



2-62 BACKGROUND INVESTIGATIONS

2-62-1 Policy

Department policy is to conduct background investigations consistent with a citizen's right to privacy and constitutional guarantees.

2.62.2 Definitions

A. Criminal Background Investigation

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

B. Administrative Background Investigation

The collection of information about individuals, 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.

2-62-3 Rules

[6] A. Self-Initiated Background Investigations

1. Personnel shall conduct background investigations on their initiative only when the following circumstances exist:
 - a. Information is received that named persons or businesses are believed to be involved, or are about to engage, in some criminal activity.
 - b. As necessary for licensing of business or persons, when required by law or regulation.
 - c. When the subject of the investigation has consented in writing to a background investigation.
 - d. As necessary for Administrative Review Section investigations as directed by the Chief of Police.

[5] B. Criminal Predicate for Investigation

If a background investigation is being conducted as a prerequisite for a criminal investigation, officers must have a reason to believe that the background will take the investigation toward actual or possible criminal situations. If officers do not know or believe the information is crime related, the investigation must be terminated.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-62

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[6] C. Confidentiality of Background Information

Background information collected as part of a criminal investigation is considered classified due to its sensitive nature. Personnel, both sworn and non-sworn, must be extremely careful to maintain strict confidentiality.

[5] D. Requests From Other Agencies

Personnel shall not perform a background investigation at the request of another agency if it is clear from the request that the investigation would violate constitutional rights or would be a violation of the law.

[4] E. Use of Information

The information obtained will be used only for the intended purpose of the investigation or follow-up on identified criminal activity.

F. Purging Background Information

1. Purging of background information will be conducted when it is determined that the information is no longer needed to meet statutory or regulatory requirements.
2. Background information gathered as part of a criminal investigation will become a part of the operational file of the investigation and will be subject to purge requirements established for criminal investigations.