1-41  EVIDENCE UNIT

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)
   2-73  Submission of Evidence, Confiscated Property, and Found Items

B. Form(s)
   None

C. Other Resource(s)

   NMSA 1978, §§ 7-8A-1 through 7-8A-31 Uniform Unclaimed Property Act
   NMSA 1978, § 29-1-13 Unclaimed Property; Inventory
   NMSA 1978, § 29-1-14 Unclaimed Property; Authority to Sell; Notice of Sale; Deadly
   Weapons, Controlled Substances and Other Contraband Excepted
   NMSA 1978, § 29-1-15 Proceeds of Sale; Title to Property Vests in Purchaser
   Recourse Conservation and Recovery Act of 1976

D. Rescinded Special Order(s)

   SO 18-38  Production of Videos through Downloadable Links and Physical Copies
              Where a Request Has Been Made to the APD Evidence Unit.

1-41-1  Purpose

The purpose of this policy is to outline procedures that maintain the integrity of all evidence
and non-evidentiary evidence by the Albuquerque Police Department (Department), the
Bernalillo County Sheriff’s Office (BCSO), and outside agencies with the highest quality of
professionalism, fairness, and respect.

1-41-2  Policy

It is the policy of the Department to maintain the integrity of all evidence and non-evidentiary
items in the evidence warehouse.

1-41-3  Definitions

None

1-41-4  Responsibilities

A. Evidence Unit personnel shall:
1. Properly handle all evidence and non-evidentiary items within the evidence warehouse;

2. Properly research assigned cases in a timely manner;

3. Provide prompt, courteous service at the evidence counter, warehouse service window, and over the phone;

4. Accurately enter and update any item of evidence they process during their duties into the Property Evidence Management System (PEMS) as soon as possible, but no later than the end of the employee’s shift; and

5. Be responsible for the security of the evidence warehouse and all evidence and non-evidentiary items.

B. Evidence Unit personnel shall be the only personnel who are authorized to be in the evidence warehouse during the time for which they are scheduled to work.

1. Any admittance into the warehouse without a supervisor’s prior approval is grounds for disciplinary action up to and including termination.

C. Public Relations

1. All Evidence Unit personnel shall attempt to assist client(s) in resolving any inquiry before referring the client(s) to another unit or employee.

   a. Evidence Unit personnel shall make every effort to assist clients who come to the Evidence Unit without making an appointment in advance.

   b. Evidence Unit personnel shall make every effort to assist clients even if they do not have pertinent information, such as a case number.

D. Security

1. Only authorized Evidence Unit personnel shall have unescorted access to the evidence warehouse.

2. Any breach in security, such as Evidence Unit personnel or non-Evidence Unit personnel in unauthorized areas, mishandling of evidence, or tampering with evidence) shall be reported to an Evidence Unit supervisor immediately.

   a. Failure to report a breach of security as outlined in this Standard Operating Procedure shall result in disciplinary action.

3. All Evidence Unit personnel are issued a personal locker with a key lock in the locker room.
a. All personal belongings, including, but not limited to purses, backpacks, and workout bags, must be secured in the locker.

b. Evidence Unit personnel shall be aware that there is no expectation of privacy in these lockers, and that they are subject to a search by a supervisor at any time.

4. Evidence Unit personnel shall escort visitors and shall be physically present with the visitor(s) during their visit at the Evidence Unit.

a. Evidence Unit personnel shall document in the visitor’s log the time the visitor exits the area by placing the exit time and the Evidence Unit employee’s initials in the appropriate box adjacent to the visitor’s signature and the purpose of their visit.

5. At no time shall there be fewer than two (2) Evidence Unit Technicians in the evidence warehouse during normal working hours to ensure security and safety.

6. The Evidence Unit supervisor or their designee shall activate the warehouse alarm at the end of each day.

E. Warehouse Safety Rules

1. Department personnel shall only use safety steps or ladders for climbing.

a. Department personnel shall not stand on or use shelving, boxes, or bins as stepping or climbing tools.

