



2-73 COLLECTION, SUBMISSION, AND DISPOSITION OF EVIDENCE AND PROPERTY

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

1-41 Evidence Unit (Formerly 5-6)

B. Form(s)

PD 1338 Permission to Search
PD 4201 Request for Forensic Service
PD 4202 Laboratory Firearms Evidence Trace Request
Metro/Property Court Receipt

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 18-72 Gathering and Retention of Potential Criminal Evidence in Child Abuse and Neglect Matters

2-73-1 Purpose

It is the purpose of the Albuquerque Police Department (Department) to collect, submit, store, and dispose of evidence and property according to applicable laws, regulations, policies, and procedures.

2-73-2 Policy

It is the policy of the Department to ensure proper chain of custody for property and evidence and to provide for the safe, efficient, and careful handling and preservation of property and evidence that is under the Department's control.

N/A 2-73-3 Definitions

A. Crime Scene

The location that a crime took place or an area containing evidence from a crime itself.

B. Digital Evidence

Data that are stored on electronic devices.



C. Digital Image Video Recovery Team (DIVRT)

A group of civilian personnel who are specially trained in the techniques of digital data image recovery and seizure. The DIVRT conducts evidentiary searches of electronic media and to report the findings to the employee assigned to investigate the case.

D. Digital Image Video Recovery Team (DIVRT) Toolkit

A specialty kit used to document, remove, package, and transport digital evidence.

E. Personal Protective Equipment (PPE)

Protective clothing, helmets, goggles, or other garments or equipment designed to protect the wearer's body from injury or infection.

F. Property Evidence Management System (PEMS)

The Department's digital evidence management software system used to tag, protect, and preserve evidence, and to maintain all non-evidentiary items.

G. Tag

The process of entering collected property and evidence into the PEMS for storage of the items stored at the Metropolitan Forensic Science Center (MFSC) (or "Crime Lab").

7 **2-73-4** **Collection of Property and Evidence**

A. Department personnel shall use proper personal protective equipment (PPE), including nitrile gloves when collecting property and evidence.

B. Photographs

1. When Department personnel take crime scene photographs, they shall take overall, mid-range, and close-up photographs of the crime scene, individuals, and evidence.

a. When needed, Department personnel shall take photographs with and without scales.

2. Department personnel shall take photographs of the incidents:

- a. All uses of force, including shows of force;
- b. Felony crimes where there is evidence to process;
- c. Fatal and serious injury vehicle crashes;
- d. Crashes involving City vehicles, including Department vehicles;
- e. All individuals charged with resisting arrest;
- f. All individuals charged with battery or aggravated battery on a police officer;



- g. Any injury of a police officer; and
- h. Damage to civilian property as a result of official police action.

3. Photographs of Victims and Individuals

- a. Unconscious victims and individuals
 - i. Department personnel may photograph unconscious individuals for the preservation of evidence, including inside medical facilities.
 - ii. Department personnel may photograph unconscious victims of a crime consistent the following rules:
 - A. Department personnel shall take photographs of victims who will be examined by a Sexual Assault Nurse Examiner (SANE), children, and/or persons who are under a guardianship.
 - B. Department personnel shall not manipulate an unconscious victim's body, clothing, or coverings when taking the photograph.
 - C. Department personnel may only take photographs of evidence that is in plain view.
- b. If Department personnel are photographing an unconscious person in a medical facility and medical personnel ask Department personnel who are taking photographs to stop, they shall stop.
 - i. Department personnel shall document in a Supplemental Report why photographs were not taken and, if possible, the name of the medical facility employee that ordered them to stop taking photographs.
- c. Department personnel do not need to obtain permission from in-custody individuals to photograph them.
 - i. When an in-custody individual refuses to cooperate, Department personnel may take photographs of the individual from a distance and shall document the circumstances in a Supplemental Report.

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4. Photographs Following a Use of Force, Including a Show of Force

- a. For all uses of force, including shows of force, a Crime Scene Specialist (CSS), sergeant, or lieutenant shall photograph:
 - i. Individual(s);
 - ii. Involved officer(s);
 - iii. Any weapon systems used during the force incident.
- b. ECC personnel shall dispatch a Crime Scene Specialist (CSS), sergeant, or lieutenant to document and collect any evidence, including photographing the in-custody individual at the last point of contact, if possible.
- c. Department personnel shall:
 - i. At a minimum, take over-all, mid-range, and close-up photographs of the scene, of individuals upon whom force was used, and of officer(s) involved in a use of force; and
 - ii. If used, take photographs of all four (4) sides of the intermediate weapon system and/or firearm, including the firearm serial number.



- d. If circumstances arise where Department personnel cannot take photographs according to the Department's Standard Operating Procedure (SOP) or training, they shall document the circumstances in a Uniform Incident Report.

C. Towing and Sealing of Vehicles

1. CSS Unit or Major Crime Scene Team (MCST) personnel shall process the exterior of the vehicle and seal the vehicle for evidence processing.
 - a. Department personnel who process the vehicle shall follow the tow service to the MFSC to maintain the chain of custody.
2. Department personnel shall only have vehicles that are involved in a homicide, life-threatening injuries, criminal sexual penetration, or vehicles that require special tools for processing towed and stored at the MFSC.
3. The Department case agent must process vehicles within two (2) weeks.
 - a. If the vehicle is not processed within two (2) weeks, the MCST Detective shall have it towed to the original tow service company's yard.
4. After processing the vehicle, the Department case agent shall contact the original tow company to tow the vehicle to their yard.
 - a. Without permission from the Scientific Evidence Division Commander, Department personnel shall not release vehicles to the owner or responsible party from the MFSC.

6 2-73-5 Tagging and Submission of Property and Evidence

A. Accountability for Property, Evidence, and Found Items

1. Department personnel who collect property, evidence, or found items shall be responsible for the custody of these items until they have been tagged into the Evidence Room, substation drop boxes or lockers.
2. Department personnel shall tag all found, safekeeping and evidence items using the Property Evidence Management System (PEMS) evidence accounting tracking system.
 - a. A supervisor's signature and completed log sheet is required to authorize the use of hard copy evidence tags for exigent/unusual circumstances like PEMS system outages.

