



2-86 INVESTIGATION OF PROPERTY CRIMES

Related SOP(s):

- 1-17 Auto Theft Unit
- 1-90 Special Investigations Division
- 2-60 Preliminary and Follow-Up Investigations

2-86-1 Purpose

It is the purpose of this policy to provide guidance and procedures to Department personnel involved in investigations of property crimes.

2-86-2 Policy

Department policy is to have Field Service Officers take the initial reports and conduct follow-up investigations on all property crime cases unless otherwise indicated in the department Standard Operating Procedures manuals.

2-86-3 ~~Rules~~Procedures

~~A. Initial and Follow-Up Investigations~~

~~Field Services officers will conduct the initial and follow-up investigation in all cases involving property crimes brought to their attention, with the exception of residential and commercial burglary offenses, auto thefts, and white collar crimes. All residential and commercial burglaries, auto thefts, and white collar crimes will be forwarded to the Central Investigations Bureau, Property Crimes Division for follow-up. All other follow-up investigations may be conducted by the initial officer or by Area Command Criminal Investigations personnel according to Field Services policy. Area commanders may request assistance from their Criminal Investigation detectives when needed.~~

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~~B.A.~~ Unlawful Taking of Motor Vehicles (Auto Theft)

1. Officers taking initial auto theft reports ~~will~~ shall verify license numbers and vehicle identification numbers (VIN) prior to submitting a written offense report.
  - a. Verification can be made through the Motor Vehicle Division (MVD) checks.
  - b. Out-of-state licenses and vehicle identification numbers can be verified on the Mobile Digital Terminal (MDT) in most cases and by the National Crime Information Center (NCIC) terminal operator via teletype in exceptional cases.
2. If information cannot be verified, the report will be submitted with the reasons for lack of verification included in the narrative of the report.



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- ~~3. Personnel completing auto theft reports shall also complete the Auto Theft Victim Questionnaire (PD Form 1391) and submit to Records. All Victim, witness, and offender statements will be captured on lapel video and tagged.~~  
~~3.~~
4. For N.C.I.C. entry, all auto thefts and stolen license plates will be called in-to the Report Review Unit as soon as the license plate, vehicle and/or V.I.N. have been verified. Officers will note in their report the time Report Review was contacted for N.C.I.C. entry and the identity of the clerk to whom the information was given.
5. Recovery of Stolen Vehicles and/or License Plates
  - a. When recovering a stolen vehicle that was reported by APD, officers will
    - i. ~~first~~ confirm through NCIC the status of the vehicle.
    - ii. Officers will submit a supplemental report.
      - All header information from the original auto theft report will be used on the supplemental report.
      - The supplemental report will list the vehicle recovery information only.
    - iii. Officers will also call Report Review and have the vehicle removed from NCIC using the proper NIC number prior to the vehicle being turned over to the owner or being towed from the scene (unless further investigation by an auto theft detective is necessary).
  - b. When recovering a stolen license plate that was reported by APD, Officers will:
    - i. Submit a supplemental report.
      - All header information from the original larceny report will be used on the supplemental report.
      - The supplemental report will list the license plate in the property section of the report and the vehicle the license plate was on in the vehicle section of the report.
    - c. If officers have an offender in custody:
      - i. A supplemental report will be written to take the vehicle or license plate out of NCIC.
      - ii. Additional charges will be included on the supplemental report (unless a recovery is from an outside agency report).
      - ~~iii. and an original report will be written for any additional charges relating to the incident in which the offender was taken into custody.~~
      - ~~iv. Both the original report and the supplemental report must refer to each other in their narrative sections by writing, "refer to (list agency) case number for additional information.~~
  - d. All recovered vehicles and/or stolen license plates that had been reported stolen in a different jurisdiction will:



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- i. Require an original APD offense report be filed.
  - ii. APD Officers cannot write a supplemental to a different agency's original report.
  - iii. Officer must request that NCIC notifies the original agency via teletype and complete a 10-minute confirmation.
6. The theft of motor vehicles in which the victim signs a waiver of prosecution will not be entered into N.C.I.C.
7. Embezzled motor vehicles will only be entered into N.C.I.C. at the request of the investigating officer with a notation in the N.C.I.C. entry to hold the vehicle and I.D. the subject only. When possible, a warrant should be obtained for the offender. When a warrant is obtained, a copy will be attached to the vehicle supplement requesting entry into N.C.I.C. The intent to prosecute on the Offense/Incident report shall be signed.
8. Cases involving motor vehicles obtained through fraudulent means will follow the same guidelines as used for embezzled vehicles.
9. The Auto Theft Unit will have investigative responsibilities for and may be called out on the following types of cases:
  - a. In-~~custodies~~ custody investigations involving auto theft which require additional follow-up investigation.
  - b. Receiving and transferring a stolen motor vehicle.
  - c. The altering or removing of a V.I.N.
  - d. Personnel should also contact the Auto Theft Unit prior to towing any vehicle with an altered or removed V.I.N.
10. Vehicles in Dispute of Ownership
  - a. If it is determined that a dispute exists concerning the ownership of vehicles, officers/detectives will:
    - i. Obtain the paper copy of the MVD registration for the vehicle from the party(s) involved and title if available.
    - ii. Contact N.C.I.C. to determine:
      - The registered owner; verification of the paper copy of the vehicle registration and title,
      - if the vehicle is reported stolen, and
      - if the vehicle was reported embezzled.



