



2-91 INVESTIGATION OF VIOLENT CRIMES

2-91-1 Policy

Department policy is to investigate all violent crimes within the city of Albuquerque. |

2-91-2 Definitions

A. Custodian

A parent, guardian or other person who exercises legal physical control, care or custody of a child; or a person who performs one or more activities of daily living for an adult.

B. Endangered Person

A missing person who:

- Is in imminent danger of causing harm to themselves or another.
- Is in imminent danger of being harmed by another or who has been harmed by another.
- Has been a victim of a crime as provided in the Crimes against Household Members Act [30-3-10 through 30-3-18 NMSA 1978].
- Is or was protected by an order of protection pursuant to the Family Violence Protection Act [Chapter 40, Article 13 NMSA 1978].
- Has Alzheimer's disease, dementia or another degenerative brain disorder or a brain injury that may threaten, or greatly reduce their ability to make sound reasonable decisions and/or may diminish their ability to survive without assistance.

C. Immediate Family Member

The spouse, nearest relative, or close friend of a person.

D. Missing Person

A person whose whereabouts are unknown to the person's custodian or immediate family member and the circumstances of whose absence indicate that the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law; or the person voluntarily left the care and control of his custodian without the custodian's consent and without intent to return.

E. Silver Alert

A notification system alerting the public via telephone calls, broadcast media, social media and electronic bulletin boards that a person is missing.



2.91.3 Rules and Procedures

[7] A. Criminal Investigations, Violent Crimes Section

It is the responsibility of the Criminal Investigations Division, Violent Crimes Section to investigate all cases of homicide, unexplained death, questionable suicide, aggravated battery which could result in death, police shootings, armed robberies, strong-armed robberies, carjacking, criminal sexual penetration, felony stalking or cases deemed necessary by the Chief of Police. The appropriate Violent Crimes investigator and Major Crime Scene Team (MCST) personnel will be notified and will assume responsibility for the investigation, upon arrival.

B. Duties of Assigned Personnel

1. The Dispatched Field Services officer will:

- a. Secure the scene
- b. Render assistance to the injured.
- c. Ensure that a supervisor and Crime Scene Specialist (CSS) are dispatched to the scene.
- d. Identify and separate victims, suspects, and witnesses.
 - i. Witnesses will be handled according to SOP 2-54.
- e. When possible, canvass areas to identify potential witnesses prior to Violent Crimes or MCST arrival.
- f. Be responsible for the crime scene until properly relieved.
- g. Write the primary offense report
- h. Not leave the scene or transport anyone until directed to do so by the Violent Crimes/MCST supervisor or detective at the crime scene, if they are called to the scene.

2. The Crime Scene Specialist will:

- a. Have initial authority over the crime scene, and make the determination to call-out Violent Crimes personnel and MCST personnel. The Crime Scene Specialist will confer with a Crime Scene Specialist supervisor and medical personnel to make the determination of the call-out.
- b. In all cases where MCST is not called, be responsible for:
 - i. Photographing the crime scene and documenting the collection of evidence at the crime scene.
 - ii. Requesting the proper analysis of evidence and processing of photographs by MCST.



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- c. In cases where MCST is summoned, the Crime Scene Specialist will:
 - i. Identify and secure the outer boundaries of the crime scene.
 - ii. Photograph surrounding vehicles and persons at the crime scene without entering the secured area.
 - iii. Photograph items that may be disturbed or destroyed prior to the arrival of MCST.
3. The Dispatched Supervisor will:
 - a. Respond to all reports of unattended or unnatural death, and reports of serious injury.
 - b. Assign a sufficient number of officers to ensure the security of the crime scene, and that victims, suspects, and witnesses are identified and separated.
 - c. Ensure that personnel at the crime scene are limited to those necessary to the investigation, and that everyone assigned to the investigation, regardless of rank, submits a report.
 - d. Assign personnel to canvass the area for witnesses, utilizing PD Form 1385, Crime Scene Canvas and Witness Information Form.
 - e. Assign a Crime Scene Specialist to the hospital to identify and collect pertinent information and evidence from victims or offenders.
 - f. Determine if additional specialized units are required, including Violent Crimes, MCST, Internal Affairs, or Risk Management Division.
 - i. In the event that a Crime Scene Specialist's supervisor is present at the scene, it will be his/her responsibility to determine what specialized units are required.
 - g. Ensure notification of the Office of the Medical Investigator in all cases of unattended death.
 - h. Remain at the crime scene until relieved by the Violent Crimes or the MCST supervisor, if they are called to the scene.
 - i. Ensure that the Crime Scene Specialist dispatched is given full cooperation by Field Services units.
 - j. Ensure notifications of next-of-kin will be conducted by Violent Crimes call-out team.
4. Homicide Detective:

Shall assume responsibility for all phases of the investigation, with the exception of processing the scene and the collection of evidence.
5. MCST Personnel will:

When summoned, be in charge of collecting and processing evidence



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C. Robbery

1. The Armed Robbery Unit, violent crimes investigator will have case and investigative responsibility for all robbery cases.
2. The on-call Armed Robbery detective will be notified any time a robbery offender/suspect is taken into custody.

D. Criminal Sexual Penetration (CSP)

1. The Crimes against Children Unit will investigate all criminal sexual penetration cases where the suspect is a parent, guardian, or other family member, and the victim is under 18 years of age at the time of report.
2. The Sex Crimes Unit will investigate all criminal sexual penetration cases in which the victim is 13 years of age or older, and CACU's criteria has not been met.

E. Investigation of Cold Case Homicides and Unsolved Serial Sex Crimes

The Cold Case Unit will maintain and follow up all Cold Cases. Cold Case Homicide Detectives will have investigative responsibility for all unsolved murders and unsolved serial sex crimes in which all investigative leads have been exhausted by the principal investigator or at the request of a Violent Crimes Supervisor.

F. Investigation of Domestic Violence and Stalking

The Family Abuse and Stalking Training Team (FASTT) Unit specializes in the investigation of continuing and escalating forms of domestic violence and stalking, as well as providing specialized training to department personnel.

G. Investigation of Missing Persons, Missing Juveniles, and Runaways

The Missing Persons Unit is responsible for investigating cases involving adult missing persons, missing juveniles and juvenile runaways.

H. Missing Person Investigation

1. When a Missing Person, Missing Juvenile or Runaway report is taken, it will be the initiating Officer and/or Telephone Reporting Unit's (TRU) responsibility to enter the missing person into NCIC within two hours. A report shall be accepted without delay and without exception for any reason. Officers will note in their report the time Report Review entered the missing person and note the identity of the Report Review Technician to whom the information was given.



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2. When evidence suggests that a missing person's physical safety is in danger or that the person's disappearance is not voluntary, a written and/or recorded statement from a parent, legal guardian, next of kin, or other authoritative source is required. The documentation must include the circumstances relating to the person's disappearance.
 - a. The Child Exploitation Detail (CED) will assume case responsibility for all verified child abduction cases and cases involving the exploitation of children and will assume case responsibility for missing child cases (under 18 years of age) where there are factors that indicate the disappearance of the child is unusual, or the possibility exists that the missing child is at risk. Additionally, the department believes that every child reported "missing" is considered "at risk" until sufficient information to the contrary is confirmed. Refer to SOP 2-35 CED section for instructions.
3. When the missing person has a severe physical and/or mental disability preventing them from caring for themselves or is in imminent danger of causing harm to the person's self or to another, the initiating Officer, CIT or TRU will document this in the initial report, immediately enter them into NCIC, and contact the Missing Person Unit or Missing Person on call detective for further investigation.
 - a. A Silver Alert may be required for a missing adult, 50 years of age or older, where there is a clear indication that the individual has an irreversible deterioration of intellectual faculties; Alzheimer's disease, dementia or another degenerative brain disorder or brain injury. Contact the Missing Person Unit or Missing Person on call detective for qualifying Silver Alert cases.
4. When Civilian Information Technicians and the Telephone Reporting Unit take a report over the telephone the missing person shall be entered into NCIC, and the report emailed or faxed to the Missing Persons Unit for further investigation.
5. When a Missing Persons report is taken, the person taking the report must obtain the description and other identifiers of the missing person, and the time and place the subject was last seen. The identifiers shall include, but are not limited to the following:
 - a. Full name and sex of the individual
 - b. Ethnicity
 - c. Age and Date of Birth
 - d. Height and weight
 - e. Hair and eye color
 - f. Scars, marks, or tattoos
 - g. Clothing
 - h. Any known physical and mental disabilities