2. Evidence Unit personnel shall store evidence in to prevent the danger of sliding, falling, or presenting a hazard by striking against it.

3. All Evidence Unit personnel shall be familiar with building evacuation in case of a bomb threat, fire, or other emergencies.

4. Department personnel shall not bring food and/or drinks into the vaults, fire room, or freezers.

F. Records and Administration

1. Evidence Unit personnel shall assist with the maintenance of electronic records and files.

a. Records shall reflect the status of all property held by the Evidence Unit.

2. Evidence Unit Computer Use
a. Evidence Unit personnel shall use several evidence management programs to ensure that an accurate chain of custody is followed for every item of evidence through an electronic tracking system.
   i. If the tracking system is not functioning for any reason, the Evidence Unit supervisor may authorize alternative methods of tracking evidence until the situation is resolved.
   ii. Once the evidence management system is available, Evidence Unit personnel shall immediately enter the records into the tracking system.

b. The property and evidence management system (PEMS) shall be used to maintain an indefinite file of approved user access and change requests.
   i. User requests shall be forwarded to apdevvidence@cabq.gov via interoffice correspondence.
   ii. The Evidence Unit supervisor or their designee shall approve user access and change requests.

3. Evidence Files and Logs

a. Evidence Unit personnel shall maintain electronic logs.

b. Evidence Unit personnel shall use PEMS to maintain all court orders, Brady bill checks, disposition letters, and other records relating to evidentiary and non-evidentiary items stored within the evidence warehouse.

4. Inventories, Inspections, and Audits

a. Evidence Unit personnel shall maintain an up-to-date inventory of all property held within the evidence warehouse through PEMS.

b. Evidence Unit personnel shall conduct periodic bin audits to ensure quality control of items stored within the bins.
   i. The Evidence Unit supervisor shall maintain these audits.

c. A Department supervisor who is not routinely or directly connected to the Evidence Unit shall conduct an annual audit of the evidence stored to ensure that the Evidence Unit is maintained in a clean and orderly fashion and that the integrity of the property is being maintained.

d. At the direction of the Chief of Police, the Performance Metrics Unit may conduct unannounced inspections of the Evidence Unit. All Evidence Unit personnel shall fully cooperate with Performance Metrics Unit personnel.

e. The Evidence Unit shall call upon Performance Metrics Unit personnel to conduct any audits of evidence before disposal or destruction.

G. Categories of Property or Evidence

1. Destruction

a. When Department personnel tag property or evidence designated as contraband and tagged as an item to “Destroy,” Evidence Unit personnel shall retain the property or evidence for a minimum of ninety (90) days before destroying it to ensure that the property does not possess evidentiary value.
2. Found Items

a. When Department personnel tag property or evidence designated as a “Found Item,” Evidence Unit personnel shall store the item for a minimum of ninety (90) days.
   i. After the ninety (90) days, the Evidence Unit Technician shall send a letter on City of Albuquerque letterhead advising the finder that the item(s) must be claimed within ninety (90) days and that the Evidence Unit will hold the item for one-hundred and eighty (180) days.
   ii. If the property is not claimed after one-hundred and eighty (180) days, it shall be properly disposed of, pursuant to NMSA 1978, §§ 29-1-13 through 29-1-15.
   iii. If the property is not claimed by the owner after one-hundred and eighty (180) days, it may be released to the finder, pursuant to NMSA 1978, §§ 7-8A-1 through 7-8A-31.

1. Firearms, ammo, and contraband are exempt.

3. Return to Owner

a. When Department personnel tag property or evidence designated as a “Return to Owner” item, they shall list the owner and the owner’s contact information in PEMS.
   i. Evidence Unit personnel shall store all property that is designated as “Return to Owner” for ninety (90) days.
   ii. Evidence Unit personnel shall send a letter on City of Albuquerque letterhead to the owner requesting that they retrieve the property.
   iii. Evidence Unit personnel shall make every reasonable effort to contact the property owner to inform them of the property’s location and the necessity to pick up property that is designated as “Return to Owner”. If other means or avenues of contacting the property owner are available, Evidence Unit personnel shall attempt to contact them using those means.

