



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-65

OPA DRAFT

**2-65 RESERVED FOR FUTURE USE INTERVIEWS AND COLLECTION
OF EVIDENCE AT HOSPITALS**

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2-65-1 Policy

Department policy is to interview individuals and collect evidence at hospitals when necessary; consistent with approved medical and legal procedures.

2-65-2 Rules

[7] **A. Interviews**

Interviews should not interfere with medical treatment and should be conducted during normal visiting hours for those individuals admitted as patients. If the individual is being treated in a limited access area (ICU/CCU), arrangements will be made with the attending physician. Intrusions and interruptions will be held to a minimum.

[7] **B. Photographs**

A field investigator will be called when photographs are required unless a sergeant assumes responsibility for taking the photographs. The investigator will not interfere with any medical treatment. When appropriate, arrangements will be coordinated with the medical staff.

C. Photographs of Victims

1. Permission from victims should be obtained before photographs are taken and should be taken during normal visiting hours. If refusal occurs, it should be noted in the report.

2. Photographs of Prisoners

Permission from a prisoner is not needed to take photographs. When a prisoner refuses to cooperate, pictures may be taken from a distance, and the circumstances noted in the report.

3. Photographs of Female Victims and Prisoners

A female hospital staff member should be present when photographs of female subjects are being taken. If a female hospital staff member is unavailable, that fact will be noted in the report.

4. Photographs of Juveniles



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- ~~a. Photographs, interviews, and evidence collection from juveniles will be the same as for adults, except that a court order must be obtained to photograph juvenile offender's twelve years of age and under.~~
- ~~b. In all cases, victims of child abuse may be photographed without the consent of their parents or guardian. A hospital staff member should be present during the time the photographs are being taken. Photographs will be taken, if possible, when it will not interfere with the well-being of the child.~~

~~5. Photographs of Deceased Persons~~

~~Photographs of deceased persons may be taken at the investigating officer's discretion.~~

[6] ~~D. Physical Evidence~~

~~1. Blood, Urine, Hair Samples, and other Biological Samples~~

- ~~a. Samples of these substances may be obtained with the subject's permission and recorded on "Permission to Search for Body Samples" (PD-1389) form.~~
- ~~b. When permission is denied, a search warrant or a court order will be obtained, unless there is a high probability that the evidence will be lost.~~
- ~~c. The on-call blood technician will be utilized to obtain blood samples that will be turned over to the investigating officer for tagging into evidence.~~

[6] ~~2. Body Cavity Swabbing~~

- ~~a. Swabbing may be obtained by medical personnel with the subject's permission.~~
- ~~b. When permission is denied, a search warrant or a court order will be obtained. The court order will be directed both to medical personnel and to the subject involved.~~

~~3. Evidence Retained in the Body~~

- ~~a. A search warrant or court order must be obtained to retrieve evidence inside a subject's body unless it is removed as a result of a medical procedure.~~
- ~~b. Evidentiary items removed as a result of a medical procedure may be turned over to the investigating officer, if present.~~
- ~~c. Hospital personnel will be asked to notify an on-duty field investigator to transfer items when the investigating officer is not available.~~

[6] ~~4. Evidentiary Personal Property and Effects~~

- ~~a. Prisoner's property for evidentiary purposes may be taken by officers without the consent of the subject.~~
- ~~b. Victim's property should not be taken without consent unless there is a high probability that evidence will be lost.~~



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~~c. In all cases, property removed from the hospital will be inventoried and signed for by the officer.~~

[6] ~~5. Medical Care and Evidence Collection for CSP Victims~~

~~a. Before referring or transporting victims of criminal sexual penetration to a hospital for care and evidence collection, officers will have Communications contact the Emergency Room of the University of New Mexico Hospital (UNMH) to determine if the victim can be treated there in a timely manner. If UNMH is unable to treat the victim immediately, or if the victim has a personal preference of the main facility of either Lovelace Medical Center, Presbyterian Hospital, or St. Joseph's Hospital, the victim will be transported to one of these alternate facilities.~~

~~b. It is possible that evidence collected at an alternate hospital may need to be transported to a facility with a secured drop box. In these cases, officers will transport the evidence, assure proper security in a drop box, and ensure proper documentation of the chain of custody of this evidence.~~

[6] ~~E. Office of the Medical Investigator~~

~~The Office of the Medical Investigator is responsible for all medical evidence, blood samples, cavity swabbing, and personal effects on the body of deceased persons.~~