embezzled motor vehicles while investigating cases involving motor vehicles obtained through fraudulent means.

B. Arson Investigations



1. For cases involving arson or suspected arson, sworn personnel shall assist Albuquerque Fire Rescue (AFR) personnel with securing and controlling the scene.
2. If sworn personnel determine that the arson is a misdemeanor, they shall:
  - a. Take the appropriate law enforcement action; and
  - b. Be responsible for any follow-up investigation.
3. If sworn personnel determine that the arson is a felony, AFR Arson Unit personnel will conduct all follow-up investigations.
4. If sworn personnel determine that the arson is committed incident to a crime that results in death or a life-threatening injury, FSB sworn personnel shall request for Violent Crimes Section and Criminalistics Section personnel to respond to the scene.
5. After Department personnel are dispatched to or discover a fire that they extinguish, they shall notify AFR personnel.

#### C. Burglary Investigations

1. An Impact Teams Detective shall be responsible for investigating a burglary when:
  - a. A warrant is needed;
  - b. Multiple victims have been identified;
  - c. Multiple individuals are on-scene; or
  - d. The complexity of the case is time-intensive.
2. Sworn personnel shall notify the on-call Impact Teams Detective when an individual is in custody.
  - a. The Impact Teams Detective shall determine whether they will respond and assume case responsibility.
3. The Impact Teams supervisor shall resolve conflicts regarding case responsibility.
4. FSB personnel or a Crime Scene Specialist (CSS) shall be responsible for completing and forwarding the initial Uniform Incident Report to the Impact Teams Detective.
5. Sworn personnel shall document in their Uniform Incident Report who took responsibility for the case.

#### D. White-Collar Crime Investigations



1. Organized Crime Unit personnel shall investigate all felony white-collar crimes over \$10,000.
2. Impact Teams Detectives shall investigate all felony white-collar crimes under \$10,000.
  - a. This does not exempt FSB personnel from being responsible for white-collar crime investigations when appropriate.

E. Shoplifting Investigations

1. The District Attorney's Office accepts the business employee/security officer's work address and work phone number instead of their residence information for the Uniform Incident Report provided the merchant agrees to the following:
  - a. The merchant maintains an up-to-date home address and home phone number on the employee/security officer in case the Department needs their contact information.
  - b. The merchant ensures that the employee/security officer is notified to attend court.
    - i. If the merchant does not agree to E.1.a. and E.1.b., Department personnel shall include the employee/security officer's home address and home phone in their Uniform Incident Report.

N/A

2. Sworn personnel may arrest an individual suspected of misdemeanor shoplifting without exigent circumstances and without an arrest warrant when they have probable cause to believe the individual has committed shoplifting.
3. Sworn personnel shall abide by the provisions in the *McClendon* Settlement Agreement when a warrantless arrest for misdemeanor shoplifting is required.
4. Sworn personnel shall leave stolen merchandise for a misdemeanor or felony crime with the merchant.

N/A

- a. If the merchant elects, they may take photographs of the merchandise and place the merchandise back in stock for sale.
    - i. Sworn personnel shall recommend that the employee/security officer take the photograph in order to better maintain the chain of custody of the evidence.
  - b. If the merchant takes photograph(s), they will maintain the photograph(s) and price tag(s) from the merchandise as evidence to be used in the court hearing.
5. Cases involving shoplifting by the same suspected individuals that involve the same vehicles or similar patterns shall be forwarded to the Organized Crime Unit.



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**P&P Draft 04/20/2022**

6. Sworn personnel who are investigating a shoplifting case shall complete a Criminal Trespass Notification-Order Not to Return form, consistent with SOP Trespass Notification.

