



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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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D. Rescinded Special Order(s)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

N/A 1-41-3 Definitions

None

7 1-41-4 Responsibilities

A. Evidence Unit personnel shall:



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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

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

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- 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.

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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.



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- 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.

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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 apdevidence@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

N/A

- 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.

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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.

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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.



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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.

N/A

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.

N/A

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



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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.



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- 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.

REDLINED



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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- ~~1-87 (Currently 5-5) Scientific Evidence Division~~
- ~~2-9 Use of Computer Systems~~
- ~~2-73 Collection, Submission, and Disposition of Evidence and Submission of Evidence, Confiscated Property, and Property Found Items~~
- ~~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 Statute 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~~ through Downloadable Links, and Physical Copies Where a Request Has Been Made to ~~The~~ the APD Evidence Unit.

1-41-1 Purpose

The purpose of this Unit policy is to ~~establish~~ outline procedures to that maintain the integrity of all evidence and, ~~found items, and property held for safe keeping~~ none-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.

N/A 1-41-3 Definitions

None

7 1-41-4 **Responsibilities**

A. Evidence Unit Personnel shall be responsible for:

1. ~~Personnel shall be responsible for the p~~ Properly handling handle ~~The proper handling~~ Properly handle of all items of evidence, lost and found property and non-evidentiary and items ~~that are being held for safekeeping~~ within the evidence warehouse;
2. ~~Personnel shall be also responsible for the P~~ properly researching of assigned cases in a timely manner;
3. ~~Personnel shall will be responsible for providing e~~ prompt, courteous service at the evidence counter, warehouse service window, and over the phone;
4. ~~Personnel shall be is responsible for accurately entering ing and updating~~ update 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; and

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

1 B. Evidence Unit personnel shall be the only personnel who are ~~Only be Evidence Unit personnel are~~ ~~Only be Evidence Technicians Unit personnel are~~ only authorized to be in the evidence Warehouse 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. ~~and~~

~~5. All employees of the Evidence Unit are Be All Evidence Unit personnel are Be responsible for the Ssecurity of for the evidence warehouses and all items of evidence and non-evidentiary items are the responsibility of all employees of the Evidence Unit.~~

7 ~~B.C.~~ Public Relations



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

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

~~4-b.~~ Evidence Unit personnel shall make ~~Every effort shall be made to assist them clients even if they do not have pertinent information, such as a case number.~~

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.~~

7 ~~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: either Evidence Unit employees personnel or non-evidence Evidence Unit employees personnel in unauthorized areas, mishandling of evidence, or tampering with evidence) shall be reported to an Evidence Unit Supervisor supervisor immediately.~~

~~4-a.~~ Failure to report a breach of security as items described above 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 here in the locker.

~~2-b.~~ Evidence Unit personnel Employees should 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. ~~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.

~~3-a.~~ Evidence Unit personnel Employees shall document ~~in~~ the visitor's log the time the visitor exits the area by placing the time of exit 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~~ shall there be fewer than two ~~(2) evidence~~ Evidence Unit technicians ~~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.~~

~~6. day by the Evidence Unit Supervisor or designee.~~

7 ~~D.E.~~ Warehouse Safety Rules

~~1. Department personnel shall only safety stop stools or ladders for climbing will be used. Employees Evidence Unit personnel shall not stand on swivel chairs or use them as stepping stools. Only uses safety steps stools or ladders shall be used for climbing.~~

6 ~~4.a.~~ Department personnel shall not stand on or use shelving, boxes, or bins as stepping or climbing tools. ~~shall be used.~~

~~2. Employees Evidence Unit personnel shall Evidence will shall be store evidenced 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 Evidence Unit personnel employees will shall be familiar with building evacuation in case of a bomb threat, fire, or other emergencies.~~

~~4. Employees Department personnel are not permitted to shall not have bring f Food and/or drinks are not permitted into the vaults, fire room, or freezers.~~

7 ~~E.F.~~ Records and Administration

1. General

~~1. Evidence Unit personnel are responsible for shall It is the responsibility of each individual assigned to the Evidence Unit to assistings with in the maintenance of electronic records and files.~~

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

2. Evidence Unit Computer Use

a. The Evidence Unit personnel shall utilizes ~~uses~~ several e Evidence m Management p Programs to ensure that an accurate chain of custody is followed for every item of evidence through an electronic tracking system.



