



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-62 (Formerly 1-06)

Effective: 08/12/2022 Review: 08/12/2023 Replaces: 01/14/2016

2-62 CRIMINAL BACKGROUND INVESTIGATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

None

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-62-1 Purpose

The purpose of this policy is to outline procedures for Department personnel who complete criminal background investigations while seeking to protect the privacy rights of community members.

2-62-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide community members with the highest level of privacy during a criminal background investigation. It is also the policy of the Department for Department personnel to properly document an individual's connection to a crime, to apply all known information, and to dispose of all documentation after it becomes irrelevant.

N/A 2-62-3 Definitions

A. Criminal Background Investigation

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

B. Criminal Predicate

Information that demonstrates a reasonable possibility that an individual or organization is engaged in or has engaged in a definable criminal activity or enterprise.



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6 2-62-4 **Procedures**

A. Criminal Background Investigations

1. Department personnel shall generate a Computer-Aided Dispatch (CAD) number before beginning a criminal background investigation, unless that investigation is already related to an existing CAD.
2. Department personnel shall conduct criminal background investigations on their initiative only when the following circumstances exist:
 - a. The criminal background investigation is part of their normal job duties;
 - b. When information is received that individuals or businesses are believed to be involved or are about to engage in criminal activity;
 - c. As necessary for licensing of business or persons when required by law or regulation; or
 - d. When the individual who is the subject of the investigation has consented in writing to a criminal background investigation.

5 B. Criminal Predicate for Criminal Background Investigations

1. Department personnel shall only conduct a criminal background investigation on individuals, businesses, addresses, or other personnel when they have identifying information related to a possible criminal offense.
2. If Department personnel do not know or believe the information is related to a crime, they shall terminate their investigation.

4 C. Use of Information

Department personnel shall only use information obtained during the criminal background investigation for the intended purpose of the investigation or to follow-up on identified criminal activity.

D. Destruction of Criminal Background Information

1. Department personnel shall destroy electronic or paper criminal background investigation information when it is determined that the information is no longer needed to meet statutory or regulatory requirements, consistent with federal, state, and local laws.
 - a. Background information that is gathered as part of a criminal background investigation shall become a part of any investigative file that is kept and is subject to destruction requirements established for criminal investigations.