



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

2-86 (Formerly 2-26)

Effective: 07/17/2023 Review: 07/17/2024 Replaces: 11/22/2019

2-86 AUTO THEFT AND MOTOR VEHICLE THEFT-RELATED INVESTIGATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[1-16 Auto Theft Unit \(Formerly 5-11\)](#)

B. Form(s)

[PD 1337 Waiver of Prosecution](#)

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 18-124 Eliminate Auto Theft Questionnaire

2-86-1 Purpose

The purpose of this policy is to provide procedures and guidance for Albuquerque Police Department (Department) personnel when investigating auto theft and motor vehicle-theft related crimes.

2-86-2 Policy

It is the policy of the Department for Department personnel to investigate auto theft and motor vehicle-theft related crimes, to complete the initial Uniform Incident Report, and to conduct follow-up investigations unless otherwise indicated.

N/A 2-86-3 Definitions

A. Recovered Vehicle

Any vehicle which is located or for which the owner regains possession.

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A. Auto Theft Investigations

1. Department personnel shall:



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N/A

- a. Verify through the Motor Vehicle Division's (MVD) system that the license plate number and Vehicle Identification Number (VIN) match the motor 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 some instances.
 - 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 motor vehicle and/or license plate to NCIC Reporting Unit personnel before clearing from the call for service.
 - i. Department personnel shall document in their Uniform Incident Report:
 1. The time they reported the stolen motor 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 motor 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 motor vehicle to be entered into the NCIC database if the victim declines to prosecute and 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 the following:
- 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 motor vehicle;
 - c. Investigations involving an altered or removed VIN; and
 - d. Investigations involving any motor vehicle with an altered or removed VIN before Department personnel have it towed.
5. Recovering Stolen Motor Vehicles
- a. Department personnel who recover a motor vehicle that was reported stolen and entered into the NCIC database by Department personnel shall:
 - i. Confirm with an ECC NCIC Operator that the motor vehicle is still listed as stolen;



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- ii. Contact the NCIC Reporting Unit to update the status of the motor vehicle as recovered in the NCIC database;
- iii. Complete a Supplemental Report; and
 - 1. Department personnel shall duplicate the header information from the initial Uniform Incident Report.
 - 2. Department personnel shall list the following:
 - A. The date and time the vehicle was recovered;
 - B. The recovered vehicle's information;
 - C. How the vehicle was recovered;
 - D. If the vehicle was towed from the scene or released to the owner
 - E. Which towing service was used;
 - F. If the vehicle was searched before it was released from the scene; and
 - G. The value of the vehicle if known.
- i. Include any additional charges in the Supplemental Report.
 - 1. If an outside agency reported the motor vehicle as stolen, Department personnel shall complete a Uniform Incident Report.
- b. When sworn personnel recover a stolen motor vehicle, and they have an individual in custody for the theft, they shall complete a Supplemental Report using the original case number, including any additional charges.
- c. When Department personnel recover a motor vehicle that an outside agency reported as stolen and entered into the NCIC database, they shall:
 - i. Complete a Uniform Incident Report;
 - 1. Department personnel shall not complete a Supplemental Report for the initial Uniform Incident Report that the outside agency completed.
 - ii. Request for an ECC NCIC Operator to notify the outside agency through a teletype that the stolen motor vehicle has been recovered; and
 - iii. After the ECC NCIC Operator sends a teletype, wait for the outside agency to confirm that they continue to show the motor vehicle status as stolen.

H. Disputes Involving Motor Vehicle Ownership

- 1. When there is a dispute over the ownership of a motor vehicle, Department personnel shall:
 - a. Obtain from the involved party(s) paper copies of the MVD motor vehicle registration and, if it is available, the motor vehicle's Certificate of Title; and
 - b. Contact an ECC NCIC Operator to determine the following:
 - i. Who the registered owner is;
 - ii. Whether the motor vehicle has been reported as stolen; and
 - iii. Whether the motor vehicle has been reported as embezzled.
- 2. 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:

N/A



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N/A

- a. An Auto Theft Unit Detective, including the on-call Auto Theft Unit Detective;
- b. The Department's legal advisor; or
- c. The on-call Assistant District Attorney.

3. When Department personnel establish beyond a reasonable doubt that the true owner of the motor vehicle can be identified by verifying the documents and/or other verification processes, they shall release the motor vehicle to the rightful owner.
4. When Department personnel cannot verify the true owner of the motor vehicle, they shall:

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- a. Advise the parties to seek legal advice, if necessary, to have the courts determine their respective rights to the property; and
 - b. Not take the motor vehicle away from one (1) party and give it to the other party.
5. Department personnel shall complete a Uniform Incident Report detailing the facts concerning disputes involving motor vehicle ownership.

I. Embezzled Motor Vehicles

1. 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 motor vehicle and identify the occupant(s) only.
2. When possible, sworn personnel shall obtain a warrant for an individual who commits embezzlement of a motor vehicle.
3. Department personnel shall record the victim's request to prosecute using their OBRD.
4. Department personnel shall follow the same guidelines used for embezzled motor vehicles while investigating cases involving motor vehicles obtained through fraudulent means.

J. Recovering Stolen License Plates

1. Department personnel who recover a license plate that was reported stolen and entered into the NCIC database by Department personnel they shall:
 - a. Confirm the status of the license plate through an ECC NCIC Operator;
 - b. Contact the NCIC Reporting Unit to update the status of the license plate as recovered in the NCIC database; and
 - c. Complete a Supplemental Report.
 - i. Department personnel shall duplicate the header information from the initial Uniform Incident Report in their Supplemental Report.



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- ii. Department personnel shall list the stolen license plate number in the Property section of the Supplemental Report and the vehicle the license plate was stolen from in the Vehicle section of the Supplemental Report.
- 2. When Department personnel recover a license plate that was reported stolen by an outside agency and entered into the NCIC database as stolen, they shall:
 - a. Complete an initial Uniform Incident Report;
 - i. Department personnel shall not complete a Supplemental Report for the initial Uniform Incident Report that was completed by the outside agency.
 - b. Request for an ECC NCIC Operator to notify the outside agency through a teletype that the stolen license plate was recovered; and
 - c. After the ECC NCIC Operator sends a teletype, wait for the outside agency to confirm that they continue to show the license plate status as stolen.