REDLINED



**2-86 \_\_\_\_\_ INVESTIGATION OF PROPERTY CRIMES**

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

A. Related SOP(s)

~~1-8 \_\_\_\_\_ Organized Crime Unit (OCU)~~

~~1-16 \_\_\_\_\_ Auto Theft Unit (Formerly 5-11)~~

~~5-1 \_\_\_\_\_ Special Investigations Division (SID)~~

~~2-8 \_\_\_\_\_ Use of On-Body Recording Devices (OBRD) (Formerly 1-39)~~

~~2-60 \_\_\_\_\_ Preliminary and Follow Up Criminal Investigations~~

~~2-1034-23 \_\_\_\_\_ Trespass Notification~~

~~5-1 \_\_\_\_\_ Special Investigations Division (SID)~~

B. Form(s)

PD 1337 Waiver of Prosecution

PD 3085 Criminal Trespass Notification-Order Not to Return

C. Other Resource(s)

McClendon, et al. v. City of Albuquerque, 29 F. Supp. 2d 1267 (D.N.M. 1996)

SO 20-18 Authority to Issue Citations and Arrest Pursuant to APD SOPs and the

McClendon Settlement Agreement

D. Rescinded Special Order(s)

SO 18-124 \_\_\_\_\_ Eliminate Auto Theft Questionnaire

**2-86-1 \_\_\_\_\_ Purpose**

The purpose of this policy is to provide guidance to and procedures to ~~for Albuquerque Police Department (Department) personnel who are involved in the investigations of~~ investigate property crimes.

**2-86-2 \_\_\_\_\_ Policy**

It is the policy of the ~~Albuquerque Police Department (Department) that~~ for ~~have~~ Field Services Bureau (FSB) sworn officer personnel ~~will~~ shall ~~to~~ investigate property crimes, ~~to~~ to ~~take complete~~ the initial reports Uniform Incident Report, and to conduct follow-up investigations on all cases for property crimes ~~cases~~ unless otherwise indicated in the Department's Standard Operating Procedures (SOP) manuals. ~~This policy also serves as procedures for other Department personnel who investigate property crimes.~~





2-86-3 Definitions

A. Life-threatening Injury

Any injury that involves serious physical harm that may result in significant or permanent disfigurement or the loss of a major bodily organ or function, including, but not limited to, the loss of a limb, paralysis, or the loss of eyesight; that may necessitate medical or surgical intervention to prevent permanent impairment; that could potentially cause a significant reduction in the quality of life; or that has the likelihood of causing death.

None

**7** 2-86-4 Procedures

A. Unlawful Taking of a Motor Vehicle (Auto Theft) Investigations

1. Department Officer/Personnel shall:

1. Verify through the Motor Vehicle Division's (MVD) system that ~~When taking the initial auto theft reports shall verify the license plate number and Vehicle Identification Number (VIN) matches the vehicle before submitting a Uniform Incident Report, when completing the initial auto theft investigation before submitting the completing a Uniform Incident Report, and license plate numbers and Vehicle Identification Numbers (VIN) before submitting a written offense report.~~ Uniform Incident Report. (report).

N/A

a.

a. In most cases, with assistance from an Emergency Communications Center (ECC) National Crime Information Center (NCIC) Operator, ~~Verification can be made through the a Motor Vehicle Division (MVD) checks.~~

i. Department personnel ~~may can~~ verify ~~verification of~~ Out-of-state licenses plates and vehicle identification numbers ~~VINs can be verified made on using through their Mobile Data Dispatch Terminal (MDT) in most cases and by with the assistance of the Emergency Communications Center (ECC).~~

1. ~~The National Crime Information Center (ECC NCIC) terminal eOperator who may need to send a via teletype to the outside agency in exceptional~~ for certain cases.

1.

2. If Department personnel cannot verify information, the license plate number and/or VIN cannot be verified, they shall document ~~at the report~~ Uniform Incident Report ~~report shall will be submitted with the reasons for lack of verification shall be included documented in the narrative portion of their report~~ Uniform Incident Report.

N/A

ii.