1. Evidence Unit personnel shall include in the notification that the property owner has ninety (90) days from the date the item was tagged to pick up their property.
   2. If the owner fails to retrieve their property, Evidence Unit personnel shall dispose of the property consistent with this Standard Operating Procedure (SOP) and NMSA 1978, §§ 29-1-13 through 29-1-15.

4. Misdemeanor/Felony Evidence

Evidence Unit personnel shall retain all property tagged as misdemeanor/felony evidence until the Evidence Unit is notified by the case agent, a designated supervisor, or the District Attorney (DA)’s Office of the completion of the case or if it has met statutory requirements.

H. Evidence Handling
1. Packaging

a. Department personnel shall package all evidence or property, consistent with SOP Submission of Evidence, Confiscated Property, and Found Items (refer to SOP Submission of Evidence, Confiscated Property, and Found Items for sanction classifications and additional duties).

b. The Evidence Unit Technician shall immediately notify a supervisor if the item’s packaging is compromised.
   i. The supervisor and the Evidence Unit Technician shall reseal the item, initial and date the packaging, and make a notation in PEMS.

c. The Evidence Unit Technician shall notify their supervisor immediately and call a firearms expert from the Metropolitan Forensic Science Center (MFSC) or sworn personnel who are trained in the handling of a firearm to render a weapon safe and/or unload the weapon if a weapon is loaded.

2. Rejected Evidence

a. When Evidence Unit Technicians collect evidence or property from an off-site tagging location and the items have been improperly tagged or otherwise require rejection, they shall take the item to the evidence warehouse where it will be stored.

b. Department personnel shall fix rejected evidence within five (5) working days.
   i. If the employee who tagged the item fails to fix the rejected evidence within five (5) days, Evidence Unit personnel shall notify the employee’s immediate supervisor.

3. Storing Property

a. Evidence Unit personnel shall:
   i. Take all property to the evidence warehouse where it shall be stored in designated areas depending on the item;
   ii. Store items requiring extra security measures such as firearms, narcotics, cash, and jewelry in their respective vaults;
   1. Items that require extra security measures shall remain in their vaults until they are properly disposed of.
   iii. Store all other evidence or property in bins or shelf areas depending on their size; and
   iv. Store only authorized items outside the evidence warehouse.

I. Releasing Evidence

1. Evidence Unit personnel shall make sure that Department personnel who inquire about evidence present documentation to ensure that they have the authority over the case to release or dispose of evidence.
a. If the Evidence Unit Technician does not recognize the officer, they shall ask for official identification.

2. Evidence Unit personnel shall only release evidence under the following circumstances:

   a. By a court order that has been signed by a judge;
   b. By authorization of the submitting officer, investigating officer, or their respective supervisor; or
   c. By authorization of the City Attorney or the Department’s legal counsel.

3. If Evidence Unit personnel have reason to question the authenticity of a court document, they shall request for the Evidence Unit supervisor or their designee to review copies of the documents authorizing the release or disposition of any items of evidence including, but not limited to, court orders and DA’s Office letters.

   a. Court orders shall have the case number, inventory, or amount of money to be released, and the judge’s signature authorizing the release.

4. Evidence Unit personnel shall capture all information about the release of evidence or property in PEMS, including scanning court orders, DA’s Office letters, and/or the signature of the releasing person and the person receiving the item.

5. The Evidence Unit supervisor shall respond to any questions regarding the release of evidence or property.

J. Requests for Audio/Video Copies and Reproduction

1. All audio and video copies requests shall be submitted through the Evidence Unit email at apdevidence@cabq.gov. Speed letters must be included when applicable.