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- i. Possession of electronic devices (cell phones, laptops, etc.)
6. Officers will submit all Missing Person, Missing Juvenile and Runaway reports to their supervisor by the end of the shift. The supervisor will then be held responsible to ensure that the copy of the report is faxed and/or emailed to the Missing Persons Unit by the end of the shift.
7. When an Officer, CIT, or the TRU take a Missing Persons report, it will be the responsibility of the initiating officer to properly conduct a preliminary investigation to help determine the circumstances (voluntarily/involuntarily, etc.) under which the person is missing and to include all pertinent facts in a complete report.
 - a. If the missing person or runaway is not located by the end of the officer's shift, it is critical that a copy of the report is faxed and/or emailed to the Missing Persons Unit by the end of their duty shift for follow-up investigation. Reports can be faxed to the Missing Persons Unit at one of the following numbers: 924-6010, 924-6020, 924-6030 or emailed to apdmissingpersons@cabq.gov.
 - b. If the Missing Person, Missing Juvenile or Runaway is located, a supplementary report will be written to cancel the juvenile from NCIC. The officer will call the Report Review Unit to have the juvenile removed from the NCIC. Officers will note in their supplemental report the time Report Review was contacted for the cancellation and the identity of the Report Review Technician to whom the information was given.
8. The Missing Persons Unit will have the final responsibility for the investigation of all adult Missing Persons and Juveniles reported as missing or runaway (except for child abduction cases outlined in 2-28-3-H-2) in which the missing person has not been located by the end of the initiating officer's shift. The Missing Persons Unit will provide assistance to CED upon request.
9. The Missing Persons Unit will be responsible for contacting the family of the missing person/runaway within 24-hours after receiving report for follow-up investigations.
10. Investigative Factors – Circumstances to Consider
 - a. Certain factors may exist when an officer is dispatched to a Missing Person, Missing Juvenile or Runaway incident that should be considered. Factors to consider include, but are not limited to:
 - i. Is the Missing Person, Missing Juvenile or Runaway out of the zone of safety for his/her age and developmental stage?
 - ii. Is the mental capacity of the Missing Person, Missing Juvenile or Runaway child diminished?
 - iii. Does the Missing Person, Missing Juvenile or Runaway take prescribed medication and/or is the person dependent on illicit substances?
 - iv. Is the child a potential victim of foul play or sexual exploitation?



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- v. Is the situation considered life threatening in any way?
- vi. Has there been a delay in reporting the Missing Person, Missing Juvenile or Runaway to Law Enforcement.
- vii. Is the child believed to be with adults who could endanger his or her welfare?
- viii. Is the Missing Person, Missing Juvenile or Runaway absent under circumstances inconsistent with established patterns of behavior?
- ix. Does the Missing Person, Missing Juvenile or Runaway disappearance involve circumstances that would cause a reasonable person to believe that they should be considered at risk?

I. Local, In-State, and Out-of-State Runaways

1. Local and In-State Runaways

- a. Officers can detain (not arrest) these runaways, but cannot place them in the Juvenile Detention Home.
 - i. The New Mexico Children's Code does not permit Children in Need of Supervision (CHINS) to be placed in a facility that also houses persons charged with delinquent acts, unless they are out of state runaways.
- b. Officers encountering such runaway juveniles should make every effort to notify parents or legal guardians.
- c. If contact cannot be made with parents or legal guardians, the following group homes can be contacted for temporary placement.
 - i. Amistad, ages 12-17, 24 hour admission (505)-877-0371
 - ii. New Day, ages 12-17, 24 hour admission (505)-938-1060
 - iii. C.Y.F.D. is also an available resource and can be contacted at (505)-841-6100.