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~~3. Record CPersonnel shall capture Aall victim, witness, and offenderinvolved individual's statements with their shallwill be captured on On-Body body Recording recording Devices device (OBRD) statements from each individual who was involved in the (something) withby using their on-body recording device (OBRD), consistent with SOP Use of On-Body Rrecording Devices (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties); and . . . and tagged into evidence consistent with SOP On-Body Recording Devices.~~

~~b. Report the stolen vehicle and/or licenses plate that the vehicle and/or license plate is stolen to Contacted the NCIC Reporting Unit personnel that a vehicle and/or license plate is stolen Personnel shall cCall for allcases for auto thefts and stolen license plates.~~

~~NCIC Reporting Unit personnel shall casesl all auto theft and stolen license plates for entry enter the stolen vehicle and/or stolen license plate into the NCIC database as soon as the license plate and VIN havehave been verified into Report Reviewthe NCIC Reporting Unit for NCIC entry as soon as the license plate, vehicle, and/or VIN has been verified.~~

~~For NCIC entry, all auto thefts and stolen license plates will shall be called into the Report Review Unit as soon as the license plate, vehicle and/or VIN have been verified.~~

~~i. Department OfficerPpersonnel s shallwill note in their Uniform Incident Reportdocument in their Uniform Incident Report:~~

~~1. the The time they reported the stolen vehicle and/or license plate to NCIC Reporting Unit personnel; and~~

~~The name of the employee whom in the NCIC Reporting Unit who received the report for entry into the they reported they requested for that the Report ReviewNCIC Reporting Unit personnel was tocontacted for create an entrythe vehicle and/or license plate are stolen in the NCIC database entry and the identity of the clerk to whom the information was given in their Uniform Incident Report.~~

~~2.~~

~~ii. The NCIC Reporting Unit employee who received the report shall enter the stolen vehicle and/or license plate in the NCIC database as soon as they receive the report from the license plate and VIN have been verified as stolenDepartment personnel.~~

~~Auto thefts in which the victim signs a waiver of prosecution shall not be entered into NCIC.~~

~~2. Department personnel shall not request for a stolen vehicle to be entered into in the NCIC database if the victim declines to prosecute and the victim Auto theft cases in which the victim signs thea Wwaiver of Pprosecution form.~~

~~5. shall not be entered into NCIC.~~

N/A



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~~3. The Auto Theft Unit personnel shall have investigative responsibilities, consistent with follow the procedures for auto theft investigations outlined in SOP Auto Theft Unit (refer to SOP Auto Theft Unit for sanction classifications and additional duties).~~

N/A

~~4. Auto Theft Unit personnel, and may be called out to assist with the following types of investigations:~~

N/A

~~to Auto Theft Unit and may be called out on to assist with the following types of cases investigations:~~

- ~~a. Investigations involving an auto theft when an individual is there is an individual in custody, and which the case requires additional follow-up investigation;~~
- ~~b. Cases Investigations involving the Receiving and transferring of a stolen motor vehicle; or~~
- ~~c. Investigations involving an The altered ring or removing of a VIN; and~~
- ~~6. Investigations B; and before Department personnel have involving any vehicle with an altered or removed VIN before Department personnel have it towed towing any vehicle with an altered or removed VIN.~~

~~Auto thefts in which the victim signs a waiver of prosecution shall not be entered into NCIC.~~

- ~~d. Embezzled motor vehicles shall only be entered into NCIC at the request of investigating sworn personnel with a notation in the NCIC entry to hold the vehicle and identify the subject only.~~
- ~~When possible, a warrant should be obtained for the offender.~~
- ~~When a warrant is obtained, a copy shall be attached to the vehicle supplement requesting entry into NCIC.~~
- ~~The victim's request to prosecute shall be captured on OBRD.~~

~~Department personnel shall follow the same For cases involving motor vehicles obtained through fraudulent means personnel shall follow the same guidelines used for embezzled vehicles while investigations cases involving motor vehicles obtained through fraudulent means.~~

~~7.5. Recovery of Recovering Stolen Vehicles and/or License Plates.~~

- ~~a. When Department personnel recovering recover a stolen vehicle, when for which Department personnel they completed the original initial Uniform Incident Report, Department personnel they shall docomplete the following When recovering a stolen vehicle ( when the original initial Uniform Incident rReport was initiated completed by that was original initially reported by the Department, officer personnel) s they will do the following shall:~~