2. Requests for copies of on-body recording device footage shall be shared via Evidence.com.

3. If requested by an authorized entity, including, but not limited to the DA, the City Attorney’s Office, the Civilian Police Oversight Agency (CPOA), Evidence Unit personnel may modify the scheduled auto-deletion for non-evidentiary videos to prevent its deletion.

4. The disposition of evidentiary videos shall follow the same policy as other evidence, consistent with SOP Collection, Submission, and Disposition of Evidence and Property (refer to SOP Collection, Submission, and Disposition of Evidence for sanction classifications and additional duties).

K. Final Disposition of Property/Evidence
1. Evidence Unit personnel shall follow guidelines pursuant to NMSA 1978 §§ 29-1-13 through 29-1-15 and require written disposition authority from either the DA’s Office, the City Attorney’s Office, the investigating officer, a Department/Bernalillo County Sheriff’s Office sergeant or above, or an Evidence Unit supervisor as appropriate before the disposition of property/evidence is held by the Department.

2. Evidence Unit personnel shall complete the final disposition of found, recovered, and evidentiary property as soon as possible after all legal requirements have been satisfied.
   a. Any auction, destruction, or transfers shall be done in compliance with NMSA 1978, §§ 29-1-13 through 29-1-15.

3. Evidence Unit personnel shall verify the proper and legal final disposition of the items before disposing of any item in their custody.

4. Performance Metrics Unit personnel shall be notified and have the authority to conduct a physical inspection of the items being disposed of during the process.
   a. Performance Metrics Unit personnel shall have the authority to stop any destruction process because of discrepancies in the evidence destruction list or with the inspection of the items.
   b. The Evidence Unit shall be responsible for documenting all destructions/disposals and forwarding this report to the Inspections Unit.

5. The Evidence Unit shall not return any contraband to any party involved in the seizure of the items without proper authorization. It is the Evidence Unit’s policy to dispose of these items by destroying them after obtaining a court order.

6. Drug lab chemicals, equipment, or biohazard items not needed for prosecution shall be disposed of, consistent with the Recourse Conservation and Recovery Act of 1976.

7. Weapons not claimed by or otherwise returned to the owner may be disposed of as follows:
   a. Evidence Unit personnel shall place all weapons that are designated as usable by the MFSC in the crime lab forensic firearms armory/library for future reference and investigative purposes after obtaining a court order;
      i. Evidence Unit personnel shall ensure that all investigative and court orders related to the weapons have been met prior to transferring the weapon.
   b. Evidence Unit personnel shall transfer all weapons which do not meet Department standards of serviceability and are needed for ballistics information to the Firearms Unit; and
      i. Evidence Unit personnel shall transfer the weapons after all legal requirements have been completed.
c. Any firearm that does not fit any of the above categories shall be destroyed. This includes, but is not limited to, machine guns, sawed-off shotguns, rifles, firearms with obliterated serial numbers, and other crime-involved firearms.

8. Property conversion requests shall be given to the Scientific Evidence Division (SED) Commander for final approval.
1-41 EVIDENCE UNIT

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

A. Related SOP(s)

1-47 (Currently 5-5) Scientific Evidence Division
2-0 Use of Computer Systems
2-73 Collection, Submission, and Disposition of Evidence and Submission of Evidence, Confiscated Property, and Found Items

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, §§ 7-8A-1 through 7-8A-31 Uniform Unclaimed Property Act
Recourse Conservation and Recovery Act of 1976
New Mexico State Statue NMS sections A 1978, §§ 29-1-13 Unclaimed Property; Inventory
NMSA 1978, § 29-1-14 Unclaimed Property; Authority to Sell; Notice of Sale; Deadly Weapons, Controlled Substances and Other Contraband Excepted through NMSA 1978, § 29-1-15 Proceeds of Sale; Title to Property Vests in Purchaser NMSA 1978 Unclaimed property; inventory
Recourse Conservation and Recovery Act of 1976

NMSA 1978, §§ 7-8A-1 through 7-8A-31 Uniform Unclaimed Property Act
Recourse Conservation and Recovery Act of 1976

D. Rescinded Special Order(s)

SO 18-38 Production of Videos Through Downloadable Links, and Physical Copies Where a Request Has Been Made to the APD Evidence Unit.