2. Out of State Runaways

- a. Out of state runaways taken into custody by authority of an out of state law enforcement agency Teletype can be taken to the Juvenile Detention Center, 5100 Second St. NW, (505)-761-6600.
- b. Out of state runaways can be detained there for a reasonable period of time until the parent(s) or guardian of the runaway is notified and arrive to take custody or provide transportation for the child.



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[6] **J. Investigation of Endangered Missing Adults, Missing Children, and Runaways**

1. Responding officers shall:

- a. Interview the parent/guardian/reporting party making the report.
- b. Conduct a thorough search of the immediate area including residence(s), vehicles, other buildings, swimming pools, etc.
- c. Obtain a description and current photograph of the missing.
- d. Update Communications of the information received, including the last known location and have this information broadcast on all radio frequencies.
- e. Request an additional officer to secure any scene that may be of evidentiary value if the location is other than the home or location where the officer was dispatched.
- f. Interview potential witnesses at the scene, including children.
- g. Ensure the on-scene supervisor is apprised of pertinent information.
- h. Stay on the scene to ensure the integrity of all potential evidence and obtain any new information when made available.
- i. Initiate the Offense/Incident report as soon as practical.
- j. Immediately enter the missing person into NCIC, no later than 2 hours of being reported.

2. On-scene supervisors shall:

- a. Ensure he/she is briefed by the dispatched officer.
- b. Determine if additional personnel and resources are needed.
- c. Organize and coordinate an immediate search of the area surrounding the missing's home and/or place where the person was last seen.
- d. Ensure that an officer has been established as the victim family liaison.
- e. Establish a command post, if needed.
- f. Will contact the Missing Persons Unit on call detective or Missing Persons Unit supervisor and brief him/her of the incident. Missing Persons Unit will have final determination on the response criteria for the missing person, missing juvenile or runaway, including the activation of a Silver Alert.

K. Criteria For Issuing a Silver Alert

1. The person reported missing:

- a. Is fifty years or older and there is a clear indication the individual has an irreversible deterioration of intellectual faculties; Alzheimer's disease, dementia or another degenerative brain disorder or a brain injury that that may threaten, or greatly reduce their ability to make sound reasonable decisions and/or may diminish their ability to survive without assistance.
- b. Is in imminent danger of causing harm to themselves or another.



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2. Missing Persons detective shall:
 - a. Notify Radio Control on any and all media broadcast alerts upon issuance and cancelation.
 - b. Confer with responding officers and determine if a Silver Alert should be issued.
 - c. Notify the Missing Person's Supervisor.
 - d. Collect the city-issued Silver Alert jump drive and complete the forms saved on the drive.
 - e. Use their Silver Alert jump drive to fill out the following forms if the caregiver or reporting party does not have a city-issued Silver Alert jump drive:
 - i. The law enforcement Silver Alert activation form
 - ii. The media alert form
 - iii. Release of information form with the consent of the caregiver or reporting party
 - f. Collect a photograph from the reporting party and make sure it is on the jump drive.
 - g. Submit through email the photograph and media release form to the on-call public information officer
 - h. Cancel the Silver Alert if:
 - i. The missing person is found.
 - ii. There is information that the missing person has left the state.
 - iii. The missing person goes 24 hours without being found.
3. Missing Persons supervisor shall:
 - a. Make the final determination that a Silver Alert should be activated
 - b. Notify the Public Information Officer that a Silver Alert is being activated.
 - c. Coordinate and oversee the investigation.
4. Public Information Officer shall:
 - a. Collect the media release form and photograph from the on-call missing person detective and complete any applicable fields on the form.
 - b. Notify the general media by emailing the Silver Alert media form and the photograph to the city's media list serve.
 - c. Notify Clear Channel Billboard by emailing them the Silver Alert media form
 - d. Contact A Child is Missing and provide them the Silver Alert Media Form.
 - e. Issue an alert using the Albuquerque Police Department's Nixle Account.
 - f. Cancel the Silver Alert by:
 - i. Sending a notification via email to the city's media list serve that the Silver Alert has been cancelled.
 - ii. Notifying Clear Channel Billboard that the Silver Alert has been cancelled.
 - iii. Notifying a Child is Missing that the Silver Alert has been cancelled