B. When tagging items in to the Evidence, Department personnel shall:



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1. Tag all items of evidence, safekeeping, and found items into Evidence using PEMS, and deposit the items in a substation drop box by the end of the employees shift;
 - a. Only due to exigent or unusual circumstances may a supervisor authorize exceptions to this; however, the evidence must be placed in a secure location within a police building such as a safe, a locker or cabinet that can be secured under the direct control of the supervisor.
 - b. Due to the nature of some evidence handling and processing MCST and CSS are not required to have all evidence tagged into and submitted by the end of shift, but shall still follow chain of custody rules.
 - i. The evidence must be placed in a secure location within the Crime Lab such as a safe, a locker or cabinet that can be secured under the direct control of the supervisor.
 - c. The tagging employee shall seal all evidence tagged either in plastic or paper bags.
 - d. The employee shall ensure that sealed evidence bag has the employee's initials and the date across the seal, using a permanent type marker, before placing the evidence in a locker.
 - e. Failure to place initials and date across the seal shall result in rejection of the evidence by Evidence Unit personnel.
2. Seal all audiotapes and CD/DVD in a 6x9 manila envelope with the tagging employee's initials and the date across the seal, using a permanent type marker;
3. When acquiring and storing Images:
 - a. Images shall be captured via digital cameras authorized by the MFSC Photography Unit;
 - b. archive and maintain in an original state any digital evidentiary images in any format;
 - c. Assume responsibility for transferring all images captured on a temporary media to a CD-R at the completion of the call;
 - d. when establishing chain of custody for digital images, the photographer shall complete a film envelope and tag the envelope into evidence; and
 - e. Not make copies of digital images for any unofficial use;
4. Ensure that the evidence does not become intermingled with evidence from other cases. This shall be accomplished by obtaining a case number and recording it in the "Case #" field on PEMS or the appropriate location on the evidence tag;
5. When tagging large and multiple items;
 - a. Items that will not reasonably fit in the evidence lockers shall be secured at the substation in the Evidence Room located behind the lockers.
 - i. Area Command Evidence Storage Room Security.
 1. Area Commanders shall maintain a key log for this room.



2. Area Commanders and area command lieutenants shall be the only personnel issued keys (excluding Evidence Unit personnel) to the Evidence Storage Room.
 3. Responsibility for the keys shall not be delegated unless a sergeant is upgraded to acting lieutenant.
 4. Duplicate keys shall not be made unless authorized by the Area Commander.
 - ii. Personnel shall not force large items into lockers.
 - iii. Fragile items or urgently needed investigative evidence shall be taken immediately to the MFSC at 5350 Second Street NW.
 - b. When evidence in a case involves multiple items such as televisions, computers, etc. in quantities exceeding ten (10) items, the items shall be stored in the Evidence Room behind the lockers.
 - c. When large amounts of evidence requiring truck transport are recovered at a crime scene, personnel tagging the items shall contact the Emergency Communications Center (ECC) dispatcher and request that the Evidence Supervisor respond to the scene.
6. Store ammunition in the lowest available empty locker; and
7. Not tag perishable items, volatile/flammable, liquids, fuels, and lighters as evidence.
- a. If the item is needed for prosecution, personnel shall have it sampled and photographed by a CSS. After being photographed, the item shall be returned to the owner or properly disposed of. Used narcotic test kits shall not be tagged.
- C. Department Personnel shall include the following Information When Tagging Items Into the Property Evidence Management System (PEMS):
1. The appropriate case number;
 2. Ensure all property and evidence is submitted to the Evidence Unit through the PEMS; and
 3. Completely fill out the mandatory PEMS entry fields in order for the entry to be valid.
 - a. If the owner of the property or evidence is unknown, Department personnel shall not be listed as the owner or finder of the property or evidence. The owner or finder shall be listed as "unknown".

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D. Tagging Drugs and Drug-Related Items

1. Department personnel shall:



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- a. Tag controlled substances separately from container/packaging when possible and heat sealed in plastic bags with the tagging personnel's initials and date across the seal, using a permanent type marker;
 - i. When tagging pills, capsules, etc. into evidence, tagging personnel shall count the individual pills and note the number on the evidence tag in the area designated "remarks" or the "Quantity" field on the PEMS screen.
 - b. In cases where more than one (1) controlled substance is collected, the substances of the same type such as cocaine, heroin, methamphetamine, dry marijuana shall be grouped into one (1), sealed, initialed plastic bag per substance type;
 - c. Separate dry marijuana from any packaging, and place it into a single plastic bag; and
 - i. For example five (5) Ziploc baggies of marijuana shall be emptied into one (1) evidence plastic bag and the empty Ziploc bags discarded, unless personnel tag the bags separately to be processed for latent prints.
 - d. Secure green freshly pulled marijuana in a paper bag or box with an evidence tag attached to it and the words "Green or wet Marijuana" added in the remarks section of the tag or the "Weight Box" in the narcotics screen of PEMS.
 - i. Evidence technicians shall dry the marijuana.
 - ii. When the marijuana is dry, Evidence technicians shall notify the employee who tagged the marijuana to come to the main Evidence Room to package and seal it in plastic bags.
 - iii. Under no circumstances shall green undried marijuana be placed into evidence in plastic bags or other sealed containers.
2. Department personnel may place multiple syringes in a sharps container when tagging them.
 3. Department personnel shall not tag drug manufacturing or agricultural equipment and chemicals such as grow lights and irrigation equipment as evidence.
 - a. If the item is needed for prosecution, Department personnel shall include instructions to photograph and destroy the item(s) on the search warrant.

E. Medications

1. Department personnel shall:
 - a. When tagging medication as evidence with the expectation of it being returned to the owner, Department personnel shall tag it separately from other drugs or paraphernalia in its original container in a clear plastic bag.
 - i. When feasible medication shall not be mixed or contained in a bag outside of the original container.
 - b. When tagging medications as found or safekeeping it shall be tagged under the owner/finders identification and contact information including, but not limited to owner/finders' name, address and phone number and it shall be entered into the evidence history by tagging personnel.



- c. When tagging prescription medication that belonged to a deceased individual and was seized as part of the preliminary investigation the medication shall not be released to a next of kin.
 - i. Upon completion of the investigation, the medication shall be destroyed consistent with SOP Evidence Unit.

F. Tagging Jewelry

1. Department personnel shall tag jewelry separately from any other items and seal it in plastic bags.
 - a. Department Personnel shall itemized the jewelry in the description field of PEMS.

