



ALBUQUERQUE POLICE DEPARTMENT  
FIELD SERVICES BUREAU ORDERS

SOP 4-24

Effective: 01/14/16 Review Due: 01/14/17 Replaces: 06/11/15

## 4-24 CIVIL DISPUTES

### 4-24-1 Policy

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

### 4-24-2 Procedures

#### A. Officers

Officers responding to calls regarding disputes over rent and/or lease agreements should 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. Resolution Referrals

The officer should advise the 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. Court Order Enforcement

1. If one party has a court order that appears to give that party the right to possession of the property, that order should be enforced only by the official specifically directed to do so in the order. Officers are advised to beware of court orders of a suspicious nature.

2. When an officer takes action based on the content of a court order, an incident report will be written, and a copy of the court order (made by the officer) will be attached to that report.

#### F. Bondsman and Bounty Hunter Authority

1. Calls 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. Officers will not act as "agents" of, or on the behalf of, a bondsman or lend their cloak of "color of law" to this private undertaking. Officers will not give advice to a third-party or a bondsman pertaining to the bondsman's authority. The bondsman will act on their own, and officers will not render assistance.
3. Once determining the bondsman's authority, the officer should only become involved if there is an actual breach of the peace.
4. Officers will not assist the bondsman/bounty hunter in gaining entry into the residence. 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.
  - a. If 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. When the defendant does not have a verified warrant, the officer will not take custody of the defendant from the bondsman.

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.