



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-92

Effective: 11/02/2021

Review: 11/02/2022

Replaces: 10/25/2017

**2-92 CRIMES AGAINST CHILDREN INVESTIGATIONS**

**Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

- [1-26 Special Victims Section](#)
- [2-16 Records](#)
- [2-60 Preliminary and Follow-Up Criminal Investigation](#)
- [2-72 Procedures for Serious Crimes Call-Outs](#)
- [2-93 Child Abduction and Missing Child Investigations](#)
- [4-25 Domestic Violence](#)

B. Form(s)

Crimes Against Children Unit (CACU) Checklist  
Violent Crimes/Homicide Call-Out Sheet

C. Other Resource(s)

Indian Child Welfare Act of 1978  
 NMSA 1978, § 31-19-1 Sentencing Authority; Misdemeanors; Imprisonment and Fines; Probation  
 NMSA 1978, § 32A-4-3 Duty to Report Child Abuse and Child Neglect; Responsibility to Investigate Child Abuse or Neglect; Penalty; Notification of Plan of Care  
 NMSA 1978, § 32A-4-6 Taking Into Custody; Penalty  
 NMSA 1978, § 32A-4-11 Use Immunity  
 NMSA 1978, § 32A-4-33 Confidentiality; Records; Penalty  
 Protection and Advocacy for Mentally Ill Individuals' Amendments Act of 1991

D. Rescinded Special Order(s)

- SO 18-53 Photographs on Child Abuse
- SO 18-71 Use of Crimes Against Children Unit Case Management System and Children Youth and Families Law Enforcement Portal
- SO 19-71 Juvenile Call Checklist
- SO 20-33 Criminal Sexual Contact of Minors (17 and under)
- SO 20-77 Felony Child Abuse Charges
- SO 21-51 Investigation of Suicides Between the Ages of Thirteen (13) to Seventeen (17)

**2-92-1 Purpose**

The purpose of this policy is to ensure all incidents relating to child abuse/allegations and/or neglect are thoroughly investigated.



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**2-92-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to provide procedures for Department personnel when responding to incidents involving crimes against children, in addition to determining if a Crimes Against Children Unit Detective is required for assistance.

**2-92-3 Definition**

A. Drug Exposure

Occurs when medicine or other substances are introduced or ingested into the human body that can have a physiological effect which could be harmful or life-threatening.

B. Great Bodily Harm

Great bodily harm means an injury to a person which creates a high probability of death, or, results in serious disfigurement or results in loss of any member or organ of the body or results in permanent or prolonged impairment of the use of any member or organ of the body.

C. Strangulation

The unlawful touching or application of force to another person's neck or throat with intent to injure that person and in a manner whereby great bodily harm or death can be inflicted, the result of which impedes the person's normal breathing or blood circulation.

D. Sudden Unexpected Death in Infancy (SUDI)

The sudden and unexpected death of a baby less than one (1) year old in which the cause was not obvious before the investigation.

E. Suffocation

The unlawful touching or application of force that blocks the nose or mouth of another person with the intent to injure that person and in a manner whereby great bodily harm or death can be inflicted, the result of which impedes the person's normal breathing or blood circulation.

**7 2-92-4 Procedures**

A. Inter-Agency Cooperation

1. Department personnel shall work in close cooperation with the New Mexico Children, Youth, and Families Department (CYFD). CYFD and the District Attorney's Office (DA) for the protection of victims and the prosecution of offenders.



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2. Records obtained from Statewide Central Intake (SCI)/CYFD are considered confidential and cannot be released to the general public or media. This includes Uniform Incident Reports that are generated in conjunction with a CYFD investigation.