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G. Tagging of Firearms

1. Department personnel shall:
 - a. Heat-seal all firearms in plastic bags, with the tagging employee's initials and date written across the seal, using a permanent type marker.
 - i. Firearms shall not be disassembled before being tagged.
 - ii. Only one (1) firearm may be tagged per bag.
 - iii. Evidence tags for firearms shall be attached to the plastic bag.
 - b. Seal emptied magazines in small plastic bags and seal those bags in the plastic heat-sealed bag with the firearm.
 - c. Fully complete a Department Laboratory Firearms Evidence Trace Request form and staple it to outside of evidence bag.
 - i. Evidence Unit personnel shall reject the evidence if Department personnel failure to attach the Laboratory Firearms Evidence Trace Request form.
 - d. Use the plastic barrel plugs or ties that have been provided by the Evidence Unit to clear the chamber of firearms that are being tagged into Evidence.
 - i. Pens or similar writing devices shall not be used to clear the chamber of firearms.
 - ii. Under no circumstances shall Department personnel use tape or metal wire of any kind to affix ammunition, magazines, or holsters to the firearm.
 - e. Tag pellet/Ball Bering (BB) pistols the same as regular evidence.
 - i. Pellet/BB rifles shall be tagged by affixing the evidence tag directly to the plastic bag.
 - ii. Pellet/BB guns shall be noted as "toy gun".
 - f. Tag unfired ammunition and/or fired cartridge casings that are found in the firearm (magazine or cylinder) separate from the firearm and packaged separately.
 - g. Submit fired cartridge casings for the National Integrated Ballistics Information Network (NIBIN) in the following manner:
 - i. Collect all fired cartridge casings (except revolver);



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- ii. If Department personnel suspect a recovered firearm is involved in other shootings, with or without casings, they shall submit a Request for Forensic Service form as stated above, for the recovered firearm to be examined;
- iii. If an "Investigate Lead" is made, a Request for Forensic Service form is required from the Firearms and Tool marks group for further analysis. The submitting personnel shall receive a copy of the report; and
- iv. These guidelines ensure the NIBIN System operates properly and presents personnel with information that assists in the investigation(s).

2. Department personnel shall not tag or store black powder in evidence lockers at substations.

- a. Black powder shall be turned into the Evidence Disposition Unit. Once the Evidence Unit receives black powder, it is turned over to the Explosive Ordinance Division (EOD).

H. Tagging of knives

1. Department personnel shall:

- a. Close pocket or folding knives when possible;
- b. Keep hunting knives in the knife sheath unless trace evidence may be destroyed.
- c. Protect the edges of long knives, razor blades, and any other objects with sharp cutting edges by covering the edge with cardboard or other suitable material and with the material taped securely into place to prevent accidental injury.

2. Department personnel may place syringes and other sharps in plastic tubes. All tubes shall then be heat-sealed in plastic bags.

I. Tagging Money

1. Department Personnel shall:

- a. Separate any money, regardless of the amount, from any other item and seal it in a plastic bag with the tagging personnel's initials and date written across the seal with a permanent type marker; and
- b. Tag and deposit all money, regardless of amount, in a substation evidence locker or "mail" type drop box.

2. Department personnel shall not tag money as "safekeeping" without the owner/finders name, address and phone number.

- a. Found money shall be tagged as "unknown" owner field of PEMS.

3. Department personnel may not tag currency as evidence, unless instructed to do so by the case agent.



- a. Tagging money for evidentiary purposes on narcotics-related offenses is not authorized unless the probability of a federal prosecution and federal forfeiture action is established.
- b. For consideration for forfeiture, the Department's policy is to adopt a minimum threshold of two-thousand and two thousand five hundred dollars (\$2500.00).

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J. Tagging of Personal Electronic Devices

1. Department personnel shall make efforts to ensure all personal electronic devices are disconnected from transmitting or receiving any electronic data.
 - a. The personal electronic device shall be heat sealed inside a standard plastic evidence bag with the tagging employee's initials and a date written on the seal, using a permanent type marker.
 - b. Department personnel shall only tag one (1) device per bag.

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K. Safekeeping Property

1. Department personnel may tag property into the Evidence Unit for safekeeping when:
 - a. Personnel has exhausted all other possibilities of disposing of the property;
 - b. The owner is known; and/or
 - c. The owner has a permanent mailing address.
2. The Evidence Unit personnel shall not accept contraband for safekeeping.
3. Department personnel may leave objects or articles of a non-evidentiary nature with the next of kin or secured at the scene at the time of the preliminary investigation.
 - a. Property items taken into police custody shall be tagged into Evidence for safekeeping.
4. Evidence Unit personnel shall not release items tagged as safekeeping to anyone other than the court or a person authorized to receive them by either a court order or the Department personnel who tagged the item.

L. Office of the Medical Investigator (OMI)

The OMI is responsible for all evidence on the body of deceased person.

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2-73-6 Viewing and Checking out Evidence

A. Viewing and Checking Out Evidence from the Evidence Unit



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1. Department personnel shall:
 - a. When needing items of evidence for court shall notify the Evidence Unit within twenty-four (24) hours or one (1) working day prior to the anticipated court date.
 - b. Capture all information about the viewing and releasing of evidence in the PEMS;
 - c. Have an official interest in the evidence and present proper identification to view or check-out evidence from the Evidence Unit;
 - i. Department personnel's immediate supervisor shall receive notice when the checked-out property is not returned, or a signed Metro/Property Court Receipt is not returned to the Evidence Unit after three (3) working days.
 - d. Be responsible for the chain of custody of all evidenced checked-out for court appearance; and
 - i. At no time shall the evidence be out of the immediate control of the officer or authorized court personnel.
 - ii. Evidence that was taken to court that is admitted into court evidence must be documented on a Metro/Property Evidence Court Receipt or similar form and returned to the Evidence Unit at the completion of the case.
 - iii. Evidence in cases covering extended periods of time shall be checked back into Evidence or temporarily secured in Court Evidence pending the completion of the case.
 - e. Direct all questions from the public about items in evidence to the Evidence Unit
 - i. The public shall be advised to telephone the Evidence Unit at 505-823-4600 before proceeding to the MFSC.
2. The Office of the Second Judicial District Attorney shall specifically state what items, if any, may be opened for inspection when they approve evidence viewings.
 - a. Any items not specifically listed may be visually inspected, however no packaging shall be opened or removed.
 - b. No personal electronic devices shall be turned-on and/or manipulated to view any data without expressed permission from the Second Judicial District Attorney's Office.
3. The following documentation is required for people other than Department personnel to view evidence.
 - a. A court order signed by a Judge.
 - b. Authorization from the City Attorney, Department Attorney, or the Office of the Second Judicial District Attorney.
 - c. Authorization from the Metropolitan Court Liaison Office on officer prosecution cases.
4. Department personnel wanting to view or check-out evidence shall make an appointment with the Evidence Unit seventy-two (72) hours or three (3) working days before the viewing and/or checking out of the items.