1-41-1 Purpose

The purpose of this Unit policy is to establish procedures to maintain the integrity of all evidence and found items, and property held for safe keeping evidentiary evidence by the Albuquerque Police Department (Department), the Bernalillo County Sheriff’s Office (BCSO), and other outside agencies with the highest quality of professionalism, fairness, and respect.

1-41-2 Policy
It is the policy of the Albuquerque Police Department (Department) to maintain the integrity of all evidence and non-evidentiary items in the evidence warehouse, found items, and property that is being held for safe-keeping.

1-41-3 Definitions

None

1-41-4 Responsibilities

A. Evidence Unit personnel shall be responsible for:

1. Properly handling all items of evidence, lost and found property, and non-evidentiary items that are being held for safekeeping within the evidence warehouse.

2. Properly researching of assigned cases in a timely manner.

3. Providing prompt, courteous service at the evidence counter, warehouse service window, and over the phone.

4. Accurately entering and updating any item of evidence they process during the course of their duties into the Property Evidence Management System (PEMS) as soon as possible, but no later than the end of the employee individual's shift.

5. Being responsible for the security of the evidence warehouse and all evidence and non-evidentiary items.

B. Evidence Unit personnel shall be the only personnel who are authorized to be in the Evidence Warehouse during the time for which they are scheduled to work.

1. Any admittance into the warehouse without a supervisor's prior approval is grounds for disciplinary action up to and including termination.

5. All employees of the Evidence Unit are responsible for the security of the evidence warehouses and all items of evidence and non-evidentiary items.

B. C. Public Relations
1. All assigned Evidence Unit personnel shall make every attempt to assist client(s) in resolving any inquiry before referring the client(s) to another unit or individual employee.

   a. Evidence Unit personnel shall make every effort to assist clients who come to the Evidence Unit without making an advance appointment. Additionally, clients who come to the Evidence Unit without making an advance appointment shall not be denied assistance.

4. Employees shall keep the use of utilization of City or personal phones by employees for personal business will be kept to an absolute minimum.

C. D. Security

1. Only authorized Evidence Unit personnel shall have unescorted access to the evidence warehouse.

2. 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., such as: evidence Unit employees or non-evidence evidence Unit employees in unauthorized areas, mishandling of evidence, or tampering with evidence) shall be reported to an Evidence Unit Supervisor immediately.

   a. Failure to report a breach of security as outlined in this Standard Operating Procedure shall result in disciplinary action.

3. All evidence employees Evidence Unit personnel shall be issued a personal locker with a key lock in the locker room along with an issued key lock.

   a. All personal belongings, including but not limited to purses, backpacks, and workout bags, etc., must be secured in the locker.

   b. Evidence Unit personnel shall be aware that there is no expectation of privacy in these lockers, and they are subject to a search by a supervisor at any time.

3. Employees Evidence Unit personnel shall escort visitors and shall be physically present with the individual visitor(s) during their presence visit at the Evidence Unit.

   a. Employees shall document in the visitor’s logs the time the visitor exits the area by placing the time of exit time and the Evidence Unit employee’s initials in the appropriate box adjacent to the visitor’s signature and the purpose of their visit.
4.5. At no time will there be fewer than two (2) evidence technicians in the evidence warehouse during normal working hours to ensure security and safety.

5. Evidence Unit Personnel shall ensure that all evidence is returned to the warehouse and updated in the Evidence Management System at the end of the day.

6. The Evidence Unit Supervisor or their designee shall activate the warehouse alarm is to be activated at the end of each day.

D. E. Warehouse Safety Rules

1. Department personnel shall only safety step stools or ladders for climbing will be used. Employees shall not stand on swivel chairs or use them as stepping stools or ladders shall be used for climbing.