- ~~i. Should~~ If the tracking system ~~is not function-~~functioning for any reason, the Evidence Unit supervisor may authorize alternative methods of tracking evidence until the situation is resolved.
 - ~~a.ii.~~ Once the ~~Evidence-evidence Management-management System-system~~ is available, Evidence Unit personnel ~~all records will~~shall immediately ~~be entered~~enter these records into the tracking system.
 - ~~b.~~ The ~~Property and Evidence-evidence Mmmanagement software-Ssystem~~ (PEMS) ~~user request~~shall be used to maintain an indefinite file of approved user access and /change requests.
 - ~~b.i.~~ User requests shall be forwarded to ~~apdevidence@cabq.com~~apdevidence@cabq.gov ~~management via interoffice correspondence.~~ will shall be forwarded to the Evidence management via interoffice correspondence for
 - ~~e.ii.~~ The Evidence Unit s Supervisor, or their designee ~~will shall~~ maintain an ~~indefinite file of approved~~ user access and /change requests.
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-bill~~ Checks checks, disposition letters, and any other records relating to evidentiary and non-evidentiary items stored within the ~~Evidence Unit Evidence Warehouse~~ will shall be maintained at the Evidence Unit within PEMS.
4. Inventories, Inspections, and Audits
 - ~~a.~~ Evidence Unit personnel ~~will shall~~ maintain an up-to-date inventory of all property ~~being held within the Unit Evidence Warehouse~~ through ~~the use of the Evidence Management System~~ PEMS.
 - ~~b.~~ Evidence ~~staff~~ Unit personnel ~~will shall~~ conduct periodic bin audits to ensure quality control of ~~stored~~ stored items stored within the bins.
 - ~~b.i.~~ The Evidence Unit ~~Supervisor-supervisor~~ will shall maintain these audits. ~~The Property Custodian and a designee of the Chief of Police shall complete~~ An inventory/inspection of the Evidence Unit will shall take place whenever the person responsible for the Evidence Unit is assigned to and /or transferred from the position.
 - ~~c.~~ ~~The inventory/inspection is to will 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.~~
 - ~~c.~~ A Department supervisor who is not routinely or directly connected to the Evidence Unit shall conduct ~~An annual audit of the Evidence stored Unit will shall be conducted by a supervisor not routinely or directly connected with 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 will ~~shall~~ schedule this audit. Upon completion ~~T~~he Evidence Supervisor will ~~shall~~ forward a copy of this audit to the Performance Metrics Unit, upon completion.
- ~~e.~~ d. 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~~ personnel are ~~expected to~~ shall fully cooperate completely with the Performance Metrics Unit personnel.
- ~~f.~~ e. The Evidence Unit ~~will~~ shall call upon ~~the~~ Performance Metrics Unit personnel to conduct any audits of evidence before disposal or destruction.

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F.G. 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~~ personnel ~~will~~ shall retain the property or evidence for a minimum of ninety (90) days before ~~destruction~~ destroying it, to ensure ~~that there~~ the property does not possess ~~is no~~ evidentiary value ~~to of the property~~.

2. Found Items

- ~~a.~~ When Department personnel tag property or evidence ~~that has been~~ designated as a "Found Item,"
- ~~i.a.~~ The Evidence Unit personnel ~~The item will~~ shall ~~be held~~ store the item for a minimum of ninety (90) days.
 - ~~i.~~ After the ninety (90) days, the Evidence Unit ~~Technical~~ Technician ~~will~~ shall send a letter ~~with Department~~ on City of Albuquerque letterhead advising the ~~owner~~ finder that the item(s) must be claimed within ninety (90) days and that the Evidence Unit will hold the item ~~item will~~ be held in our possession for ~~ninety (90)~~ one-hundred and eighty (180) days.
 - ii. If ~~the property had not been~~ is not claimed after ~~ninety~~ one-hundred and eighty (90/180) days ~~the property has not been claimed~~ days, then it ~~will~~ shall be properly disposed of, pursuant to ~~as per~~ New Mexico State NMSA 1978, §§ ~~Statute sections~~ 29-1-13 through 29-1-15 ~~NMSA 1978~~.
 - iii. If ~~the pp~~ Property is not claimed by the owner after ~~ninety (90)~~ one-hundred and eighty (180) days, it may be released to the finder, ~~in compliance~~ with pursuant to ~~the~~ NMSA 1978, §§ 7-8A-1 through 7-8A-31 ~~Finders Law~~ Uniform Unclaimed Property Act.
 - 1. Firearms, ammo, and contraband ~~do not apply to this law~~ 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~~, is



- ~~i.a.~~ They they shall list For an item to be accepted as safekeeping return to owner, the an owner and the owner's contact information in the PEMS must be listed.
- ~~ii.i.~~ The Evidence Unit personnel shall store All items property that is held for designated as "safekeeping Return to eOwner" willshall be held for ninety (90) days.
- ~~iii.ii.~~ When the item is submitted, Evidence Unit personnel shall send a letter with on DepartmentAPD/City of Albuquerque letterhead shall be sent to the owner requesting that they retrieve the item(s) property.
- ~~iv.iii.~~ Evidence Unit personnel shall make Every reasonable effort should be made to contact the owner of the property; 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 personnel should all attempt to contact the owners them using by those means.
 1. Evidence Unit personnel shall include in the notification, notification, that the owner of the property owner shall be given has ninety (90) days from the date the item was tagged in which to pick up their property.
 - ~~v.2.~~ If the owner fails to retrieve their property, Evidence Unit personnel shall the property shall be disposed of the 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 is been notified by the case agent, a designated supervisor, or the District Attorney (DA)'s eOffice as to of the completion of the case, or if it has met statutory requirements.