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B. Examination of Evidence by Outside Agencies

1. When necessary, it is the responsibility of Department personnel who collects the evidence to tag, package and send such items to other agencies for examination.
 - a. The MCST Team shall assist in whatever way possible to ensure that the proper procedures are followed by the responsible officer.

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2-73-7 Disposition of Evidence

A. General Guidelines

1. The Department's Evidence Unit shall follow the guidelines in New Mexico State Statutes and require disposition authority from either the Office of the Second Judicial District Attorney, the City's Legal Department, the investigating officer and/or a Department or Bernalillo County Sheriff's Office (BCSO) supervisor as appropriate before the disposition of property or evidence held by the Department.
2. The investigating officer or their supervisor must authorize the disposition of felony cases in which the District Attorney's Office has indicated they will not pursue adjudication.
3. When the original or tagging officer is no longer with the Department or the BCSO, it shall be the responsibility of the appropriate area commander to complete the Disposition Review Letter via a Department memorandum indicating the disposition of evidence.
 - a. Investigating sworn personnel must authorize the release of evidence in felony cases that are acceptable to the District Attorney to release or dispose.
 - b. Sworn personnel must report the disposition of all cases when returning evidence to the Evidence Unit and indicate if the evidence is no longer needed.
 - i. The Evidence Unit personnel shall send requests for the status of cases to sworn personnel on cases that have met statutory requirements or have received District Attorney disposition authorization.
 - ii. Sworn personnel shall advise evidence technicians if the items in question are to be disposed of, or they shall identify the detective who assumed investigative responsibility for the case.
 - iii. If an item is to be retained, the officer shall advise Evidence Unit personnel of the case status.
 - iv. The retain date provided by the officer shall be considered the officer's authorization for final disposition processing when it is acceptable to the District Attorney or has met statutory requirements.
 - v. If, after fifteen (15) calendar days the officer does not respond to the Evidence Unit's request for a status, the request shall be considered unacknowledged and reported to the officer's immediate supervisor.



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N/A

- vi. Each fifteen (15) day period after the request goes unacknowledged, a request for status shall be sent to the next level in the officer's chain of command.
 - vii. If the request goes unacknowledged through the rank of Commander, the Evidence Unit shall assumed that the evidence items that are the subject of the request are no longer needed and any misdemeanor evidence may be disposed of consistent with SOP Evidence Unit (refer to SOP Evidence Unit for sanction classifications and additional duties).
4. Department personnel who are separating from City employment are required to check-out with the Evidence Unit before their departure.
- a. Department personnel must supply the Evidence Unit Manager with case disposition on all cases involving items of evidence tagged throughout the employee's career.
 - i. The Evidence Unit Manager shall not sign-off on the Out-Processing form unless this process is complete.
 - ii. Failure to complete the process may result in the delay of the employee's checkout process.
 - iii. When responsible personnel are not known or are no longer employed with the Department, the area command where the incident took place shall assume evidence disposition responsibility.
 - iv. The last known area commander or designee shall be sent the dispositions form to be researched.
 - v. The Disposition Form requires a supervisor's authority to dispose of the evidence tagged by the ex-employee. The Supervisor authorizing the disposition shall print and sign their name on the form that will be forwarded to the Evidence Unit.

B. Disposition of Found Items

1. Department personnel shall:
 - a. Attempt to identify the owner and return the property.
 - b. If contact with the owner cannot be made during Department personnel's work shift, the item shall be tagged into Evidence as a found item.
2. Department personnel shall obtain pertinent information from the finding party including name, address, and phone number.
 - a. This information shall be listed on the evidence tag or entered into PEMS.
 - b. If contact is made with the owner after the item has been tagged into Evidence the owner shall be provided the case number to assist them in the return of the item.
3. When unclaimed personal property, excluding firearms, has left in the possession of the Department has remained unclaimed by the true owner for more than ninety



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(90) days, Evidence Unit personnel shall notify the finder by mail, and advise them that they may take possession of the property within thirty (30) days.

- a. If the property is not claimed by the finding party within thirty (30) days, it shall be disposed of as provided by law.

C. Authority to Release/Dispose of Case Evidence

1. After a case has been assigned to a detective/case agent, the original officer relinquishes authority for that case. The detective/case agent who assumes investigative responsibility for the case shall have the authority to release or dispose of case evidence.
2. If the detective/case agent is not listed in PEMS, the case agent shall provide the Evidence Unit with documentation showing the authority to release or dispose of the evidence.
3. Sworn personnel shall not mislead Evidence Unit personnel into believing they have the authority to dispose of evidence when in fact they do not.
 - a. Sworn personnel shall not sign-off to release or dispose of evidence as a favor to friends or community members. If a request is made by community members or as favors to friends to release evidence, the officer shall instruct the person(s) to contact the case agent in charge of the case.

D. Evidence Disposition Guidelines.

1. The Evidence Unit shall retain custody of:
 - a. Felony evidence involving homicides, vehicular homicides, all sex crimes, child abuse with great bodily harm (including DNA samples from questionable suicides if available) indefinitely, unless clear disposition authorization is obtained from the Second Judicial District Attorney's Office, investigating agency and/or judicial authority.
 - b. Evidence for sex crimes involving Sexual Assault Evidence Kits (SAEK), including juvenile matters, indefinitely, unless clear disposition authorization is obtained from a judicial authority.
 - c. Felony Evidence for sex crimes that do not involve SAEKs indefinitely, unless clear disposition authorization is obtained from the District Attorney's Office, investigating agency and/or judicial authority.
 - d. Misdemeanor evidence involving sex crimes that do not involve SAEKs and have been in the custody of the Evidence Unit for five (5) years, a juvenile victim has reached eighteen (18) years old plus one (1) year if such a victim exists, and has no outstanding arrest warrants for defendant/co-defendant shall be reviewed and approved for disposition by the assigned case agent or Investigation Bureau supervisor, unless clear earlier disposition authorization is



- obtained from the District Attorney's Office, investigating agency and/or judicial authority.
- e. Felony evidence that has been in the custody of the Evidence Unit for the term of the Statute of Limitations of the respective charge(s) (e.g., ten (10) years for a 2nd Degree Felony) 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, unless clear earlier disposition authorization is obtained from the District Attorney's Office, investigating agency and/or judicial authority.
 - f. Misdemeanor evidence involving domestic violence, Driving While Intoxicated (DWI) or sex crimes that has been in the Custody of the Evidence Unit for five (5) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the District Attorney's Office, investigating agency and/or judicial authority.
 - g. Misdemeanor evidence that has been in the Custody of the Evidence Unit for three (3) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the District Attorney's Office, investigating agency and/or judicial authority.
 - h. Suicide evidence involving a deoxyribonucleic acid (DNA) sample shall 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.
 - i. Suicide evidence that does not involve a DNA sample and has been in the custody of the Evidence Unit for three (3) years shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the District Attorney's Office, investigating agency and/or judicial authority.
2. Safekeeping/Found Property shall be processed for disposition per New Mexico State Statutes.
- a. In the case of firearms in the process of being disposed of, Evidence Unit personnel are authorized to open packages to verify serial numbers through National Crime Information Center (NCIC) prior to destroying the firearms.

