



2-104 CIVIL DISPUTES

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-8 Use of On-Body Recording Devices (OBRD) (Formerly 1-39)
- 2-80 Arrests, Arrest Warrants, and Booking Procedures (Formerly 2-14)
- 2-92 Crimes Against Children Investigations (Formerly 2-33)

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-104-1 Purpose

The purpose of this policy is to provide guidance to Albuquerque Police Department (Department) personnel when assisting the community with civil disputes.

2-104-2 Policy

It is the policy of the Department to respond to calls involving civil disputes primarily for the purpose of restoring order.

N/A **2-104-3 Definitions**

None

7 **2-104-4 Procedures**

A. Disputes

5 1. Custody Disputes

- a. Sworn personnel responding to custody disputes where a Parenting Plan or court order regarding timesharing is in place shall limit their response to restoring order between the parties. Sworn personnel shall:
 - i. Not order or force the removal of the child from the current custodial parent; and



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-104 (Formerly 4-24)

P&P Draft: 09/06/2023

N/A

- ii. Advise the parties to seek legal advice on the matter and accurately document the incident in a Uniform Incident Report.
- b. If sworn personnel encounter a situation where a pick-up order for a child has been issued by the court and signed by a judge, they shall enforce the pick-up order according to the directives outlined in the pick-up order.
 - i. Sworn personnel shall complete a Uniform Incident Report documenting the incident and the enforcement of the court's order.
- c. When sworn personnel suspect child abuse or neglect in the home of the current custodial parent, they shall call the New Mexico Children, Youth, and Families Department (CYFD) to take custody of the child, and CYFD decides the appropriate placement of the child.
 - i. Sworn personnel shall complete a Uniform Incident Report documenting the incident, consistent with SOP Crimes Against Children Investigations (refer to SOP Crimes Against Children Investigations for sanction classifications and additional duties).
- d. In cases where an Order of Protection addresses child custody, sworn personnel shall enforce the custody provisions of the Order so long as the custody portion has not expired or been modified by a more recent Order of Protection.

2. Disputes Involving Liens

- a. Sworn personnel shall not attempt to take personal property away from one individual and give it to another if there is a dispute over ownership of the property involved.

3. Disputes Over Property Disposition

- a. Sworn personnel shall advise the individual in possession of the property to only dispose of it after the courts have resolved the matter.

4. Disputes Involving Rent or Lease Agreements

- a. Sworn personnel responding to calls regarding disputes over rent and/or lease agreements shall limit the response to restoring order.

B. Referrals for Legal Advice

- 1. Sworn personnel shall advise the individuals to seek legal advice and permit the courts to determine their respective rights to the property.

C. Court Order Enforcement

- 1. Sworn personnel are advised to be cautious of court orders of a suspicious nature. When one individual has a court order that appears to grant them the right to possession of the property in question, the order shall be enforced only by the official specifically directed to do so in the order.



2. Sworn personnel shall complete a Uniform Incident Report when they take action based on the content of a court order.
3. Sworn personnel shall document the court order with their on-body recording device (OBRD), consistent with SOP Use of On-Body Recording Devices.

D. Bondsman and Bounty Hunter Authority

1. The Emergency Communications Center (ECC) shall only dispatch sworn personnel on calls received from a bondsman or bounty hunter requesting a police response when there is a disturbance.
- 5 2. Sworn personnel shall not act as agents of, or on behalf of, a bondsman or lend their cloak of "color of law" to this private undertaking.
3. Sworn personnel shall not give advice to a third party or a bondsman pertaining to the bondsman's authority.
 - a. The bondsman acts independently, and sworn personnel shall not render assistance.
4. Once they have determined the bondsman's authority, sworn personnel should only become involved if there is an actual breach of the peace.
- 5 5. Sworn personnel shall not assist the bondsman/bounty hunter in gaining entry into the residence.
6. When criteria justify a warrantless entry into a residence, sworn personnel shall instruct the bondsman/bounty hunter to remain outside.
7. Sworn personnel shall only take custody of the individual when there is a verified arrest or bench warrant.



