



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 5-6

Effective: 10/25/17 Review Due: 10/25/18 Replaces: 02/04/16

5-6 EVIDENCE UNIT

5-6-1 Purpose

The Evidence Unit is an integral component of the Albuquerque Police Department and other law enforcement agencies within Bernalillo County. It is a repository for property and evidence and a vital part of the chain of custody. Accountability and protection of the integrity for all property and items of evidence submitted to the Evidence Unit, including maintenance of inventory records, is the main function of this Unit.

5-6-2 Mission

The mission of the Scientific Evidence Division Evidence Unit is to maintain the integrity of all evidence, found items, and property held for safe-keeping by the Albuquerque Police Department, the Bernalillo County Sheriff's Office, and other outside agencies with the highest quality of professionalism, fairness, and respect.

5-6-3 Rules and Responsibilities

A. Chain of Command

1. The Unit shall strictly adhere to the chain of command.
 - a. Chief of Police
 - b. Assistant Chief of Police
 - c. Deputy Chief of Police, Investigative Bureau
 - d. Commander, Scientific Evidence Division
 - e. Evidence/Identification Manager
 - f. Civilian Supervisor
 - g. Evidence Technician/Sworn Officer
 - h. Evidence Handler
 - i. Administrative Assistant
2. Each individual assigned to this unit is required to observe the chain of command in dealing with communications and other information.
3. All written correspondence directed to the Deputy Chief or higher will be submitted to the Unit Supervisor, who is responsible for submitting it up the chain of command to its intended recipient.

B. Personnel

1. Commander of the Scientific Evidence Division

Is directly responsible to the Deputy Chief in charge of the bureau of their assignment. They are responsible for the direction, planning, and coordination of all functions of the division or section under their command.



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2. Evidence Manager

- a. Directs, manages and coordinates the programs and activities of the evidence division.
- b. Provides oversight of the quality control and safety programs.
- c. Coordinates activities with other city departments, divisions and other law enforcement agencies, the courts, the bar association and the general public.
- d. Provides highly responsive and complex administrative support to higher-level management staff.
- e. Provides leadership and work direction to assigned administrative and operational personnel, and subordinate supervisors.
- f. Deals directly with private attorneys and the department legal advisor, as appropriate, in regard to sequester motions and subpoenas for evidence, printouts and other official information.
- g. Inspects the operation of the section to assure compliance with section and department Standard Operating Procedures manuals, accreditation standards, City of Albuquerque Rules and Regulations and collective bargaining agreements.

3. Civilian Supervisor

- a. The supervisor will actively direct and supervise subordinates assigned to the unit.
- b. The supervisor will assign duties for each Evidence Technician and will have the authority to reassign personnel on an as needed basis for the good of both the unit and department.
- c. The supervisor will thoroughly familiarize himself/herself with the capabilities of his/her subordinates to know their initiative, knowledge of and interest in police work, and their overall efficiency and make proper evaluation and work assignments.
- d. The supervisor will obtain court orders when necessary.
- e. The supervisor is responsible for the efficient operation of the unit and for the accuracy of all records and the proper keeping of all records, files and inventories maintained within the unit. (Evidence Management System, logs, etc...)
- f. The supervisor is responsible for the security of the physical facilities and safekeeping of all the items of evidence.
- g. Coordinates operations of the evidence section with other elements of the department and appropriate outside agencies.



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- h. Analyzes and directs responses to official correspondence received by the section.
- i. Investigates or directs the investigation of all service delivery complaints, and reports of misconduct, incompetence, or neglect of duty by section personnel.
- j. The unit supervisor will be responsible for submitting a monthly report tracking unit activities and progress.
- k. Other duties as necessary.