2. Employees shall store evidence in such a manner, so there is no to prevent the danger from of sliding, falling, or presenting a hazard by striking against it.

3. All employees shall be familiar with building evacuation in case of a bomb threat, fire, or other emergencies.

4. Employees are not permitted to bring food and/or drinks are not permitted into the vaults, fire room, or freezers.

E. F. Records and Administration

1. General

   1. Evidence Unit personnel are responsible for it is the responsibility of each individual assigned to the Evidence Unit to assist in the maintenance of electronic records and files.

      a. Records shall reflect the status of all property held at the Evidence Unit.

2. Evidence Unit Computer Use

   a. The Evidence Unit personnel shall utilize several evidence management programs to ensure that an accurate chain of custody is followed for every item of evidence through an electronic tracking system.
i. Should the tracking system not be functioning for any reason, the Evidence Unit supervisor may authorize alternative methods of tracking evidence until the situation is resolved.

a. Once the Evidence Management System is available, Evidence Unit personnel shall immediately enter all records into the tracking system.

b. The Property and Evidence Management System (PEMS) user requests shall be used to maintain an indefinite file of approved user access and change requests.

b.i. User requests shall be forwarded to apdev@cabq.gov management via interoffice correspondence.

3. Evidence Files and Logs

a. The Evidence Unit personnel shall maintain electronic logs.

b. Evidence Unit personnel shall use PEMS to maintain all court orders, Brady Bill checks, disposition letters, and any other records relating to evidentiary and non-evidentiary items stored within the Evidence Warehouse.

4. Inventories, Inspections, and Audits

a. Evidence Unit personnel shall maintain an up-to-date inventory of all property being held within the Evidence Warehouse through the use of the Evidence Management System (PEMS).

b. Evidence staff shall conduct periodic bin audits to ensure quality control of stored items within the bins.

b.i. The Evidence Unit supervisor shall maintain these audits.

— The Property Custodian and a designee of the Chief of Police shall complete an inventory/inspection of the Evidence Unit whenever the person responsible for the Evidence Unit is assigned to 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.

— A Department supervisor who is not routinely or directly connected to the Evidence Unit shall conduct an annual audit of the Evidence Unit to ensure that the Evidence Unit is maintained in a clean and orderly fashion and that the integrity of the property is being maintained.
d. The Chief of Police shall schedule this audit. Upon completion, the Evidence Supervisor shall forward a copy of this audit to the Performance Metrics Unit. Upon completion.

e. At the direction of the Chief of Police, the Inspections Performance Metrics Unit may conduct unannounced inspections of the Evidence Unit. All Evidence Unit staff members are expected to cooperate completely with the Performance Metrics Unit personnel.

f. The Evidence Unit shall call upon the Performance Metrics Unit personnel to conduct any audits of evidence before disposal or destruction.

f. Categories of Property or Evidence

1. Destruction

a. When Department personnel tag property or evidence that has been designated as “contraband” and tagged as an item to “Destroy,” the Evidence Unit shall retain the property or evidence for a minimum of ninety (90) days before destroying it, to ensure that there is no evidentiary value to the property.

2. Found Items

a. When Department personnel tag property or evidence that has been designated as a “Found Item,”

i. The Evidence Unit shall store the item for a minimum of ninety (90) days.

ii. If the property has not been claimed after ninety-one hundred and eighty (180) days, it may be released to the finder, in compliance with provisions of NMSA 1978, §§ 7-8A-1 through 7-8A-31, Finders Uniform Unclaimed Property Act.