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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 supervisors if Should any the item's packaging is becomes compromised, a supervisor shall be notified immediately.



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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.~~

c. ~~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) lab 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 that is improperly tagged or otherwise requires rejection, the Evidence Technician they shall will shall be take the item to the Evidence evidence Unit Warehouse, where the item(s) will shall it shall will be stored.~~

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

a.i. ~~If the employee who tagged the item fails to fix the rejected evidence within five (5) days, Evidence Unit personnel is within past five (5) working days, the tagging Department personnel's shall notify the employee's immediate supervisor will shall be notified.~~

3. Storing Property

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a. ~~Evidence Unit personnel shall:~~

i. ~~Take all property All property taken into the Evidence evidence Warehouse Unit, 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 shall be stored in their respective vaults;~~

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1. ~~Items that require with 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 shall be stored in bins or shelf areas depending on their size; and~~

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b.iv. ~~Store Only authorized items may be stored outside the Evidence Unit Warehouse.~~

6

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

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~~H.I.~~ Releasing Evidence

1. ~~Technicians Evidence Unit personnel will shall~~ make sure that ~~officers Department personnel who releasing who inquiring about~~ evidence, present documentation to ensure that they have the authority over the case to release or dispose of evidence.



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~~1-a.~~ If ~~the~~ Evidence Unit ~~Technician~~ does not recognize ~~the~~ an officer, ~~he or she~~ they shall ask for official identification.

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2. ~~Evidence Unit personnel shall only release Evidence~~ evidence ~~will~~ shall only be released under the following circumstances:

- a. ~~By a Court~~ 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~~ If there is a question of the authenticity of a court document, ~~They shall request for the Evidence Unit supervisor or their designee to~~ shall 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.)~~

~~3-a.~~ ~~may be accepted.~~ ~~If there is a question of authenticity, it shall be reviewed by an Evidence Supervisor or their designee.~~ Court orders will ~~shall~~ have the case number, inventory, or amount of money to be released, ~~as well as~~ and the judge's signature authorizing the release.

4. Evidence Unit personnel shall ~~When releasing property/evidence, all information about the release will~~ shall be captured, ~~all information about the release of evidence or property~~ in the Evidence Management System PEMS, ~~to including,~~ scanning court orders, DA's Office letters, and/or the signature of the releasing person ~~as well as~~ and the person receiving the item.

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

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~~J.~~ Requests for Audio/Video Copies and Reproduction

1. All ~~requests for~~ 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 ~~Axon~~ on-body recording device ~~video~~ footage shall be shared via Evidence.com.

N/A

3. If requested by an authorized entity, including, but not limited to the, ~~(District Attorney~~ DA, ~~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.

N/A



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~~ for sanction classifications and additional duties).

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

1. ~~The APD Department Evidence Unit personnel will~~ shall 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~~ Office, the City Attorney's Office, the ~~investigation~~ investigating officer, ~~and/or an Department APD/Bernalillo County Sheriff's Office supervisor (Sergeant and/or above, or an Evidence Unit supervisor 14, or above)~~ as appropriate before the disposition of property ~~or evidence is~~ held by this the 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.

~~2.a.~~ Any auction, destruction, or transfers shall be done in compliance with NMSA 1978, §§ 29-1-13 through 29-1-15 Unclaimed property; inventory New Mexico State Statute sections 29-1-13 through 29-1-15 NMSA 1978.

3. ~~Before disposing of any item in the custody of the Evidence Unit, the Evidence Unit personnel is responsible for~~ shall ensure ~~verifying~~ 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 ~~has~~ personnel will 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 ~~will~~ shall be responsible for documenting all destructions/disposals and forwarding this report to the Inspections Unit.

~~4.5.~~ The Evidence Unit ~~will~~ 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 ~~will~~ shall be disposed of, ~~by following~~ consistent with Environmental



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~~Protection Agency (E.P.A.) guidelines concerning hazardous/ biohazard substances~~
the Recourse Conservation and Recovery Act of 1976.

~~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 W weapons, that which are designated as~~
usable by the Criminalistics Laboratory MFSC (Crime Lab), will shall be placed
in the Crime Lab Lab Forensic forensic Firearms firearms
Armory/armory/Library/library for future reference and investigative purposes
after obtaining a court order.;

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

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

~~b.i. Evidence Unit personnel shall This Which will shall be transfer the weapons~~
accomplished after all legal requirements, as explained above, have been
completed.; and

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

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

8.