4. Evidence

- a. All individuals assigned to the Evidence Unit will be responsible for the proper handling of all items of evidence, lost and found property and items held for safekeeping. They are also responsible for the proper researching of assigned cases in a timely manner.
- b. All technicians will be responsible for providing prompt courteous service at the evidence counter, warehouse service window and over the phone.
- [6] c. Each person assigned to the Evidence Unit will be issued a log-in identification to the Evidence Management System. Personnel are responsible for the safeguarding of their passwords and will not share or use any password to the system other than their own. Personnel who believe their password has been compromised will report the situation immediately to their supervisor. Using any log-in into the Evidence Management System or any APD system other than the one directly assigned to the individual is strictly prohibited and is grounds for disciplinary action.
- [7] d. Personnel are responsible for accurately entering and updating any item of evidence they process during the course of their duties into the Evidence Management System as soon as possible but no later than the end of the individual's shift.
- [6] e. Each person assigned to the Evidence Unit will be issued an ID card with access levels appropriate to their job assignments. Personnel are required to carry this ID card at all times while in the building. Personnel will not utilize any card other than the one issued to them for access to any Evidence Area. Personnel are required to report the loss, theft, or inappropriate use of their cardkey to a supervisor within his/her chain of command. The use of a card other than the one issued to the individual is grounds for disciplinary action.
- f. Individuals will be responsible for reporting all irregularities and operational questions to the immediate supervisor. In order to be aware of all the most recently issued directives and notices, each employee is responsible for reading and initialing all such documents located in the Shift Assignment logs and in Power DMS.



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- [6] g. All items of evidence will be handled in accordance with the directions set forth under separate titles in this manual and for which the technician has been trained.
- h. Evidence Technicians are only authorized to be in the Evidence Warehouse during the time for which they are scheduled to work. Any admittance into the warehouse without a supervisor's prior approval is grounds for disciplinary action up to and including termination.

[7] C. Public Relations

1. The Evidence Unit shall provide service with a courteous, helpful, and efficient attitude.
2. In contact with Evidence Unit clientele, all assigned personnel will conduct themselves in a professional/business-like manner.
3. All assigned personnel will make every attempt to assist in resolving any inquiry before a client is directed to another unit or individual. Additionally, clients who come to the Evidence Unit without making an advance appointment will not be denied assistance. Every effort will be made to assist them even if they do not have pertinent information such as a case number.
4. Every effort should be made to resolve any question before transferring a call or advising the caller to phone (dial) another number (or to transfer them to another number).
5. Courteous telephone manners serve to promote a good image of the department and of the employee and will be utilized at all times.
6. Utilization of City and/or personal phones by employees for personal business will be kept to an absolute minimum.
7. All problems with the phone system will be reported immediately to a supervisor.

[7] D. Dress Code

1. Lieutenants or M17 and Above
 - a. Will wear a dress shirt, complementing tie, and dress slacks for men, and the equivalent attire for women or an approved APD uniform.
 - b. Any type of conservative shoe may be worn as long as they match the general attire of the wearer and are in good condition.
 - c. Open toe or open heels will not be worn in the warehouse.
 - d. Supervisors may, if their duties on any given day warrant it, wear their warehouse approved uniform.



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2. Administrative Assistant or Front Counter Personnel

- a. Any type of business casual or dress pants/skirts/dresses will be acceptable.
- b. Denim (jean material) of any kind or color is not acceptable.
- c. Shirts/Blouses can be worn with or without a collar. Polo type shirts may be worn, either plain or with embroidery that is law enforcement or City of Albuquerque related.
- d. No T-shirts will be permitted.
- e. Any type of conservative shoe may be worn as long as they match the general attire of the wearer and are in good condition.

3. Evidence Technician or Officer Assigned to Work in the Warehouse

- a. All personnel will adhere to the most current dress code as posted by the Commander of the Scientific Evidence Division.
- b. Appropriate work shoes with safety toes.
- c. Personnel who are unable to wear all or any part of the uniform must provide appropriate, official documentation supporting this fact.
- d. Due to the hazardous nature of some of the items kept in the warehouse, additional protective equipment will be required as per OSHA standards.

E. Overtime

1. The Unit shall compensate employees for any overtime worked in accordance with the Department SOP and the appropriate contract or negotiating/bargaining unit.
2. Overtime is to be held to an absolute minimum.
3. Overtime will be regulated and authorized by prior approval of the unit supervisor.