E. Amending Evidence Tags for Safekeeping and Found Items

If Department personnel tagged an item into evidence for safekeeping or as a found item and it is then determined to be stolen, the tagging officer must notify the Evidence Unit of the updated information.



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- A. DIVRT/RCFL TFO personnel shall:
1. Collect digital evidence in connection with criminal investigations and/or searches;
 2. Seize all digital evidence according to the procedures that ensure the integrity of the seized items. DIVRT personnel shall tag the items as evidence or turned over to the case agent;
 3. Attempt to extract digital evidence from electronic devices; and
 4. Be on-call and can assist on major cases.
- B. Department personnel shall make requests for digital extraction through the DIVRT/RCFL TFO.

REDLINED



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CONFISCATED AND PROPERTY, AND FOUND ITEMS**

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

A. Related SOP(s)

- ~~1-35 Crime Scene Specialists (Formerly 5-8)~~
- ~~1-41 Evidence Unit (Formerly 5-6)~~
- ~~1-57 Identification/Disposition Unit (Formerly 5-7)~~
- ~~1-87 Scientific Evidence Division (Currently 5-5)~~
- ~~1-88 Sex Crimes Unit (Formerly 5-5)~~
- ~~2-21 Apparent Natural Death and Suicide~~
- ~~2-22 Juvenile Delinquency~~
- ~~2-46 Response to Traffic Crashes~~
- ~~2-47 Crashes Involving Police Vehicles~~
- ~~2-48 Towing and Wrecker Services~~
- ~~2-52 Use of Force - General~~
- ~~2-53 Use of Force - Definitions~~
- ~~2-54 Intermediate Weapon Systems~~
- ~~2-56 Use of Force - Reporting by Department Personnel~~
- ~~2-57 Use of Force - Review and Investigation by Department Personnel~~
- ~~2-58 Force Review Board~~
- ~~2-60 Preliminary and Follow-Up Criminal Investigations~~
- ~~2-70 Execution of Search Warrants~~
- ~~2-80 Arrests, Arrest Warrants, and Booking Procedures~~
- ~~2-86 Investigation of Property Crimes~~
- ~~2-91 Investigation of Violent Crimes~~
- ~~2-92 Crimes Against Children~~
- ~~4-25 Domestic Violence~~

B. Form(s)

- ~~Disposition Review Letter~~
- ~~PD 1338 Permission to Search~~
- ~~PD 4201 Request for Forensic Service~~
- ~~PD 4202 Laboratory Firearms Evidence Trace Request~~
- ~~Metro/Property Court Receipt Service Request Form~~

C. Other Resource(s)

None

D. Rescinded Special Order(s)

~~SO 18-53~~



SO 18-72 Gathering and Retention of Potential Criminal Evidence in Child Abuse and Neglect Matters

2-73-1 Purpose

It is the purpose of the Albuquerque Police Department (Department) to collect, submit, store, and dispose of evidence and property according to applicable laws, regulations, policies, and procedures.

2-73-2 Policy

~~Department policy~~ It is the policy of the Department to ensure proper chain of custody (for property and property evidence and evidence) and to provide for the safe, efficient, and careful handling and preservation of all property and evidence that comes is under the Department's control.

N/A 2-73-3 Definitions

A. Crime Scene

The location that a crime took place or an area that contains containing evidence from a crime itself.

B. Digital Evidence

Data that are stored on electronic devices.

C. Digital Image Video Recovery Team (DIVRT)

A group of Civilian personnel who are specially trained in the techniques of digital data (video) image recovery and seizure. The DIVRT ~~It is the role of the DIVRT to~~ conducts evidentiary searches of electronic media and to report the findings to the employee assigned to investigate the case.

~~A. Digital Evidence~~

~~Data that are stored on electronic devices.~~

D. Digital Image Video Recovery Team (DIVRT) Toolkit

A specialty kit used to document, remove, package, and transport ~~electronic~~ digital evidence.

~~Evidence Log~~

~~An automated log of evidence items that is created for each substation when the item is entered into the Officer Input Module Laboratory Information Management System~~



~~(OIM/LIMS). The Evidence Unit Technician retrieving the items will reject any items placed in evidence that are not entered into OIM/LIMS.~~

~~Property Laboratory In-Office Officer Input Module (OIM)formation Management System (LIMS)Evidence Management System (PEMS)~~

~~The area in QueTel, the Department's digital evidence management software system, used to tag, protect, and preserve evidence, and to maintain all non-evidentiary items for safekeeping and/or destruction, and found items. The OIM assigns a barcode to evidence and found items.~~

E. Personal Protective Equipment (PPE)

Protective clothing, helmets, goggles, or other garments or equipment designed to protect the wearer's body from injury or infection.

F. Property Evidence Management System (PEMS)

The Department's digital evidence management software system used to tag, protect, and preserve evidence, and to maintain all non-evidentiary items.

~~Tag/Tagged~~

G.

The process of entering collected property and evidence into the online database PEMS for the storage of the items (held?) stored at the Metropolitan Forensic Science Center (MFSC) (or also known as the "Crime Lab").