B. Sworn Personnel Responsibilities

N/A

1. Sworn personnel shall conduct a preliminary investigation (refer to SOP Preliminary and Follow-up investigations for sanction classifications and additional duties).
2. Sworn personnel conducting the investigation shall supplement their preliminary investigation by:
  - a. Requesting Real Time Crime Center (RTCC) to run a query for information contained in the CACU Case Management System when they suspect child abuse and/or neglect; and
  - b. Use the CYFD portal to query all information as it relates to their investigation, and may request this query to be completed by RTCC when they suspect child abuse and/or neglect.
3. If one (1) or more of the following criteria are present after the preliminary investigation has been completed, sworn personnel shall complete the CACU Checklist, and notify and brief the supervisor about the incident:
  - a. Any inflicted injury to a child five (5) years old and under;
  - b. Injury resulting in great bodily harm of a child five (5) years old and under that appears to have occurred accidentally;
  - c. Felony child abuse when the victim is seventeen (17) years of age or under and the injury results in great bodily harm and the injury is not a result of an action caused by a firearm; and/or
  - d. The death of children seventeen (17) years old or younger or where death is likely, including:
    - i. Apparent Sudden Unexplained Death in infancy (SUDI);
    - ii. Suicide;
      1. CACU Detectives shall not respond to the scene or investigate the suicide of juveniles between the ages of thirteen (13) to seventeen (17) unless suspicious circumstances exist.
      2. CACU Detectives shall investigate all suicides of juveniles twelve (12) years old and under.
      3. FSB sworn personnel shall conduct a full investigation and remain the case agent for non-suspicious suicides of juveniles between the ages of thirteen (13) to seventeen (17) in the same manner as the suicide of an individual eighteen (18) years of age or older.
    - iii. Homicide where the individual is either:
      1. A parent/step-parent/co-parent, or individual who has been entrusted with the care of the child; or



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- 2. A significant other of the parent who currently resides where the victim lives;
- iv. Any accidental death;
- v. Drug or alcohol overdose; or
- vi. Apparent natural death.
- e. Criminal sexual contact and criminal sexual penetration, including:
  - i. Where the victim is twelve (12) years old and younger at the time the incident is reported to police; and
  - ii. Where the victim is thirteen (13) through seventeen (17) years old at the time the incident is reported to police and where the suspect is either a:
    - 1. Parent/step-parent/co-parent, or individual who has been entrusted with the care of the child;
    - 2. Significant other of the parent who currently resides where the victim lives; or
    - 3. A sibling or step-sibling.
- f. Felony level child abuse when a search and/or arrest warrant is required;
- g. Active drug exposure; and
  - i. Children twelve (12) years old and under;
  - ii. Immediate medical attention is necessary; and
  - iii. This does not include infants born drug exposed.
- h. Delayed drug exposure.
  - i. Children twelve (12) years old and under at the time of the report; and
  - ii. The child received documented medical treatment from a licensed or certified professional.
- 4. If the child sustains great bodily harm, sworn personnel shall have the child transported by ambulance to a hospital.
- 5. When physical injuries are located on a child's body, sworn personnel shall request a Crime Scene Specialist (CSS) to photograph the injuries, including injuries to the genitals.
- 6. Victims of child abuse may be photographed in all cases without the consent of their parent or legal guardian.
- 7. Sworn personnel shall notify Metro Traffic Division personnel in instances where a child's death is the exclusive result of a traffic crash. Where there was no intent to harm a child, Metro Traffic Division personnel shall retain case responsibility.
  - a. Sworn personnel shall retain case responsibility in instances where child abuse charges are filed as the result of driving while under the influence (DWI).

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C. Sworn Personnel Case Responsibility

- 1. Sworn personnel shall complete the case and forward it to the DA's Office when the case meets any of the following criteria:



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- a. A person is in custody and they have probable cause for an arrest;
  - b. A case includes identification of the suspect(s) and there is no further investigation needed; and/or
  - c. No search or arrest warrant is needed.
2. Before making an arrest for child abuse, sworn personnel should consider the safety and protection of the child and, when possible, remove them from the environment or ensure they do not witness the arrest.
  3. Sworn personnel shall complete a Uniform Incident Report and/or supplemental narrative report on all cases involving alleged/suspected or confirmed child abuse, neglect, abandonment, or cruelty to children incidents/cases.
    - a. Sworn personnel shall select the "nature of call" as either being:
      - i. "CHILD ABU-Child/Abandonment"; or
      - ii. "CHILD INC-Child Abuse Incident ONLY".
  4. Sworn personnel shall complete the SCI/CYFD Referral Process
    - a. If through the investigation the information leads to no new allegations of neglect, abuse, or new victims, sworn personnel are directed to email their report to SCI/CYFD via <mailto:sci.lereports@state.nm.us>. Sworn personnel are not authorized to fax or mail reports to SCI.
    - b. If one (1) of the two (2) criteria listed below are met, sworn personnel are directed to immediately call SCI to report the new abuse, neglect, or identified victim at #SAFE (#7233) or (855) 333-7233.
      - i. New allegations of neglect or abuse are identified through investigation that are unrelated to the initial reported allegation.
      - ii. New victim(s) are identified through investigation.
    - c. Sworn personnel shall email all Uniform Incident Reports to SCI/CYFD within forty-eight (48) hours, consistent with NMSA 1978, § 32A-4-3.
  5. Sworn personnel shall categorize their on-body recording device (OBRD) footage captured during the performance of law enforcement duties involving allegations of child abuse, neglect, and welfare checks in the Evidence.com lapel storage system as "evidentiary".

#### D. Supervisor Responsibilities

1. The investigating officer's supervisor shall ensure the CACU Checklist was properly completed when the incident has met one (1) or more of the criteria listed above.
2. If the criteria have been met, they shall request through the Emergency Communications Center (ECC) the on-call CACU Detective's phone number; then notify the CACU Detective immediately.



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3. The CACU Detective shall respond consistent with the procedures outlined in SOP Special Victims Section.

E. For interviews with alleged victims or witnesses, twelve (12) years old and under:

1. Sworn personnel may conduct basic preliminary interviews with an alleged victim or witness while on scene; and

2. Sworn personnel and detectives may utilize a professional forensic safe house interview when necessary.

a. The investigating officer/detective requesting the safe house interview shall be responsible for attending the scheduled interview.

i. The investigating officer/detective may have a designee attend the interview.

**6** F. Procedures for Taking Custody and/or Placement of a Child

1. Sworn personnel shall request SCI/CYFD contact information from ECC and request a CYFD caseworker to respond to the scene through SCI.

a. Sworn personnel shall provide SCI with the following information when applicable:

i. The alleged victim identifying information;

ii. The alleged suspect identifying information;

iii. The Identifying Information for all individuals residing in same location as the alleged victim; and

iv. A summary of the investigation.

2. Sworn personnel shall act in accordance with NMSA 1978, § 32A-4-6 when a child is held or taken into custody.

a. Sworn personnel have the legal right to prevent the removal of the child from hospital care in cases when the officer reasonably believes:

i. The parents are directly responsible for the injuries to the child; and/or

ii. The child's physical and/or emotional well-being appears to be in imminent danger.

3. If the child is to be placed with a family member, relative, or other placement, the investigating officer/detective shall conduct a criminal background check of the person with whom the child is to be placed. The criminal/background checks shall include, but are not limited to:

a. CYFD portal information;

b. Wants and warrants information;

c. New Mexico court information;

d. Law enforcement involvement history; and

e. Police databases.



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- i. The results of the criminal/background check shall be documented in the officer's Uniform Incident Report.
  - ii. Sworn personnel may also request RTCC to conduct the criminal/background check.
4. All facts to support taking the custody of a child or placement of a child shall be documented in the officer's Uniform Incident Report.
5. When CYFD requests the Department take custody of a child, the officer shall ask the caseworker for all information of abuse or neglect.
  - a. If the caseworker has no facts to support taking custody of a child, and the officer does not find reasonable grounds to remove the child, the officer shall:
    - i. Document in their Uniform Incident Report the caseworker's statement; and
    - ii. Request that the caseworker get a court order to remove the child.
6. The officer's Uniform Incident Report shall list the offense for which the child was taken into protective custody.