F. Absences

1. The Unit shall grant authorized absences when accompanied by proper documentation as required by the Department SOP.
2. Requests for authorized absences will be submitted to the Unit Supervisors as far in advance of the leave date as possible. This policy does not prevent authorization of unforeseen emergency absences such as the death / illness of a close relative or personal illness (as defined in the City Rules and Regulations).
3. When requesting military leave, the request should be accompanied, when possible, by two copies of the military orders.



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4. All unauthorized absences will be dealt with in accordance with existing personnel regulations. Such absences and chronic tardiness will be reported with the recommendation for disciplinary action.

G. Security

1. Only authorized Evidence personnel will have unescorted access to the evidence warehouse. Security for the evidence warehouses and all items of evidence are the responsibility of all employees of the Evidence Unit. Any breach in security (i.e.: either evidence employees or non-evidence employees in unauthorized areas, mishandling of evidence to tampering with evidence) will be reported to an Evidence Supervisor immediately. Failure to report items described above will result in disciplinary action.
- [7] 2. All evidence employees will be issued a personal locker in the locker room along with an issued key lock. All personal belongings (purses, backpacks, workout bags etc.) must be secured here. Employees should be aware that there is no expectation of privacy in these lockers and they are subject to search by a supervisor at any time. Absolutely no personal belongings are allowed at the front counter area, at the workstations, or in any of the warehouses without prior supervisor approval.
3. Employees are prohibited from bringing in any personal property i.e., CD players, radios and electronic recording, photographing or transmitting/receiving devices, etc. without prior approval from a supervisor. Should the need arise to bring an item like this or any other item that might be confused as an item of evidence in, prior approval must be obtained from a supervisor.
4. No person will be allowed past the counter in the evidence room unless they are signed in on the "Visitor Log" and escorted by an employee of the Evidence Unit.
5. Employees shall escort visitors and be physically present with the individual(s) during their presence at the unit. Furthermore, employees shall document on the visitor's logs the time the visitor exists the area by placing the time of exit and their initials in the appropriate box adjacent to the visitor's signature and purpose of visit.
6. All supervisors shall ensure at the end of each workday that all logs have been properly filled out and are in compliance with this rule.
- [6] 7. The MFSC provides extra security measures for evidence items such as cash, jewelry, narcotics and firearms by storing these items inside of vaults within the warehouse. These vaults are equipped with entry card readers, combination locks and day gates. These vaults are to remain locked at all times unless an authorized employee is working within viewing distance of the vault doors. The person who opened the vault is responsible for securing it when they have completed their task inside.



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8. At no time will there be fewer than two evidence technicians in the warehouse during normal working hours to ensure security and safety.
- [7] 9. Under no circumstances will evidence, found items or any other item be placed in the walk space between the shelves designed for evidence storage. No item will be left in any office space or in the front counter area for any length of time after it has been tagged and turned over to evidence personnel. Items that are scheduled for release may be locked in the front closet during business hours only. Should an item not be picked up, it will be returned to the warehouse at the end of the day.
10. The Evidence Technician handling the front counter will have the key for the closet and will be responsible for returning evidence to the warehouse at the end of the day. Supervisors shall ensure that all evidence, which has been pulled for viewing, or return to owner that is still in the custody of the Evidence Unit, must be returned to its proper storage location before the end of each business day and the Evidence Management System properly updated.
11. The warehouse alarm is to be activated at the end of each day by the Evidence Unit Supervisor or designee. It is the responsibility of the supervisor to ensure that the drug, gun and money vaults are secured prior to activating the alarm and that the warehouse is vacant.
12. Cleaning personnel will be signed in and out of the evidence visitor log whenever they are in the warehouse. Evidence Technicians will remain with cleaning personnel at all times while they are in the warehouse.