~~A. Video Recovery Team~~

~~Civilian personnel specially trained in the techniques of digital data (video) recovery and seizure. It is the role of the Video Recovery Team to conduct evidentiary searches of electronic media and to report the findings to the employee assigned to investigate the case.~~

~~B. VRT Toolkit~~

~~A specialty kit used to document, remove, package, and transport electronic evidence~~
~~Video Recovery Team (VRT)~~

~~Civilian personnel specially trained in the techniques of digital data (video) recovery and seizure. It is the role of the VRT to conduct evidentiary searches of electronic media and to report the findings to the employee assigned to investigate the case.~~

~~Video Recovery Team (VRT) Toolkit~~

~~A specialty kit used to document, remove, package, and transport electronic evidence.~~



~~2-73-4-3 Rules Collection of Evidence and/ Property Digital Image Video Recovery Team (DIVRT)/Regional Computer Forensics Laboratory (RCFL) Task Force Officer Procedures(TFO)~~

7

~~CSS' Crime Scene Specialist Units (CSS)s personnel and trained personnel will shall complete the following when collecting different types of evidence:~~

~~Collection of biological evidence at a crime scene;~~

~~If the sample is moist, a sterile swab can be used to collect the sample.~~

~~If the sample is dried, the sterile swab should be moistened with distilled water to collect the sample.~~

~~All biological evidence shall be packaged in paper.~~

~~Photos should be taken with and without an indicator prior to collecting.~~

~~A service request shall be submitted to the proper Scientific Evidence Division (SED) unit for analysis.~~

~~Collection of DNA based on a search warrant or consent;~~

~~If cooperative, personnel will simply ask the donor to open their mouth and perform a buccal swab.~~

~~If uncooperative and a warrant is in place, officers may have to restrain the subject so a buccal swab can be performed.~~

~~Photographs;~~

~~When needed, overalls, mid range and close ups should be taken at crime scenes (with and without indicators).~~

~~When photographing injuries, photographs shall be taken with and without scales.~~

~~CSS Personnel will not put more than one incident on any one memory card.~~

~~Responsibilities~~

~~CSSs will process:~~

~~All Level 2 Uses of Force with the use of an Intermediate Weapon System and or a major injury~~

~~Level 3 Uses of Force~~

~~Felony crimes were there is evidentiary evidence to process~~

~~Upon request, may be called to process large or complex crime scenes, upon request.~~

~~Officers:~~

~~Misdemeanor crimes including domestic violence and property crimes~~

~~Detectives:~~

~~Warrants for basic evidence collection that does not require special tools.~~

~~Supervisors:~~

~~Level 1 Uses of Force (including Shows of Force)~~



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- ~~Level 2 Uses of Force where an Intermediate Weapon System is not used or minor injuries were sustained.~~
- ~~All persons charged with resisting arrest.~~
- ~~All persons charged with battery or aggravated battery on a police officer.~~
- ~~Damage to civilian property when it becomes necessary to damage civilian property during the course of official police action.~~
- ~~All minor traffic crashes involving APD vehicles, without injury~~

~~Latent fingerprints:~~

- ~~Due to the lack of actionable evidence, as a normal practice, exterior latent fingerprints are not collected from non-point of entry locations or exterior point of entry locations, for auto burglaries and auto thefts.~~
- ~~However, crime scene investigators should use discretion, based upon their training, experience and the evaluation of other circumstances of the investigation, and proceed with the collection of non-point of entry or exterior point of entry location latent fingerprints, if appropriate, on a case-by-case basis or upon the request of a supervisor.~~
- ~~Elimination prints should be taken from victims for use by latent examiners.~~
- ~~Latent fingerprints will not be taken of an unidentified hospital patient without a criminal nexus.~~
 - ~~If there is reason to believe the patient may connect to the commission of a crime, a warrant must be obtained.~~

~~Proper PPE should be worn when the possibility exists of coming into contact with bodily fluids; and~~

~~The standard indicator system should be used when documenting all crime scenes, as described below:~~

a	Ammunition	i	Bullet hole (or impact site)
b	Blood	k	Knife
e	Cartridge case	l	Latent work needed
cl	Clothing	m	Miscellaneous
d	Documents	n	Drugs
f	Firearms	p	Projectile
g	Glass	s	DNA swab
h	Hair and other		

7 ~~Vehicle Crashes and Auto Theft~~

~~Fatal and Serious Injury Crashes~~

- ~~A CSS will respond to the scene if assistance is requested.~~
- ~~The CSS will photograph the scene.~~
- ~~Injured parties will be photographed.~~
- ~~Vehicles and evidence will be photographed.~~



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~~i. — Photographs will also be taken at driver's eye level to indicate approach path of all vehicles.
The Office of the Medical Investigator (OMI) will be responsible for obtaining inked fingerprints of the decedent if necessary.
The CSS will assist the crash investigator as needed, working as a team.~~

Crashes Involving City Vehicles

~~Field Services Bureau supervisors should take photographs.
The CSS will respond to the scene if the city agency involved does not send a photographer and if the damage is significant or the injuries are severe.
Photos of the scene will be taken from long, medium, and short range, including close ups of damages.~~

Auto Theft/Recovered Stolen Vehicles

~~Take overall photographs of the vehicle, if necessary (extensive damage).
Take close up photographs of damages to the vehicle, including damage to the ignition.
Photograph all evidence prior to collection.
Process the vehicle and evidence for latent fingerprints and possible biological evidence.
Collect and preserve all evidence.
Personnel will fill out a service request form for analysis of evidence by SED personnel if necessary.~~

Towing and Sealing of the Vehicle(s)

~~Personnel will process the exterior and seal the vehicle.
The processing personnel will follow the wrecker to the Metropolitan Forensic Science Center (MFSC) to allow access through the gates only if involving homicide, life-threatening injuries, criminal sexual penetration, or robbery.~~

~~Unless inside storage is necessary, vehicles are to be parked on the west side of the vehicle exam area, or on the east side of the garage doors.~~

~~Do not park the vehicle on the red access panel or behind the crime van.~~

~~Personnel will complete all information on the Vehicle Board located inside the garage before leaving.~~

Vehicle Processing Timeframe

~~Vehicles must be processed within forty eight (48) hours, excluding weekends.
If it is not, it will be towed to the original wrecker company's yard.
The Case Agent must contact a Criminalistics supervisor with the information.~~

Post Vehicle Evidentiary Processing

~~After processing, the original wrecker company will be contacted to tow the vehicle to their yard.
Arrangements to release the vehicle to the owner will not be made by APD Department personnel because towing charges need to be paid by the owner.~~

Crimes Against Children and Sex Crimes

2. — Photographs

~~Photographs will be taken in a private setting with only the necessary personnel present. Photographs will be taken by CSS personnel and in the presence of a sworn officer or medical personnel.~~



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~~Photographs of bathing suit areas will be taken by a SANE nurse. If a SANE nurse is unavailable or there are exigent circumstances, the photographs will be taken by CSS personnel and in the presence of a medical personnel.~~

