



ALBUQUERQUE POLICE DEPARTMENT  
INVESTIGATIVE BUREAU ORDERS

SOP 5-4

Effective: 10/25/17 Expires: 10/25/18 Replaces: 07/12/16

## 5-4 JUVENILE SECTION

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### 5-4-1 Purpose

This policy describes the duties and responsibilities of detectives and personnel assigned to the Juvenile Section, which includes the Crimes Against Children Unit, the Child Exploitation Detail, and the Sex Offender Registration Detail. For information pertaining to the Field Services Bureau duties and responsibilities regarding the investigation of crimes against children, refer to the [Crimes Against Children SOP](#).

### 5-4-2 Policy

It is the policy of the Juvenile Section to investigate allegations of felony child abuse and child neglect, and to develop and participate in programs designed to prevent or reduce juvenile delinquency, and to enhance the overall safety and welfare of the youth of our community. Officer will provide guidance on ethical issues in a classroom setting as well as explain the role law enforcement has in society.

### 5-4-3 Biannual Psychological Wellness Checks

Due to the possibility of significant mental trauma caused by the investigation of crimes against children, Detectives assigned to the Juvenile Section will be mandated to attend a Behavioral Health Wellness appointment that shall be conducted by the Behavioral Health Division biannually. Additionally, Detectives may utilize the Internet Crimes Against Children Task Force Behavioral Health Provider as needed.

### 5-4-4 CRIMES AGAINST CHILDREN UNIT (CACU)

- A. It is the policy of the Crimes Against Children Unit (CACU) to prioritize, coordinate, and investigate felony crimes against children that relate to child abuse. To provide field services with assistance and training in the investigation and documentation of crimes against children.



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B. Inter-Agency Cooperation

1. Department personnel will work in close cooperation with the New Mexico Children, Youth and Families Department (CYFD). Child Protective Services and the District Attorney's office (DA) for the protection of victims and the prosecution of offenders.
2. The Crimes Against Children detectives may be called for assistance on any case involving:
  - a. Non-felony crimes.
  - b. Request for assistance from C.Y.F.D.
  - c. Situations where there are questions about abuse and/or neglect.

C. Crimes Against Children Unit Responsibilities

The Crimes Against Children Unit will investigate:

1. Unattended Death of a Child

The Crimes Against Children Unit will investigate the following unattended deaths of children under 18 years of age or where death is likely:

a. Apparent Sudden Unexplained Death in Infancy (SUDI)

Sudden Unexpected Death in Infancy (SUDI) is an umbrella term that describes the death of an infant which was not anticipated as a significant possibility 24 hours before the death, or where there was a similarly unexpected collapse leading to or precipitating the events which led to the death.

- b. Suicide
- c. Homicide by parent or guardian
- d. Any accidental death to include; drowning, drug or alcohol overdose
- e. Apparent natural unattended death

In instances where a child's death is the exclusive result of a traffic crash where there was not intent to harm a child, Field Services and/or Traffic Unit will retain case responsibility.

2. Child Abuse Resulting in Injuries:

- a. Any inflicted Injury to a child 5 years old and under
- b. Serious inflicted injury to a child less than 13 years old, when the offender is a household member.



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- i. Serious bruising likely to cause great bodily harm or death.
- ii. Broken Bones
- iii. Medical intervention is necessary for treatment of serious inflicted injuries.
- iv. Inflicted internal injuries
- v. Burns/Scalding
- vi. Inflicted head injury requiring medical intervention.
- vii. Serious neglect likely to cause great bodily harm or death.
- c. In instances where child abuse charges are filed as the result of a DWI, case responsibility shall remain with the primary investigating officer.
- d. Injury resulting in great bodily harm of a child age 5 and under that appears to have occurred accidentally.

3 Criminal Sexual Penetration

- a. Children under age 13
- b. The CACU will be notified immediately.
- c. Because of the complex nature of child sexual abuse, formal interviews of children under age 13 will be investigated by the CACU.
- d. The CACU will investigate all criminal sexual penetration cases where the suspect is a parent, guardian, or other family member, and the victim is under age 18 at the time of report.
  - i. If the reporting victim is between 13 to 17 years old but was under age 12 at the time of the offense, CACU shall take case responsibility, regardless of the relationship between the suspect and victim.