H. Safety

1. It is the policy of this law enforcement agency to ascertain that all work performed in the Evidence Unit and administrative areas will be conducted using safe work practices.
2. Good housekeeping will be practiced at all times. Floors will be kept free of items that might cause tripping, fire hazards and prevent pest harborage.
3. Spills will be cleaned immediately to prevent accidental slipping.
4. All defects such as loose tiles, broken steps, railings and doors will be reported to building maintenance.
- [7] 5. Horseplay will not be tolerated.
6. While working in the narcotics vault, with narcotic evidence or with any item marked "bio-hazard" minimal protective equipment (long sleeve shirt or lab coat and gloves) will be worn at all times.



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7. Only safety step stools or ladders for climbing will be used. Employees will not stand on swivel chairs or use them as stepping stools.
8. Evidence will be stored in such a manner so there is no danger from sliding, falling or presenting a hazard by striking against.
9. All employees will be familiar with building evacuation in case of bomb threat, fire, or other emergency.
- [7] 10. Open drink containers are not permitted in the evidence warehouse. Evidence Technicians may have spill proof containers on the floor. However, technicians will not have a beverage present when handling evidence due to the risk of exposure. All items of food, regardless of packaging, are not allowed in the warehouse.

I. Records and Administration

1. General

It is the responsibility of each individual assigned to the evidence unit to assist in the maintenance of records and files. Records will reflect the status of all property held by the Evidence Unit. This includes but is not limited to the Evidence Management System, Court orders, Disposal records, etc.

2. Computer

- a. The evidence unit utilizes several Evidence Management Programs so as to ensure an accurate chain of custody for every item of evidence through an electronic tracking system. Should the system not function for any reason the supervisor may authorize alternative methods of tracking evidence until the situation is resolved. Once the Evidence Management System is available all records will immediately be entered into the system.
- b. All property coming into the evidence unit will be logged into the Evidence Management System as soon as possible.
- [2] c. Any unauthorized use of the Evidence Management System is strictly prohibited. This includes but is not limited to the unauthorized alteration of records, unauthorized alteration to the Evidence Management System or the unauthorized removal of records. Violation of this section is subject to disciplinary action up to and including termination.
- d. Evidence management software user request will be forwarded to the Evidence Manager via interoffice correspondence for approval. The memo should include the user's name, date, requested action (access, deactivation/termination or access level) and a brief justification. The SED Systems Administrator and Evidence Supervisor are authorized full administrative privileges. A Senior Evidence Technician (appointed by the Evidence Manager) will be authorized administrative rights limited to adding/deleting warehouse locations and users. They will also be authorized to reset passwords and trouble-shoot known



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software issues with the evidence management software engineer. The SED IT Systems Administrator will make all approved access/changes in the evidence management System. The Evidence Supervisor will maintain an indefinite file of approved user access/change requests.

3. Evidence Files/Logs

- a. The Evidence Unit shall maintain electronic logs.
- b. All court orders, Brady Bill Checks, disposition letters and any other records relating to items within the Evidence Unit will be maintained at the Evidence Unit. Duplication of any of the records can only be done with a supervisor's approval.
- c. All court orders for the destruction of narcotics or firearms will be maintained at the Evidence Unit in a secure area. These records shall be maintained in accordance with the City Ordinance.

4. Inventories/Inspections and Audits

- a. Unit personnel will maintain an up-to-date inventory of property being held within the unit through the use of the Evidence Management System.
- b. Evidence staff will conduct periodic bin audits to insure quality control of stored items within the bins. The Unit Supervisor will maintain these audits.
- c. An inspection to determine adherence to procedures used for the control of property will be conducted semi-annually by the Unit Sergeant or his/her designee. A copy of these inspections will be forwarded to the Inspections Unit upon completion.
- d. An inventory/inspection of the Evidence Unit will take place whenever the person responsible for the unit is assigned to and /or transferred from the position. The inventory/inspection is to be conducted jointly by the newly designated property custodian and a designee of the Chief of Police to ensure that records are correct and properly annotated.
- e. An annual audit of the Evidence Unit will be conducted by a supervisor not routinely or directly connected with the Evidence Unit to insure that the evidence unit is maintained in a clean and orderly fashion and that the integrity of the property is being maintained. The Chief of Police will schedule this audit. The Evidence Supervisor will forward a copy of this audit to the Inspection Unit upon completion.
- f. At the direction of the Chief of Police, the Inspections Unit will conduct unannounced inspections of the Evidence Unit at least twice a year. All Evidence Unit staff members are expected to cooperate completely with the Inspections Unit.