2-104 CIVIL DISPUTES

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

A. Related SOP(s)

2-8 Use of On-Body Recording Devices (OBRD) ~~2-8 Use of On-Body Recording Devices (OBRD)~~ (Formerly 1-39)

2-80 Arrests, Arrest Warrants, and Booking Procedures ~~2-80 Arrests, Arrest Warrants, and Booking Procedures~~ (Formerly 2-14)

2-92 Crimes Against Children Investigations ~~2-92 Crimes Against Children Investigations~~ (Formerly 2-33)

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-104-1 Purpose

The purpose of this policy is to provide guidance to Albuquerque Police Department (Department) personnel when assisting the community with civil disputes.

2-104-2 Policy

It is the policy of the Department to respond to calls involving civil disputes primarily for the purpose of restoring order.

N/A 2-104-3 Definitions

None

7 2-104-4 Procedures

A. Disputes

5 1. Custody Disputes



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-104 (Formerly 4-24)

P&P Draft: 09/06/2023

N/A

- a. Sworn personnel responding to custody disputes where a Parenting Plan or court order regarding timesharing is in place shall limit their response to restoring order between the parties. Sworn personnel shall:
 - i. Not order or force the removal of the child from the current custodial parent; and
 - ii. Advise the parties to seek legal advice on the matter and accurately document the incident in a Uniform Incident Report.
- b. If sworn personnel encounter a situation where a pick-up order for a child has been issued by the court and signed by a judge, they shall enforce the pick-up order according to the directives outlined in the pick-up order.
 - i. Sworn personnel shall complete a Uniform Incident Report documenting the incident and the enforcement of the court's order.
- c. When sworn personnel suspect child abuse or neglect in the home of the current custodial parent, they shall call the New Mexico Children, Youth, and Families Department (CYFD) to take custody of the child, and CYFD decides the appropriate placement of the child.
 - i. Sworn personnel shall complete a Uniform Incident Report documenting the incident, consistent with SOP Crimes Against Children Investigations (refer to SOP Crimes Against Children Investigations for sanction classifications and additional duties).
- d. In cases where ~~there is~~ an Order of Protection ~~address~~ addresses child custody, sworn personnel shall enforce the custody provisions of the Order so long as the custody portion has not expired or been modified by a more recent Order of Protection.

2. Disputes Involving Liens

- a. Sworn personnel shall not attempt to take personal property away from one individual and give it to another if there is a dispute over ownership of the property involved.

3. Disputes Over Property Disposition

- a. Sworn personnel shall advise the individual in possession of the property ~~not~~ to only dispose of it after ~~until~~ the courts have resolved the matter.

4. Disputes Involving Rent or Lease Agreements

- a. Sworn personnel responding to calls regarding disputes over rent and/or lease agreements shall limit the response to restoring order.

B. Referrals for Legal Advice

1. Sworn personnel shall advise the individuals to seek legal advice and permit the courts to determine their respective rights to the property.

C. Court Order Enforcement



1. Sworn personnel are advised to be cautious of court orders of a suspicious nature. When one individual has a court order that appears to grant them the right to possession of the property in question, the order shall be enforced only by the official specifically directed to do so in the order.
2. Sworn personnel shall complete a Uniform Incident Report when they take action based on the content of a court order.
3. Sworn personnel shall document the court order with their on-body recording device (OBRD), consistent with SOP Use of On-Body Recording Devices.

D. Bondsman and Bounty Hunter Authority

1. The Emergency Communications Center (ECC) shall only dispatch sworn personnel on calls received from a bondsman or bounty hunter requesting a police response when there is a disturbance.
2. Sworn personnel shall not act as agents of, or on the behalf of, a bondsman or lend their cloak of "color of law" to this private undertaking.
3. Sworn personnel shall not give advice to a third party or a bondsman pertaining to the bondsman's authority.
 - a. The bondsman acts independently ~~acts on their own~~, and sworn personnel shall not render assistance.
4. Once they have determined the bondsman's authority, sworn personnel should only become involved if there is an actual breach of the peace.
5. Sworn personnel shall not assist the bondsman/bounty hunter in gaining entry into the residence.
6. When criteria ~~If the criteria are met, which justify a~~ warrantless entry into a residence, sworn personnel shall instruct the bondsman/bounty hunter to remain outside.
7. Sworn personnel shall only take custody of the individual when there is a verified arrest or bench warrant.

5

5