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- ~~i.~~ Confirm with an ECC NCIC Operator that the vehicle is still listed as being stolen through an ECC NCIC Operator that the vehicle the status of this still listed as being a stolen vehicle vehicle.
- ~~ii.~~ When the vehicle is listed as stolen Contact the NCIC Reporting Unit and to update the status of the vehicle have the vehicle taken out of removed from the NCIC database.
- ~~iii.~~ Submit Complete a supplemental Supplemental report Report. and and
  - ~~1.~~ Department personnel shall duplicate the All the header information from their original initial auto theft Uniform Incident Report shall will be used in in their supplemental Supplemental report Report.
  - ~~2.~~ The supplemental Supplemental report Report shall will list the recovered vehicle vehicle's recovery information and how it was recovered only.
- ~~0.~~ Include any
  - ~~—~~ Call Report Review and have the vehicle removed from NCIC using the proper National Information Center (NIC) number before the vehicle is turned over has been released to the owner or being towed from the scene;  
~~or~~
  - ~~iv.~~ (Unless further investigation by an auto theft detective is necessary).
  - ~~a.~~ Department personnel shall do the following wWhen recovering a stolen license plate that was original initially reported stolen by by the Department personnel, personnel officers shall will:
    - ~~vi.~~ Submit a supplemental report.
    - ~~0.~~ All header information from the original initial larceny report shall will be used in the supplemental report; and
    - ~~0.~~ The supplemental report shall will list the stolen license plate in the property section of the report and the vehicle the stolen license plate was on in the vehicle section of the report.
    - ~~a.~~ If sworn officers personnel have an offender individual in custody:
    - ~~x.~~ A supplemental report shall will be written completed to take the vehicle or license plate out of NCIC.
    - ~~iv.~~ Additional charges in shall will be included in the supplemental Supplemental report Report.
      - ~~1.~~ If (unless a the vehicle was reported as stolen by recovery is from an outside agency's report, then Department personnel shall complete a Uniform Incident Report).
  - ~~—~~ When Department personnel recover a vehicle that was reported as stolen by an outside agency as being stolen and entered into the NCIC database as being stolen, they shall If sworn personnel have an individual in custody they shall:
    - ~~—~~ Contact the NCIC Reporting Unit and have the vehicle taken out of the NCIC database.
    - ~~—~~ Complete Submit Aa supplemental report shall be completed to take the vehicle out of NCIC.
    - ~~—~~ Additional charges shall be included in the supplemental report (unless the recovery is from an outside agency report).
  - ~~e.b.~~ All recovered vehicles vehicles and/or stolen license plates that had been reported stolen by an outside agency will shall require the following:



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- ~~i. Complete a~~ At the original initial report on original initial offense/incident Uniform Incident Report shall be written completed generated and filed;
- ~~1. Department Officers Personnel cannot shall not write complete a supplemental Supplemental Report to a for at the original initial Uniform Incident Report that was completed by the outside agency different agency's original initial report.~~
- ~~ii. Department Officer Personnel must shall Request that for an ECC NCIC Operator to notifies notify the outside agency through a teletype that Department personnel they recovered the stolen vehicle; the original initial reporting agency via teletype and~~
- ~~iii. After the ECC NCIC Operator sends a teletype has been sent, wait complete a ten (10) minute for the outside agency to confirmation confirm that they continue to show the vehicle as being stolen.~~
- ~~When Department personnel recovering a stolen vehicle, when If sworn personnel have an individual in custody, they shall~~
- ~~complete Submit a Supplemental Report, and~~
- ~~c. Including any e additional charges on a supplemental report.~~
  - ~~i. If an outside agency reported the auto theft vehicle as being stolen, then Department personnel shall complete an the original initial Uniform Incident Report.~~