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J. Intake of Evidence/Property

1. There are four categories for which items can be tagged into the Evidence Unit: found item(s), safekeeping, destroy or evidence (misdemeanor or felony). In all cases the item(s) will be received at an approved Albuquerque Police Department Evidence Drop off location or directly at the Evidence Unit. Each item will be checked to ensure mandatory information is provided on the evidence tag and then the item will be bar-coded and entered into the Evidence Management System as soon as possible. Should the item not have all the mandatory information or any other reason causing the item(s) to be rejected, the item(s) will still be brought to the Evidence Unit and notification will be left with/for the tagging person to come and correct the deficiency (ies).

2. Found Item
 - a. The item will be held for a period of 90 days. If, after 90 days the property has not been claimed then it will be properly disposed of as per New Mexico State Statute section 29-1-13 through 29-1-15 NMSA 1978, or appropriate statutes.
 - b. If an owner / finder has been established by the reporting officer, the technician will send a letter advising the owner the item(s) must be claimed within 90 days. The item will be held in our possession for a period of 90 days. If, after 90 days the property has not been claimed then it will be properly disposed of as per New Mexico State Statute sections 29-1-13 through 29-1-15 NMSA 1978.
 - c. Property not claimed by the owner after 90 days may be subject to be released to the finder in compliance with the Finders Law. Firearms, ammo, and contraband do not apply to this law.

3. Safekeeping Item
 - a. In order for an item to be accepted as safekeeping, an owner and contact information must be listed.
 - b. All items held for safekeeping will be held for a period of 90 days.
 - c. When the item is submitted, a letter with APD/City of Albuquerque letterhead shall be sent to the owner requesting they retrieve the item(s).
 - d. Every reasonable effort should be made to contact the owner of the property to inform them of the items and the necessity to pick up the safekeeping items. If other means or avenues of contact are available department personnel should attempt to contact the owners by those means.
 - e. In the notification, the owner of the property shall be given 90 days from the date the item was tagged in which to pick up their property. If the owner fails to retrieve their property, the property shall be disposed of per policy and in accordance with New Mexico State Statute sections 29-1-13 through 29-1-15 NMSA 1978.



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4. Misdemeanor / Felony Evidence

All items tagged as a misdemeanor / felony evidence shall be retained until such time the Evidence Unit has been notified as to the completion of the case or it has met statutory requirements.

5. Cash / Jewelry

- [5] a. All cash and jewelry brought into the Evidence Unit will immediately be placed into the floor safe and logged in the cash/jewelry log. Cash shall not be tagged as evidence.
- [7] b. Two Evidence Technicians assigned to handle cash will jointly remove items from the floor safe and all cash will be verified and prepared for deposit using dual controls at all times. The submitting person must be the person who signed the evidence tag.
- [5] c. If the cash is marked as biohazard, counterfeit or "do not bank" the cash will be stored in the vault and the Evidence Management System will indicate why the item was not deposited.
- d. If for any reason, the seal on cash evidence needs to be broken (i.e., to correct rejected evidence), dual control is mandatory. The Evidence Management System will be updated to reflect why this action was taken.
- [6] e. Jewelry shall be placed into the appropriate vault.
- f. Money accepted into the Evidence Unit will normally be deposited into the respective agencies accounts as soon as practical. This usually will occur within 48 hours. Unless the tagging officer indicates otherwise in the remarks section of the evidence tag, or the flag field in OIM, the money will be deposited in the bank, with the following exceptions. Marked money, coin collections, foreign money, altered money, or money obviously worth more than face value will be maintained in the Evidence Unit vault.
- [7] g. Once the cash deposit has been prepared, the cash will be placed in a plastic bag and sealed. Both persons verifying the deposit will initial the seal and place the date on the bag. This sealed bag along with any corresponding logs and paperwork shall be placed in the vault until a courier picks up the deposit. All paperwork shall remain in the vault. The track system will be updated to reflect the cash has been deposited.
- h. Disbursement

Upon receipt of a legal claim for money, the Evidence Unit will issue a check to the claimant after the claimant has made an appointment.