1. Firearms, ammo, and contraband are exempt.

3. Safekeeping/Return to Owner

a. When Department personnel tag property or evidence that has been designated as a “Safekeeping/Return to Owner” item,
i. They shall list For an item to be accepted as safekeeping return to owner, the owner and the owner’s contact information in the PEMS must be listed.

ii. The Evidence Unit personnel shall store All items property that is held for designated as “safekeeping Return to Owner” will be held for ninety (90) days.

iii. When the item is submitted, Evidence Unit personnel shall send a letter with the Department APD/City of Albuquerque letterhead shall be sent to the owner requesting that they retrieve the item(s) property.

iv. Evidence Unit personnel shall make Every reasonable effort should be made to contact the owner to inform them of the items property’s location and the necessity to pick up the “safekeeping return to owner” items property that is designated as “Return to Owner”. If other means or avenues of contacting the property owner are available, Department Evidence Unit personnel should attempt to contact the owner using those means.

v. Evidence Unit personnel shall include in the notification that the owner of the property shall be given ninety (90) days from the date the item was tagged in which to pick up their property.

vi. If the owner fails to retrieve their property, Evidence Unit personnel shall the property shall be disposed of property consistent with this Standard Operating Procedure (policy SOP) and per New Mexico State Statute NMSA 1978, §§ sections 29-1-13 through 29-1-15 Unclaimed property; inventory NMSA 1978.

4. Misdemeanor / Felony Evidence

a. The Evidence Unit personnel shall retain all items property tagged as a misdemeanor/felony evidence shall be retained until such time the Evidence Unit has been notified by the case agent, a designated supervisor, or the District Attorney (DA)’s Office as to the completion of the case, or if it has met statutory requirements.

7 G.H. Evidence Handling

1. Packaging

N/A

a. Department personnel shall package all evidence or property. All items being taken into the Evidence Unit shall be packaged according to consistent with SOP Submission of Evidence, Confiscated Property, and Found Items Collection, Submission, and Disposition of Evidence and Property (refer to SOP Submission of Evidence, Confiscated Property, and Found Items for sanction classifications and additional duties).

b. The Evidence Unit Technician shall immediately notify a supervisor if any the item’s packaging becomes compromised, a supervisor shall be notified immediately.
i. The supervisor and the Evidence Unit Technician shall reseal the item, initial and date the packaging, and make a notation in the Evidence Management System (PEMS).

   If a weapon is found to be loaded, the Evidence Unit Technician shall notify their supervisor immediately and call a firearms expert from the Metropolitan Forensic Science Center (MFSC) or sworn personnel who are trained in the handling of a firearm to render a weapon safe and/or unload the weapon, if a weapon is found to be loaded.

b. A supervisor shall also be notified immediately.

2. Rejected Evidence

   a. When Evidence Unit Technicians collect evidence or property collected from an off-site tagging location and the items have been improperly tagged or otherwise require rejection, the Evidence Technician shall take the item to the Evidence warehouse, where the item(s) will be stored.

   b. Department personnel shall fix rejected evidence within five (5) working days.

      a. If the employee who tagged the item fails to fix the rejected evidence within five (5) days, the tagging Department personnel’s immediate supervisor will be notified.

3. Storing Property

   a. Evidence Unit personnel shall:

      i. Take all property into the Evidence Warehouse, where it shall be stored in designated areas depending on the item;

      ii. Store items requiring extra security measures such as firearms, narcotics, cash, and jewelry in their respective vaults;

      1. Items that require extra security measures shall remain in their vaults until they are properly disposed of;

         a. iii. Store all other items of evidence or property will be stored in bins or shelf areas depending on their size; and

         b. iv. Store only authorized items may be stored outside the Evidence Unit warehouse.

   b. Items with extra security measures shall remain in their vaults until they are properly disposed of.

4. Releasing Evidence

   1. Technicians make sure that officers Department personnel who releasing who inquire about evidence, present documentation to ensure that they have the authority over the case to release or dispose of evidence.
1. If the Evidence Unit Technician does not recognize an officer, he or she shall ask for official identification.

2. Evidence Unit personnel shall only release evidence under the following circumstances:
   a. By a Court order that has been signed by a judge;
   b. By authorization of the submitting officer, investigating officer, or their respective supervisor; or
   c. By authorization of the City Attorney or the APD Department’s legal counsel.