~~7. The theft of motor vehicles Auto thefts in which the victim signs a waiver of prosecution shall will not be entered into NCIC.~~

~~Embezzled motor vehicles will shall only be entered into NCIC at the request of the investigating officer sworn personnel with a notation in the NCIC entry to hold the vehicle and Identify! D. the subject only.~~

~~When possible, a warrant should should be obtained for the offender. When a warrant is obtained, a copy shall will be attached to the vehicle supplement requesting entry into NCIC.~~

~~7. The victim's request to prosecute shall be captured on OBRD.~~

~~7. For cCases involving motor vehicles obtained through fraudulent means personnel will shall follow the same guidelines as used for embezzled vehicles.~~

~~7. The Auto Theft Unit will shall have investigative responsibilities, consistent with SOP Auto Theft Unit and may be called out on the following types of cases:~~

- ~~e. In custody investigations involving auto theft when there is an offender individual in custody, which require additional follow up investigation;~~
- ~~e. Receiving and transferring a stolen motor vehicle;~~
- ~~e. The altering or removing of a VIN; and before towing any vehicle with an altered or removed VIN.~~



6. Recovering Stolen License Plates

~~a. When Department personnel recovering recover a stolen license plate, when Department for which they Department pPpersonnel completed the original initial Uniform Incident Report, they shall do the following when recovering a stolen license plate when the original initial Uniform Incident Report was initiated by Department personnel, personnel shall:~~

- ~~i. Confirm the status of the license plate through an ECC NCIC Operator, the status of the license plate;~~
- ~~ii. Contact the NCIC Reporting Unit to update the status of the license plate in the NCIC database; and~~  
~~Complete Contact the NCIC Reporting Unit and have the License Plate number taken out of the NCIC database.~~
- ~~iii. Submit a sSupplemental rReport.;~~

- ~~1. Department personnel shall duplicate the header information from their original initial Uniform Incident Report in their Supplemental Report.~~  
~~All header information from the original initial report Uniform Incident Report shall be used in on the supplemental report; and~~
- ~~2. The sSupplemental rReport shall list the stolen license plate in the ppProperty section of the report and the vehicle the stolen license plate was stolen from e in in the vVehicle section of the supplemental report.~~

~~b. When Department personnel recover a license plate that was reported by an outside agency as being stolen and entered into the NCIC database as being stolen, they shall:~~

- ~~i. Complete the original initial Uniform Incident Report;~~
  - ~~1. Department personnel cannot shall not complete a Supplemental Report for the original initial Uniform Incident Report that was completed by the outside agency.~~
- ~~ii. Request for an ECC NCIC Operator to notify the outside agency through a teletype that Department personnel recovered the stolen license plate; and~~
- ~~iii. After the ECC NCIC Operator sends a teletype, wait for the outside agency to confirm that they continue to show the license plate as being stolen.~~

~~When Department personnel recover a stolen license plate that an outside agency reported as being stolen, when an outside agency reported that the license plate was stolen, they shall A supplemental report shall be completed to take the license plate out of NCIC.~~

~~If sworn personnel have an individual in custody:~~

~~A supplemental report shall be completed; to take the license plate out of NCIC.~~

~~Additional charges shall be included in the supplemental report (unless the recovery is from an outside agency report).~~

~~Department Ppersonnel shall do the following when a recovering a stolen All recovered stolen license plates that had been reported stolen by an outside agency is recovered shall require the following e:~~

~~Complete an original initial Uniform Incident Report.;~~

~~Department personnel cannot shall not complete a sSupplemental rReport for an outside different agency's original initial report. ; and.~~



~~Department personnel must shall request for that the ECC NCIC Operator to notifies notify the original initial outside agency that reported the stolen license plate viathrough a teletype and complete a ten (10) minute confirmation.~~

