



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-103 (Formerly 4-23)

Effective: 11/22/2022 Review: 11/22/2023 Replaces: 01/14/2016

2-103 TRESPASS NOTIFICATIONS

Related SOP(s), Form(s), other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-16 Reports \(Formerly 1-05\)](#)

B. Form(s)

[PD 3085 Criminal Trespass-Order Not to Return \(CT\) Form](#)

C. Other Resource(s)

NMSA 1978, §§ 14-2-1 to 14-2-12 Inspection of Public Records Act

D. Rescinded Special Order(s)

None

2-103-1 Purpose

The purpose of this policy is to enable sworn personnel, businesses, and community members to prevent individuals from criminally trespassing onto real property through the issuance of the Criminal Trespass Notification—Order Not to Return (CT) form. This form is designed to be used at businesses and residences as a way to formally notify an individual that the person in possession of real property has denied or withdrawn consent for the individual to enter or remain on the property.

2-103-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide the CT form as requested and authorized by law.

N/A

2-103-3 Definitions

A. Real Property

Land or immovable property on land, such as buildings.

7

2-103-4 Rules and Procedures

A. Criminal Trespass Notification –Order Not to Return Form (CT)

1. Sworn personnel shall:



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-103 (Formerly 4-23)

Effective: 11/22/2022 Review: 11/22/2023 Replaces: 01/14/2016

N/A

- a. Issue a CT form 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 to or remain on the property;
 - b. Complete the CT form and obtain the following signatures:
 - i. The owner, lessee, proprietor, or any other person in lawful possession of real property;
 - ii. The issuing officer; and
 - iii. The individual who is being denied consent to return to the property.
 - c. Indicate "refused" in the signature box if the individual refuses to sign the CT form;
 - d. After obtaining all appropriate signatures on the CT form completely redact the individual's month, day of birth, and full social security number in accordance with NMSA 1978, §§ 14-2-1 to 14-2-12 Inspection of Public Records Act.
 - i. Sworn personnel shall not redact the year the individual was born.
 - e. Provide one (1) copy of the CT form to:
 - i. Records Division personnel, consistent with SOP Reports (refer to SOP Reports for sanction classifications and additional duties) by uploading a copy and attaching it to the Uniform Incident Report in the Department's records management system;
 - ii. The owner, lessee, proprietor, or any other person denying or withdrawing consent; and
 - iii. The individual for whom consent to enter or return to the property was denied or withdrawn.
 - f. Complete a Uniform Incident Report, consistent with SOP Reports refer to SOP Reports for sanction classifications and additional duties).
2. When available, sworn personnel who respond to a call for service for an individual who allegedly criminally trespassed shall:
- a. Include the original Computer-Aided Dispatch (CAD) system entry and case number from the previously-issued CT in the Uniform Incident Report narrative section; and
 - b. Obtain a copy of the CT form from the owner, lessee, proprietor, or any other person or Records Division personnel as evidence.