~~a. _____~~

Child Abuse

~~b. _____ The CSS on scene of a child abuse call will photograph the suspected abused areas of the child. If sexual abuse is suspected, photographs of the suspected areas will be taken to include the male and female genital area, including the anus by a SANE nurse. If a SANE nurse is unavailable or there is exigent circumstances, the photographs will be taken by CSS personnel and in the presence of a medical personnel with medical personnel present.~~

~~Close up photographs will be taken of any injuries on the child especially pattern type injuries. Photos will be taken with and without scales.~~

~~c. _____ The CSS will photograph the environment where the child was found.~~

~~d. _____ If an officer finds reasonable suspicion of a crime involving allegations of child abuse or neglect, all items of possible evidentiary value will be collected and tagged into evidence.~~

~~If the child may die, The on scene CSS will notify his/her supervisor or the Major Crime Scene Team (MCST) supervisor on call of the situation. They will make the determination to begin the call out procedure.~~

~~Photographs should be taken of parents or responsible adults and examined for injuries or bruising (e.g., bruised hands). Photos will be taken with and without scales.~~

~~Children's bodies decompose faster than adults, so OMI will remove the body upon their arrival. In order to preserve evidence, the CSS will take photos of the body's position prior to removal by OMI.~~

Criminal Sexual Penetration (CSP)

~~The CSS will proceed to the location of the victim to photograph and collect or ensure the collection of physical evidence unless they have been transported to the Sexual Assault Nurse Examiners (SANE) facility. If the CSS does not personally witness the collection of evidence, the CSS will record the name of the individual who collected the evidence.~~

~~The CSS will find out if the location of occurrence can be identified.~~

~~If so, the CSS will process the entire scene for latent and other evidence including all biological evidence (hair, blood, semen, trace, etc.)~~

~~The location of physical evidence will be photographed with and without indicators.~~

~~If the CSS is unable to tag into Evidence items which have bodily fluids on them, the same procedure for collecting blood will be used.~~

~~Photograph the crime scene in its entirety (overalls).~~

~~The victim and his/her injuries should be photographed.~~

~~Scales should be used when photographing pattern type injuries.~~

~~Photos should be taken of the offender if possible.~~

~~Determine if the victim is wearing the same clothing as when the attack took place, if not, try to find both sets and tag both.~~

~~Biological evidence that has been dried may be tagged into Evidence. No liquid items should be frozen (e.g., blood tubes).~~

Violent Crime Scenes/Unexplained Death

~~A CSS shall be dispatched on any violent crime or unexpected, unnatural death.~~

~~Upon arrival, the CSS shall have initial authority over the crime scene.~~

~~The CSS will contact the initial officer to determine the circumstances, in order to establish the crime scene boundaries and secure all evidence associated with the crime scene.~~

~~All unauthorized personnel will be cleared from within the crime scene boundaries. The CSS may request additional assistance from other officers in securing the boundaries.~~

~~In cases of suspicious unexplained death, the CSS or MCST will contact the OMI. The CSS or MCST will consult with the OMI investigator about the death determination.~~



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~~The CSS supervisor will be notified of the situation and extent of injuries.~~

~~If the injuries are life threatening, or result in death, the responding CSS will notify the CSS Supervisor. After consulting with the CSS supervisor, the CSS Supervisor will determine if there is a need for the Major Crime Scene Team (MCST), and if so, initiate an MCST call out. The CSS will also notify the Emergency Communications Center (ECC) of life threatening injuries or death.~~

~~The victim will not be removed from the scene prior to the investigation if he/she is declared dead at the scene by medical personnel.~~

~~Personnel will make every effort to shield the body from public view without having any item contact with the body to prevent contamination.~~

~~If the victim was transported to the hospital, is being treated and is still alive, the CSS supervisor will notify the ECC. The ECC will initiate a Violent Crimes call out.~~

~~In the event the victim of a violent crime has died as a result of their injuries at the scene, during transport to a hospital, or at the hospital during the initial assessment of the call, a CSS Supervisor will notify the ECC and a Homicide call out will be initiated.~~

~~Regardless of investigative case responsibility, the Major Crime Scene Team MCST is responsible for processing the entire scene.~~

~~The CSS shall take overall photographs of the crime scene area from outside the crime scene boundaries.~~

~~The CSS will photograph persons, vehicles, and other objects that he/she deems necessary. If the victim will be moved before the arrival of the Major Crime Scene Team MCST, an attempt should be made to photograph the victim's position in order to preserve evidence.~~

~~The CSS will brief the CSS supervisor and Major Crime Scene Team MCST personnel upon their arrival.~~

~~For non life threatening injuries, the CSS will process the crime scene.~~

Apparent Natural Death

~~CSS Crime Scene Specialists will not be dispatched to apparent natural death calls.~~

~~OMI will be notified and respond to all apparent natural death calls. If OMI finds the death suspicious in nature, then a CSS will be dispatched.~~

Suicide

~~A CSS will be dispatched to all suicide calls.~~

~~The Crime Scene Specialist CSS will be responsible for the collection and preservation of evidence, and for requesting evidence analysis by personnel at the Crime Lab.~~

~~The primary officer may request that the CSS collect any other evidence that may be pertinent to the investigation.~~

Robberies/Burglaries

~~Process the point of entry and exit for latent prints.~~

~~Check point of entry and exit for other trace evidence, such as hair or fibers.~~

~~Process items touched or handled by the offender for latent prints.~~

~~Photograph the scene, using long, medium and short range. Evidence will be photographed both with and without indicator cards prior to collection.~~

~~Personnel will submit a Service Request Form, if needed, to SED personnel for analysis of evidence.~~

~~Paper items handled by the offender will be tagged into evidence and a service request form filled out for latent print processing by the Latent Print Detail.~~



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~~Personnel will identify, collect, and properly package and preserve all evidence, including blood, clothing, weapons, etc.~~

Use of Force

~~A CSS, sergeant, or Lieutenant will be dispatched in accordance with SOP Use of Force Review and Investigation by Department Personnel to document and collect any evidence to include photographing the prisoner at the last point of contact, if possible.~~

~~The sergeant, or lieutenant, will photograph all Level 1 Uses of Force (to include Shows of Force), and Level 2 Uses of Force where an Intermediate Weapon System is not used or minor injuries were sustained.~~

~~At a minimum the sergeant will take Over all, Mid range, and Close up photos of the scene, subject(s) of force, and officer(s) involved.~~

~~On Shows of Force, the sergeant will take photos of all four sides of the Intermediate Weapon System used to include the serial number.~~