- iii. If there are discrepancies concerning the validity of documents, and/or the N.C.I.C. inquiry and the documents provided by the party(s) involved, officers may, for guidance and advice, contact:
  - ~~a~~Auto theft detectives, or the on-call auto theft detective,
  - APD Legal Advisor, or
  - ~~O~~en-call ADA
- b. If it is determined beyond a reasonable doubt that the true owner can be identified by verification of documents and/or other means, or if the vehicle was reported stolen/embezzled and after it has been processed, officers should allow the vehicle to be released to the proper owner.
- c. If the discrepancies cannot be resolved, officers should:
  - i. Not take the vehicle away from one party and give it to the other.
  - ii. Advise the parties to seek legal advice and, if necessary, have the courts determine their respective rights to the property.
- d. An Offense/Incident report will be completed, detailing the facts concerning incidents of this nature. ~~If possible, hand-written statements from the parties involved should be obtained.~~ All statements will be recorded on Lapel video and tagged into evidence.

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~~C.~~B. \_\_\_\_\_ White Collar Crimes

1. ~~White Collar Crime Unit~~ The Organized Crime Unit will have investigative responsibility for all felony white collar crimes over \$10,000.
2. The Area Command Impact Team will have investigative responsibility for all felony white collar crimes under \$10,000.
- ~~2.3.~~ 3. This does not exclude field officers from taking case responsibility when appropriate. ~~When an offender is in custody for committing a white collar crime, the supervisor will ensure the on-call White Collar Crimes detective is notified.~~

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~~D.~~C. \_\_\_\_\_ Burglaries

1. In all cases of residential, auto, and commercial burglary, the appropriate Impact Team Burglary Unit will have responsibility for the investigation of the case when:  
~~The Burglary Unit will assume case responsibility involving in-custody cases when:~~
  - a. A warrant is needed;



- b. Multiple victims have been identified; ~~or~~
- c. Multiple offenders are on-scene; or
- ~~e.~~ d. \_\_\_\_\_ ~~‡~~ The complexity of the case is time intensive.

- 2. The on-call detective will be notified when an offender is in custody, and the detective will determine if they will respond and/or assume case responsibility.
- 3. Conflicts regarding case responsibility will be resolved by the Impact. ~~Burglary Unit supervisor.~~
- ~~4. In all cases of auto burglaries, the Impact Team will have responsibility for the investigation of the case.~~
- ~~5.~~ 4. Field Service personnel or Crime Scene Specialists (CSS) will be responsible for initiating the original offense report and forwarding these reports, as follows:
- ~~6.~~ 5. Personnel will note in their reports who is taking case responsibility for the case.

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- ~~a. Commercial and residential burglaries will be forwarded to the Burglary Unit. Officers will note in their reports that the investigation is to continue by stating "Investigation to continue by the Burglary Unit"~~
- ~~b. Auto Burglaries will be forwarded to the Area Command Impact Team. Officers will note in their reports that the investigation is to continue by stating "investigation to continue by the Area Command Impact Team".~~
- ~~7. In all cases involving "In-Custody" commercial and residential burglaries, the on-call burglary detective will assume immediate responsibility for the case.~~
  - ~~a. Cases involving "In-Custody" commercial and residential burglary offenders, who are apprehended after normal office hours, the on-call burglary detective will be notified through APD radio and will assume sole responsibility for the investigation.~~
  - ~~b. In cases involving "in-custody" auto burglary offenders, who are apprehended after normal office hours, the on-call Impact Team detective will be notified through APD radio and will respond to the scene. Upon arrival the on-call detective will assume sole responsibility for the investigation.~~

~~E.~~ D. Arson

- 1. In cases of arson or suspected arson, Field Service Officers will be dispatched and Field Service Officers will:
  - a. Initiate the original offense report.



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- b. Assist Albuquerque Fire Rescue ~~Department~~ personnel with securing and controlling the scene.
2. If the crime is determined to be a misdemeanor, the officer will take any appropriate enforcement action and will be responsible for any follow-up investigation.
3. If the crime is determined to be a felony, the Albuquerque Fire Rescue ~~Department~~ Arson Unit will conduct all follow-up investigations. If arson is used incidental to a crime which results in death, great bodily harm or permanent disfigurement, Field Service Officers will call out Violent Crime Investigations and Criminalistics.
4. In the event an officer is dispatched or discovers a fire and extinguishes it without assistance, the Albuquerque Fire Rescue ~~Department~~ must still be notified.

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