6. Packaging

- [7] a. All items being taken into the Evidence Unit shall be packaged according to APD Procedural Orders section 2-73. Should any item's packaging become compromised, a supervisor shall be notified immediately. The supervisor and



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- Evidence Technician shall reseal the item, initial and date the packaging and make a notation in the Evidence Management System.
- [6] b. If a weapon is found to be loaded, the Evidence Technician shall call a firearms expert from the lab or sworn personnel trained in the handling of a firearm to render the weapon safe and/or unload the weapon. A supervisor shall be notified immediately.

7. Storing Property

- [7] a. All property taken into the evidence unit shall be stored in designated areas depending on the item. Items requiring extra security measures such as firearms, narcotics, cash and jewelry shall be stored in their respective vaults. All other items of property will be stored in bins and shelf areas depending on their size.
- b. Under no circumstance will items of property be stored in walkways, aisles or areas in the warehouse not specifically designed for the storage of property.
- c. During business hours, items pending release to the owner or to be checked out to court may be stored in the front locked closet, unless these items are currently being stored in one of the vaults. These items must remain in the vault until released. At the end of the day, any item remaining in the locked closet must be returned to its original storage location and the Evidence Management System updated reflecting this action.
- [5] d. Other than bicycles, no items of evidence, found item or safekeeping items may be stored outside the evidence warehouse.
- [6] e. Items with extra security measures shall remain in their vaults until they are properly disposed of.

K. Releasing Evidence

1. Technicians will make sure that officers releasing evidence present documentation to ensure that they have authority of the case to release or dispose of evidence. If a technician does not recognize an officer, he or she should ask for official identification.
- [6] 2. Evidence will only be released under the following circumstances:
- a. Court order signed by a judge.
- b. By authorization of the submitting officer, or investigating officer, or their respective supervisor.
- c. By authorization of the City Attorney or APD legal counsel.
3. Copies of documents authorizing release or disposition of any items of evidence (Court Orders, D.A. Letters, etc.) may be accepted. If there is a question of authenticity, it shall be reviewed by an Evidence Supervisor or designee. Court orders will have the case number, inventory or amount of money to be released as well as the judge's signature authorizing the release.



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- [7] 4. When releasing property / evidence, all information pertaining to the release will be captured in the Evidence Management System to include scanning court orders, DA letters or the signature of the releasing person as well as the person receiving the item.
5. Any questions regarding the release of property should be directed to the Unit Supervisor.

L. Requests for Audio/Video Copies and Reproduction

1. All requests for audio and video copies shall be submitted through the Evidence Unit email at apdevidence@cabq.gov. Speed letters must be included when applicable.
2. Requests for copies of Axon videos shall be shared via Evidence.com.
3. Shared videos from Evidence.com shall be view only.
4. If requested by an authorized entity, (District Attorney, City Legal, CPOA, etc.), Evidence personnel may modify the scheduled auto-deletion for non-evidentiary videos to prevent its deletion.
5. The disposition of evidentiary videos shall follow the same policy as other evidence as described in SOP 2-73-2(M).

M. Final Disposition of Evidence/Property

1. The APD Evidence Unit will follow guidelines in NM State Statutes and require written disposition authority from either the District Attorney's office, the City Attorney's Office, the investigation officer, and/or an APD/BCSO supervisor (Sergeant, E-14, or above) as appropriate before the disposition of property or evidence held by this department.
2. The final disposition of found, recovered and evidentiary property shall be accomplished within six months after legal requirements have been satisfied. Any auction, destruction or transfers shall be done in compliance with New Mexico State Statute sections 29-1-13 through 29-1-15 NMSA 1978.
3. Prior to disposing of any item in the custody of the Evidence Unit, the Evidence Unit is responsible for ensuring the proper and legal final disposition of the item. The Inspections Unit will be notified and have the authority to conduct a physical inspection of the items being disposed of at any time during the process. The Inspections Unit has the authority to stop any destruction process because of discrepancies in the list or with the inspection of the items. The Evidence Unit will be responsible for documenting all destructions / disposals and forwarding this report to the Inspections Unit.