4 Criminal Sexual Contact

- a. Children under age 13
  - i. The CACU will be notified immediately.
  - ii. Because the complex nature of child sex abuse, formal interviews of children under age 13 will be conducted by CACU.
- b. Children 13 years and older

The appropriate area command Impact Unit will be contacted to conduct the investigation.

5. Case Assignments/Investigations

- a. Crimes Against Children Unit supervisors will assign or approve all cases to be investigated.
- b. Case assignments will be made utilizing the following guidelines:



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- i. Detectives will be responsible for the follow-up investigation of the cases they respond to or are notified of while on-call, following supervisor approval.
- ii. Other case assignments including cases referred through Records Section, C.Y.F.D. referrals, and other agency assists will be distributed to unit members by the unit supervisor.
- iii. Bureau guidelines for follow-up investigations will be followed.

D. Taking Protective Custody of a Child

1. When responding to any form of child abuse, the detective must determine if the child should be removed from the environment for the child's safety.
2. Pursuant to New Mexico Statute 32A-4-6, a detective may take a child into protective custody when the officer has reasonable grounds to believe the child is:
  - a. Suffering from illness or injury.
  - b. Has been abandoned.
  - c. Is in danger from its surroundings and if removal from those surroundings is necessary.
3. In making a determination of removal for protective custody, detectives will obtain all pertinent information and review the need for removal with their supervisor.
4. When taking a child into custody, the detective will:
  - a. Notify C.Y.F.D. immediately
  - b. An C.Y.F.D. Child Protective Services caseworker can assist with placing the child in a temporary home.
  - c. Immediate contact with C.Y.F.D. is critical so custody petitions can be filed within 24 hours.
  - d. The initial report will list the offense (in box 7) for which the child was taken into protective custody.
  - e. "Protective custody" is not an appropriate title for box 7 of the offense/incident report, as protective custody cases are public record.
  - f. Records obtained from C.Y.F.D. are confidential and cannot be released to the general public or news media.

E. Hospitalization of an Abused or Neglected Child

1. When hospitalization of an abused or neglected child is necessary:
  - a. Officers will complete a police hold on the child.
  - b. The child will not be removed unless authorized by a police officer or the agency that has been given custody of the child.



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2. When a child is already hospitalized because of injuries, the following conditions apply:
  - a. Officers may take the child into protective custody if the parent attempt to remove the child from the hospital.
  - b. Officer have the legal right and responsibility to prevent the removal of the child in cases where the officer reasonable believes:
    - i. The parents are directly responsible for the injuries to the child.
    - ii. There appears to be danger to the physical and/or emotional wellbeing of the child.
3. Victims of child abuse may be photographed in all cases without the consent of the parents or legal guardian.
4. Photographs will be taken, if possible, when it will not interfere with the wellbeing of the child. A person from the hospital should be present.

F. Arrest for Child Abuse

1. Before making an arrest for child abuse, detectives should consider the safety and protection of the child. If the child can be removed from the environment, it is preferred that a complete investigation be conducted prior to an arrest.

Detectives should consider:

- a. Whether the child is safe from the offender.
  - b. Whether the offender is a flight risk.
  - c. Whether the case can be fully investigated before it is presented to the grand jury, to include medical and psychological evaluations.
2. All arrest warrants, search warrants, metro court complaints, and psychological evaluations should be approved by the assistant district attorney assigned to the Family Crimes Division of the District Attorney's office.
  3. For domestic abuse, refer to the Field Services Bureau Standard Operating Procedures manual for duties of police officers. If domestic abuse against a child escalated to a felony, the dispatched officer will notify the Crimes Against Children Unit.
  4. Note: Children have the same rights as adults and are granted the same protection as an adult under the Family Violence Protection Act. When children are present, their welfare should be determined.
  5. Summons may be issued for misdemeanor offenses.



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6. State statutes will be utilized whenever possible. Charging under state statutes will permit the offender to be under the jurisdiction of the court for a longer period of time.