9.7. Vehicles in Disputes of Involving Vehicle the Ownership of Vehicles.

- a. ~~When two a parties, y disputes the ownership of a vehicle, Department p Personnel shall shall complete the following steps. If it is determined that a dispute exists concerning the ownership of vehicles, officers/detectives personnel shall will:~~
  - i. Obtain ~~from the involved party(s) the paper copies of the MVD vehicle registration for the vehicle from the party(s) involved and, if it is available, the vehicle's Certificate of Title if it is available;~~ and
  - ii. Contact ~~the an =ECC NCIC Operator to determine:~~
    - 1. ~~Who Tthe registered owner is;~~
    - 4. ~~or verification of the paper copy of the vehicle registration and vehicle's Certificate of Title;~~
    - 2. ~~Whether If the vehicle is has been reported as stolen; and/or~~
    - 3. ~~Whether If the vehicle was is has been reported as embezzled.~~

N/A

- iii. ~~Department personnel may contact the following people when there are If there are discrepancies concerning pertaining to the validity of the documents documents provided by the involved party(s) involved, and/or and/or the ECC N=C=I=C= inquiry and the documents provided by the party(s) involved, Department p officers P personnel may, for guidance and advice, contact:~~
  - 1. ~~An Auto T Theft Unit detectives Detective, including, or the on-call A auto T theft Unit detective Detective;~~
  - 2. ~~ii. The Department's L Legal a Advisor; or~~
  - 3. ~~iii. The O on-call Assistant District Attorney (ADA).~~

N/A

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- iv. ~~c. When Department personnel If it is determine established beyond a reasonable doubt that the true owner of the vehicle can be identified by verification of documents and/or other means verification processes, Department officers personnel they may should release allow the vehicle to be released to the proper rightful owner.~~

- b. ~~d. When Department personnel cannot resolve If the discrepancies cannot be resolved, Department officers personnel they shall ould:~~
  - i. Not take the vehicle away from one party and give it to the other party; and
  - ii. Advise the parties to seek legal advice to and, if necessary, have the courts determine their respective rights to the property.

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- e. ~~Department personnel shall complete An Offense/Incident A Uniform Incident R Report will shall be completed, detailing the facts concerning incidents of this nature disputes involving vehicle ownership.~~

N/A

~~Department personnel shall All statements will shall be recorded on OBRD consistent with On body Recording Devices (OBRD) and tagged into evidence (refer to SOP On Body Recording Devices (OBRD) for sanction classifications and additional duties). record statements from each individual who was involved in the (something) withby using their on-body recording device~~



~~(OBRD), consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties).~~

8. ~~Embezzled Motor Vehicles~~

- a. ~~Department personnel shall only enter embezzled motor vehicles into the NCIC database at the request of investigating sworn personnel with a notation in the NCIC database entry to hold the vehicle and identify the occupant(s) only.~~
- b. ~~When possible, sworn personnel shall obtain a (arrest?) warrant should be obtained for the an individual who commits embezzlement offender.~~
- ~~Department personnel shall record When a warrant is obtained, a copy shall be attached to the vehicle supplement requesting entry into NCIC.~~
- c. ~~The victim's request to prosecute shall be by using their captured on OBRD.~~
- d. ~~Department personnel shall follow the same guidelines used for embezzled embezzled motor vehicles while investigating cases involving motor vehicles obtained through fraudulent means.~~

~~b.~~

**7** B. Arson Investigations

~~In the event personnel are dispatched to, or discover, a fire and extinguish it without assistance, Albuquerque Fire and Rescue (AFR) must still be notified.~~

~~For cases involving arson or suspected arson, sworn personnel shall do the following for In cases of arson or suspected arson, FSB sworn personnel shall:~~

~~Initiate the original initial Uniform Incident Report.~~

- 1. ~~Assist Albuquerque Fire Rescue (Albuquerque Fire Rescue (AFR)) personnel with securing and controlling the scene. ; and~~

~~Complete the a Uniform Incident Report.~~

- 2. ~~If sworn personnel determine that the crime arson is determined to be a misdemeanor, sworn personnel they shall:~~