### G. Crimes Against Children Unit Serious Crimes Call-Out

1. The on-call supervisor shall ensure there are an adequate number of detectives available to conduct the investigation. This shall be determined upon review of the call which includes, but is not limited to:
  - a. Identification and number of witnesses or individuals to be interviewed; and
  - b. Case complexity or any other determinant factor identified by the supervisor.
2. The on-call supervisor is authorized to contact on-call Serious Crimes Call-Out Team personnel for assistance or any other determined on-call investigative unit to achieve adequate staffing for the investigation.
3. The on-call supervisor shall ensure that the primary and secondary on-call CACU Detectives are taking casing responsibility.
4. The on-call supervisor shall ensure that the on-call District Attorney is notified and shall request them to respond to the scene.
5. The on-call supervisor shall ensure that SCI is contacted if circumstances are identified that meet state required reporting in compliance with NMSA 1978, § 32A-4-3.
6. The on-call supervisor shall complete the Violent Crimes/Homicide Call-Out Sheet and email it to the current contact list provided by the Homicide Unit, as soon as reasonably possible, but prior to clearing the scene.
7. The on-call supervisor shall ensure the instructional reporting process is emailed to





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all sworn personnel on-scene, as soon as reasonably possible, but prior to clearing the scene.

8. During the course of an investigation, should the Serious Crimes Call-Out Team supervisor or Major Crime Scene Team (MCST) Supervisor determine the need for a serious crimes call-out, procedures shall be followed in accordance with SOP Procedures for Serious Crimes Call-Outs.

### H. Briefings

#### 1. Initial Briefing

- a. The on-call supervisor shall ensure a briefing is held and shall also be present during the entirety of the briefing, as soon as reasonably possible after initiation of the call-out, with the following personnel present:
  - i. Primary and secondary CACU Detectives;
  - ii. The District Attorney or their representative, if they responded to the scene;
  - iii. Representative from MCST;
  - iv. Representative from the Office of the Medical Investigator (OMI); and
  - v. Representative from CYFD if they responded to the scene.

#### 2. Debrief

- a. The on-call supervisor shall ensure a debriefing of the incident is conducted prior to clearing the scene, and shall also be present during the entirety of the debriefing. The following personnel shall be present during the debriefing:
  - i. Primary and secondary CACU Detectives;
  - ii. District Attorney if they responded to the scene and are still on-scene;
  - iii. Representative from MCST;
  - iv. Representative from OMI; and
  - v. Representative from CYFD if they responded to the scene.

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### I. Confidentiality of Records

1. Sworn personnel shall maintain the confidentiality of all investigative records pursuant to NMSA 1978, § 32A-4-33.
2. All records or information concerning a party to a neglect or abuse proceeding, including social records, diagnostic evaluations, psychiatric or psychological reports, videotapes, transcripts and audio recordings of a child's statement of abuse or medical reports incident to or obtained as a result of a neglect or abuse proceeding or that were produced or obtained during an investigation in anticipation of or incident to a neglect or abuse proceeding shall be confidential and closed to the public.
3. A parent, guardian or legal custodian whose child has been the subject of an investigation of abuse or neglect where no petition has been filed shall have the





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right to inspect any medical report, psychological evaluation, law enforcement reports or other investigative or diagnostic evaluation; provided that any identifying information related to the reporting party or any other party providing information shall be deleted. The parent, guardian or legal custodian shall also have the right to the results of the investigation and the right to petition the court for full access to all department records and information except those records and information the department finds would be likely to endanger the life or safety of any person providing information to the Department.

4. Whoever intentionally and unlawfully releases any information or records closed to the public pursuant to the Abuse and Neglect Act or releases or makes other unlawful use of records in violation of that act is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of NMSA 1978, § 31-19-1.
5. The Department shall promulgate rules for implementing disclosure of records pursuant to this Standard Operating Procedure and in compliance with federal and state laws and the Children's Court Rules.