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4. The Evidence Unit will not return any contraband to any party involved in the seizure of the items without proper authorization. It is the policy of this unit to dispose of these items by destroying them after obtaining a court order.
5. Drug lab chemicals and equipment or biohazard items that are not needed for prosecution will be disposed of by following E.P.A. guidelines concerning hazardous / biohazard substances.
6. Weapons, which are not claimed by or otherwise returned to the owner, can be disposed of in any of the following methods:
 - a. Weapons, which are designated as usable by the Crime Lab, will be placed in the Crime Lab Forensic Firearms Armory/Library for future reference and investigative purposes after obtaining a court order. All investigative and court issues related to these weapons will have been met prior to transferring the weapon.
 - b. Weapons, which do not meet departmental standards of serviceability and are needed for ballistics information, will be transferred to the Criminalistics Firearms Unit. This will be accomplished only after legal requirements, as explained above, have been completed.
 - c. Any firearm that does not fit any of the above categories will be destroyed: i.e., machine guns, sawed off shotguns, rifles and firearms with obliterated serial numbers, and other crime involved guns.
7. All requests for conversion of property will be given to the Commander for final approval or disapproval.

N. Dispose of Evidence

This purging policy developed by the SED, Legal Counsel, and the District Attorney's Office outline evidence disposition guidelines for the Albuquerque Metropolitan Forensic Science Center effective January 1, 2008. It is a proactive program designed to routinely review and purge items that no longer have evidentiary value.

1. Felony Evidence involving Homicides, Vehicular Homicides, Capital Crimes, all Sex Crimes, Child Abuse with Great Bodily Harm (including a DNA sample from questionable suicides if available) will be retained in the custody of the Evidence Unit indefinitely, unless clear disposition authorization is obtained from the District Attorney's Office, Investigating Agency and/or Judicial Authority.
2. Felony 2nd Degree Evidence as listed in the DA's Charge Code listing that has been in the custody of the Evidence Unit for (10) years and has no outstanding arrest warrants for defendant/co-defendant shall be reviewed and approved for disposition by the assigned detective or investigation division personnel. (DA authorization is not required).



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3. Felony 3rd and 4th Degree Evidence as listed in the DA's Charge Code listing that has been in the custody of the Evidence Unit for (6) years and have no outstanding arrest warrants for defendant/co-defendant shall be reviewed and approved for disposition by the assigned detective or investigation division personnel. (DA authorization is not required)
4. Misdemeanor Evidence, involving Domestic Violence, DUI or Sex Crimes, that has been custody of the Evidence Unit for (5) years and has no outstanding arrest warrants for defendant/co-defendant shall be reviewed and approved for disposition by the assigned detective or investigation division personnel. (DA authorization is not required).
5. Misdemeanor Evidence that has been in the custody of the Evidence Unit for (3) years and has no outstanding arrest warrants for defendant/co-defendant shall be reviewed and approved for disposition by the assigned detective or investigation division personnel. (DA authorization is not required)
6. Suicide Evidence that has been in the custody of the Evidence Unit for (3) years shall be reviewed and approved for disposition by the assigned detective or investigation division personnel. (DA authorization is not required). If available, a DNA sample will be kept as outlined above for Felony Evidence.
7. Safekeeping/Found Property; will be processed for disposition per New Mexico State Statutes.
8. In the case of firearms in the process of being disposed of, the Evidence Technicians are authorized to open packages to verify serial numbers through NCIC prior to destroying the firearms.

[7] N. Rejected Evidence

Evidence or property collected off-site that is improperly tagged or otherwise requires rejection will be taken to the Evidence Unit where the item(s) will be stored. Rejects should be fixed within 5 working days. If the reject is not corrected within 5 working days, the tagging officer's immediate supervisor will be notified.