3. If Evidence Unit personnel have reason to question the authenticity of a court document, they shall request for the Evidence Unit supervisor or their designee to review copies of the documents authorizing the release or disposition of any items of evidence including, but not limited to, Court Orders and District Attorney (D.A.’s Office) Letters, etc.

4. Evidence Unit personnel shall When releasing property/evidence, all information about the release shall be captured in the Evidence Management System (PEMS), including scanning court orders, D.A.’s Office letters, and/or the signature of the releasing person as well as the person receiving the item.

5. The Evidence Unit supervisor shall respond to any questions regarding the release of evidence or property should be directed to the Unit Supervisor.

6. 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 on-body recording device videos shall be shared via Evidence.com.

3. If requested by an authorized entity, including, but not limited to the District Attorney, the City Legal Attorney’s Office, the Civilian Police Oversight Agency (CPOA), etc., Evidence Unit personnel may modify the scheduled auto-deletion for non-evidentiary videos to prevent its deletion.
4. The disposition of evidentiary videos shall follow the same policy as other evidence, as described in consistent with SOP – Collection, Submission, and Disposition of Evidence and Property (refer to SOP Collection, Submission, and Disposition of Evidence and Property for sanction classifications and additional duties).

J.K. Final Disposition of Evidence/Property/Evidence

1. The AP Department Evidence Unit personnel will follow guidelines in pursuant to NMSA 1978 §§ 29-1-13 through 29-1-15 Unclaimed property; inventory the New Mexico State Statutes and require written disposition authority from either the District Attorney’s Office, the City Attorney’s Office, the investigating officer, and/or an AP Department / Bernalillo County Sheriff’s Office supervisor (Sergeant or above, or an Evidence Unit supervisor-14, or above) as appropriate before the disposition of property or evidence is held by this Department.

2. Evidence Unit personnel shall complete the final disposition of found, recovered, and evidentiary property shall be accomplished as soon as possible after all legal requirements have been satisfied.


3. Before disposing of any item in the custody of the Evidence Unit, the Evidence Unit personnel is responsible for ensuring the proper and legal final disposition of the items, before disposing of any item in their custody of the Evidence Unit.

4. The Performance Metrics Unit personnel shall be notified and have the authority to conduct a physical inspection of the items being disposed of at any time during the process.

a. The Performance Metrics Unit has personnel shall have the authority to stop any destruction process because of discrepancies in the evidence destruction list or with the inspection of the items.

3.b. The Evidence Unit shall be responsible for documenting all destructions/disposals and forwarding this report to the Inspections Unit.

4.5. The Evidence Unit shall not return any contraband to any party involved in the seizure of the items without proper authorization. It is the Evidence policy of this Unit’s policy to dispose of these items by destroying them after obtaining a court order.

5.6. Drug lab chemicals and equipment, or biohazard items that are not needed for prosecution shall be disposed of, by following consistent with Environmental

6.7 Weapons, that which are not claimed by or otherwise returned to the owner, can may be disposed of in any of the following methods as follows:

a. Evidence Unit personnel shall place all weapons, that which are designated as usable by the Criminalistics Laboratory (Crime Lab), shall be placed in the Forensic Firearms Armory/Library for future reference and investigative purposes after obtaining a court order.

a.i. Evidence Unit personnel shall ensure that all investigative and court issues orders related to these weapons shall have been met before prior to transferring the weapon.

b. Evidence Unit personnel shall transfer all weapons, which do not meet Departmental standards of serviceability and are needed for ballistics information, shall be transferred to the Criminalistics Firearms Unit.

b.i. Evidence Unit personnel shall transfer the weapons accomplished after all legal requirements, as explained above, have been completed.

c. Any firearm that does not fit any of the above categories shall be destroyed. This includes, but is not limited to, machine guns, sawed-off shotguns, rifles, and firearms with obliterated serial numbers, and other crime-involved firearms.

7. Property conversion All requests for conversion of property shall be given to the Scientific Evidence Division (SED) Commander for final approval or disapproval.

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