~~Take any the appropriate law enforcement action; and~~

~~shall Be responsible for any follow-up investigation.~~

- 3. ~~If sworn personnel determine that the crime arson is determined to be a felony, the AFR Arson Unit personnel shall will conduct all follow-up investigations.~~

- 4. ~~If sworn personnel determine that the arson is used committed incidental incident to a crime which that results in death or a life-threatening injury, great bodily harm, or permanent disfigurement, FSB sworn personnel shall call out request for Violent Crimes Investigations Section and / Serious Crimes Investigation and Criminalistics Section personnel to respond to the scene.~~





~~5. After In the event, Department personnel are dispatched to or discover a fire and that they extinguish it, without assistance they shall still notify Albuquerque Fire and Rescue (AFR personnel).~~

C. Burglary Investigations

~~1. An In all burglaries, the appropriate Impact Teams and Detectives shall be responsible for investigating have case responsibility for the investigation of all a burglaries ies of the case when:~~

- ~~a. A (type?) warrant is needed;~~
- ~~b. Multiple victims have been identified;~~
- ~~c. Multiple offenders individuals are on-scene; or~~
- ~~d. The complexity of the case is time-intensive.~~

~~2. Sworn personnel shall notify the on-call Impact Teams and Detective shall be notified when an offender individual is in custody.~~

- ~~a. The Impact Teams and Detective shall determine if whether they will respond and/or assume case responsibility.~~

~~3. The Impact Teams supervisor shall resolve Conflicts regarding case responsibility shall be resolved by the Impact Unit supervisor.~~

~~4. FSB (type?) or a Crime Scene Specialists (CSS) shall be responsible for initiating completing and forwarding the original initial Uniform Incident Report and forwarding these reports to the Impact Teams Unit Detectives.~~

~~5. Sworn Personnel shall document in their reports Uniform Incident Report who is taking took case responsibility for the case.~~

~~B.D.~~ White-Collar Crimes Investigations

~~1. The Organized Crime Unit personnel will shall have investigative responsibility for investigate all felony white-collar crimes over \$10,000.~~

~~2. The Area Command Impact Teams personnel Detectives will shall have investigative responsibility for investigate all felony white-collar crimes under \$10,000.~~

- ~~3-a. This does not exclude exempt FSB field officers personnel from being responsible for taking case responsibility white-collar crime investigations when appropriate.~~

~~C.~~ Burglaries



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~~1. In all burglaries, the appropriate Impact Team will shall have responsibility for the investigation of the case when:~~

- ~~a. A warrant is needed;~~
- ~~b. Multiple victims have been identified;~~
- ~~c. Multiple offenders are on scene; or~~
- ~~d. The complexity of the case is time intensive.~~

~~The on-call Impact detective will shall be notified when an offender is in custody.~~

~~2. , and tThe detective will shall determine if they will respond and/or assume case responsibility.~~

~~3. Conflicts regarding case responsibility will shall be resolved by the Impact Uunit supervisor.~~

~~4. Field ServicesFSB personnel or Crime Scene Specialists (CSS) shallwill be responsible for initiating the originalinitial offense report Uniform Incident Report and forwarding these reports to the Impact Unit.~~

~~5. Personnel will shall note document in their reports who is taking case responsibility for the case.~~

D. Arson

~~1. In cases of arson or suspected arson, Field ServicesFSB sworn personnelofficers shalwill be dispatched and shallField Services officers will:~~

- ~~a. Initiate the originalinitial offense report Uniform Incident Report.~~
- ~~b. Assist Albuquerque Fire Rescue (AFR) personnel with securing and controlling the scene.~~

~~2. If the crime is determined to be a misdemeanor, the sworn personnel officer will shall take any appropriate enforcement action and shallwill be responsible for any follow-up investigation.~~

~~If the crime is determined to be a felony, the AFR Arson Unit will shall conduct all follow-up investigations.~~

~~3. If arson is used incidental to a crime which results in death, great bodily harm or permanent disfigurement, Field ServicesFSB sworn personnel officers shall will call out Violent Crime Investigations and Criminalistics.~~

~~4. In the event sworn personnel are an officer is dispatched to, or discover<sub>s</sub> a fire and extinguishes it without assistance, the AFR must still be notified.~~



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~~Other Department personnel for the purposes of this policy include police service aides, property crimes technicians, telephone report unit personnel, public information unit, and substation administration personnel.~~

7  
,

~~Shoplifting Calls Investigations~~  
E.