#### 5-4-5 CHILD EXPLOITATION DETAIL (CED)

##### A. Goal

It is the goal of the Child Exploitation Detail (CED) to effectively investigate, and prepare for prosecution cases involving the exploitation of children. In addition, the CED will provide training and education for the Department, other law enforcement agencies, and the community in the areas of child exploitation, child pornography, child abductions, and sexual abuse against children perpetrated by an offender who is in a position of authority over the child.

##### B. Definitions

###### 1. Exploitation

To make use of unethically or unjustly for one's own advantage.

###### 2. Juvenile/Child

A person under 18-years of age.

###### 3. Pornography

The depiction of erotic and/or sexual behavior intended to cause sexual excitement.

###### 4. Child Pornography

Pornography in which children are involved.

##### C. Procedures

The detail will be responsible for one or more of the following:

###### 1. Juvenile Abduction/Attempted Abduction

- i. Field Services personnel will contact their supervisor and will also contact the on-call Child Exploitation Detail detective who will assume on scene responsibility. The preliminary investigation (original report) will still be completed by Field Services personnel.
- ii. The Field Services supervisor will coordinate the proper notification of investigative personnel and ensure that all officers involved



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complete their reports and submit them to the on-scene detective prior to leaving the scene.

2. Exploitation

- a. Manufacturing of child pornography.
- b. Distributing or possession with the intent to distribute child pornography
- c. Child Prostitution (These have been, and may also be, worked by VICE)
- d. Evidence of networking with possible offenders in reference to their sexual interests in children.
- e. Abductions of children by a stranger  
Responsible for missing or abducted children cases from outside jurisdictions when it is believed that the victim(s) and/or offender(s) are now in our jurisdiction (working with agent(s) from other jurisdictions).
- f. CED is responsible for the investigation of assigned Internet Crimes Against Children (ICAC) cases as assigned by the ICAC Task Force, led by the New Mexico Office of the Attorney General.
- g. Indecent Exposure when the victim is under age 13.
- h. Sexual abuse cases where the perpetrator is in a position of authority over the child. i.e. teacher, coach, priest.

**5-4-6 SEX OFFENDER REGISTRATION DETAIL (SORD)**

A. Policy

It is the policy of the Albuquerque Police Department, in collaboration with the Bernalillo County Sheriff's Office Sex Offender Registration Team (BCSO SORT), to protect the public from sexual predators through tracking, registering and notifying the public of those individuals who may target others for sexual offenses.

B. Goal

The Albuquerque Police Department recognizes the need for a unit dedicated and staffed for the purpose of the registration of Sex Offenders. The department's goal is to make the City of Albuquerque safer as a whole and reduce the possibility of persons within the city becoming the victim of a sexual offense. This will be accomplished through proper documentation of information on sex offenders who have offended against children and through public awareness.

C. Procedures

1. The SORD will be responsible for the registration of sex offenders under the guidelines of the Albuquerque Sex Offender Registration and Notification Act (ASORNA), applicable Memorandums of Understanding (MOU), city ordinance(s) and the Albuquerque Police Department's Standard Operating Procedures.



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2. This will include:

- a. Obtaining all pertinent information from those offenders who comply with the law by registering with the Albuquerque Police Department.
- b. The proper maintenance and storage of all registrant information, which includes the data entry and upkeep of the City Sex Offender Web Site.
- c. Conducting a background search on sex offenders who register under the provisions of SORD as deemed necessary by the SORD supervisor.
- d. Conducting address verifications for all registered sex offenders.
- e. Verifying that registered sex offender have not acquired, mortgaged or newly occupied any real property, occupied or acquired any real property by lease or otherwise or established a place of lodging within 1000 feet of a school after the effective date of the SORD ordinance.
- f. Forwarding registration information to the Bernalillo County Sheriff's Department and the New Mexico Department of Public Safety within 90 consecutive days of the registration of an offender.

D. SORD Detectives Duties

1. Conduct reasonable background searches as set forth in the section B and the definitions section of the Standard Operating Procedures governing SORD.
2. Insure that persons in violation of the ASORNA ordinance are processed through the judicial system.
3. Answer questions from the public in reference to the ASORNA ordinance.
4. Dress in a manner that is appropriate for duties assigned, including dealing with the public, dealing with sex offenders registering under SORD, surveillances, or other operations as deemed appropriate by the SORD Unit supervisor.