1. ~~The District Attorney's Office has agreed to~~ accepts the business employee's/security officer's work address and work phone number instead of their residence information for the Uniform Incident Report ~~Report, provided if~~ provided the merchant agrees to the following:

- a. ~~The merchant maintains~~ will be held accountable for maintaining ~~an up-to-date home~~ home ~~address and home~~ home ~~phone number on the employee/security officer in case the Department needs~~ it ~~their contact information.~~
- b. ~~In addition,~~ The merchant will ~~ensures that the employee/security officer is notified to attend court.~~
  - i. ~~If the merchant does not agree to E.1.(a.) and E.1.(b.), Department personnel shall~~ include ~~then~~ the employee/security officer's home address and home phone number are ~~required for~~ are included ~~in their Uniform Incident Report.~~

N/A

2. ~~Sworn personnel may make~~ arrest an individual suspected of misdemeanor ~~Warrantless arrests of misdemeanor shoplifting suspects are allowed~~ without exigent circumstances and without an arrest warrant, so long as the officer has when they have probable cause to believe the suspect ~~individual has committed the crime of shoplifting.~~

3. ~~Department~~ Sworn personnel shall abide by the requirements ~~provisions by~~ in the McClendon Settlement Agreement when a warrantless arrest for misdemeanor shoplifting is required.

4. ~~Sworn personnel shall leave~~ Stolen merchandise for a (misdemeanor or felony crime) ~~shall be left with the merchant to be maintained as evidence.~~

N/A

- a. ~~If the merchant elects, they may take photographs of the merchandise and~~ then ~~place the merchandise back in stock for sale.~~
  - i. ~~(Someone)~~ Sworn personnel shall ~~it is recommended~~ recommend that the employee/security officer take the photograph in order to better maintain the chain of custody of the evidence.
- b. ~~If the merchant takes photograph(s)~~ this is done, then the merchant ~~they will maintain the photograph(s) and price tag(s) from the merchandise~~ wish ~~will be maintained as evidence~~ (by the merchant) to be used in the court hearing.



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~~5. Cases involving shoplifting involving suspected repeat by the same suspected individuals that involve the same vehicles or similar patterns shall be forwarded to the Organized Crime Unit.~~

~~6. Sworn personnel who are investigating a shoplifting case shall be the responsibility of the officer affecting a shoplifting arrest investigation to complete the Criminal Trespass Notification-Order Not to Return form, consistent with SOP Trespass Notification.~~

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

~~Sworn personnel shall:~~

~~Issue a CT 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 about that property;~~

~~Complete the CT in TraCS and obtain the following signatures:~~

~~The owner, lessee, proprietor, or person in lawful possession of real property;~~

~~The issuing officer; and~~

~~The individual being denied consent to return to the property.~~

~~Scan each signature into the TraCS form;~~

~~Write and scan "refused" in the signature box if the individual refuses to sign the CT;~~

~~Disseminate one (1) copy to each of the following:~~

~~The Department's Records Division, consistent with SOP Records, only if personnel are unable to scan the signatures into TraCS;~~

~~The Owner/lessee/business denying or withdrawing consent; and~~

~~The Individual for whom consent to enter or return to the property was withdrawn or denied.~~

~~Complete a Uniform Incident Report Consistent with SOP Records.~~

~~Sworn personnel who respond to an alleged violation of Criminal Trespass shall:~~

~~Include in the Uniform Incident Report narrative section, the computer Automated Dispatch (CAD) number from the upper left hand corner of the original initial CT.~~

~~When subpoenaed into court, obtain a copy of the original initial CT from the Records Division as evidence.~~

~~E.~~