~~The sergeant or a CSS will be called to take photographs on any battery or minor injury of a police officer.~~

~~A CSS will be dispatched in accordance with SOP Use of Force Review and Investigation by Department Personnel to document and collect any evidence to include photographing the prisoner at the last point of contact if possible~~

~~The CSS will photograph all Level 2 uses of Force where an Intermediate Weapon System is used or major injuries were sustained.~~

~~The CSS will take Over all, Mid range, and Close up photos of the scene, Intermediate Weapon System used (including the serial number), subject(s) of force, and officer(s) involved.~~

~~Photos of injuries will be taken with and without a scale.~~

~~A CSS will be called to take photographs on any battery or major injury of a police officer.~~

~~The digital images will be tagged into evidence, before clearing the call, at the Crime Laboratory.~~

Photographing of Prisoners

~~Personnel will note the prisoner's name, arresting officer's name, the date and time that the photographs were taken on the photo envelope.~~

~~The digital images will be tagged into the evidence management system and then stored in the Forensic Photograph Unit.~~

~~3. A report will be generated.~~

~~If the prisoner refused to be photographed, personnel will take only those photographs possible without forcing the prisoner.~~

Collecting Evidence at Hospitals

7 Photographs

~~A CSS will be called when photographs are required unless a sergeant assumes responsibility for taking the photographs.~~

~~The investigator will not interfere with any medical treatment.~~

~~When appropriate, arrangements will be coordinated with the medical staff.~~

Photographs of Victims

~~Permission from victims should be obtained before photographs are taken and should be taken during normal visiting hours.~~

~~If refusal occurs, it should be noted in the report.~~



Photographs of Prisoners

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

Photographs of Female Victims and Prisoners

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

Photographs of Juveniles

~~Photographs, interviews, and evidence collection from juveniles will be the same as for adults, except that a court order must be obtained to photograph juvenile offenders under the age of 13. In all cases, victims of child abuse may be photographed without the consent of their parents or guardian. A hospital staff member should be present during the time the photographs are being taken. Photographs will be taken, if possible, when it will not interfere with the well-being of the child.~~

Photographs of Deceased Persons

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

6 4. Physical Evidence

Blood, Urine, Hair Samples, and Other Biological Samples

~~Samples of these substances may be obtained with the subject individual's permission and recorded on Form Permission to Search for Body Samples (PD-1389) form.~~

~~When permission is denied, a search warrant or a court order will be obtained, unless there is a high probability that the evidence will be lost.~~

~~The on-call blood technician will be utilized to obtain blood samples that will be turned over to the investigating officer for tagging into evidence.~~

6 Body Cavity Swabbing

~~Swabbing may be obtained by medical personnel with the subject individual's permission.~~

~~When permission is denied, a search warrant or a court order will be obtained. The court order will be directed both to medical personnel and to the subject involved individual.~~

a. Evidence Retained in the Body

~~A search warrant or court order must be obtained to retrieve evidence inside a subject's individual's body unless it is removed as a result of a medical procedure.~~

~~Evidentiary items removed as a result of a medical procedure may be turned over to the investigating officer, if present.~~

~~Hospital personnel will be asked to notify an on-duty CSS to transfer items when the investigating officer is not available.~~

6 Evidentiary Personal Property and Effects

~~Prisoner's property for evidentiary purposes may be taken by officers without the consent of the subject.~~

~~Victim's property should not be taken without consent unless there is a high probability that evidence will be lost.~~

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

6 Medical Care and Evidence Collection for CSP Victims

~~Before referring or transporting victims of criminal sexual penetration CSP to a hospital for care and evidence collection, officers will have the Emergency Communications Center contact the Emergency Room of the~~

~~University of New Mexico Hospital (UNMH) to determine if the victim can be treated there in a timely manner. If~~



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~~UNMH is unable to treat the victim immediately, or if the victim has a personal preference of the main facility of either the Lovelace Medical Center, Presbyterian Hospital, or St. Joseph's Hospital, the victim will be transported to one of these alternate facilities:~~

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

6 ~~OMI~~

~~Office of the Medical Investigator~~

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

~~Digital Evidence~~

~~a.~~

~~DIVRT/RCFL TFO personnel shall:~~

~~b. Collect digital evidence A. Includes data stored on computers, mobile devices, removable storage media, video surveillance systems, etc., which are encountered by departmental employees in connection with criminal investigations and/or searches;~~

~~i. Seize all All personnel who are engaged in the seizure of computers, mobile devices, removable storage media or video surveillance systems for the evidence contained therein, digital evidence shall seize those items by according to the procedures that designed to ensure the integrity of the seized items. DIVRT personnel These shall tag the items will be impounded as evidence or turned over to the case agent, and examined according to the guidelines listed in this directive;~~

~~Only personnel trained on video extraction will aAttempt to extract digital evidence from electronic devices; The DIVRT employees or a Regional Computer Forensics Laboratory (RCFL) Task Force Officer's (TFO) have the training for digital extraction, and~~

~~The DIVRT employees will have coverage M-F 0800-1700 hours. Be The RCFL TFO is on call and can assist on major cases.~~

~~ii. Department personnel shall make All other requests for digital extraction will be requested through the Major Crime Scene Team Sergeant or Lieutenant DIVRT/RCFL TFO.~~

~~iii.~~

2-73-4 Collection of Property and Evidence Evidence/Property

A. Department personnel shall use Pproper personal protective equipment (PPE), including nitrile gloves, should be used when collecting property and evidence.

B. Photographs

When Department Ppersonnel take crime scene Pphotographs, they shall

1. take Overall, mid-Orange, and close-up photographs should be taken of the crime scenes, individuals, and evidence.

a. When needed, Department personnel shall take the photographs shouldshall be taken with and without scales.



2. Department personnel shall take photographs of the incidents requiring photographs.

- a. All uses of force, including shows of force;
- b. Felony crimes where there is evidence to process;
- c. Fatal and serious injury vehicle crashes;
- d. Crashes involving city vehicles, including APD Department vehicles;
- e. All persons/individuals charged with resisting arrest;
- f. All persons/individuals charged with battery or aggravated battery on a police officer;
- g. Any injury of a police officer; and
- h. Damage to civilian property caused by as a result of official police action.

3. Photographs of Victims and Individuals

a. Unconscious victims and individuals

- i. (Someone) Department personnel may when necessary photograph The photographing of unconscious individuals for the preservation of evidence is permitted, including inside medical facilities/hospitals.
- ii. Department personnel may when necessary (Someone) may The photographing of photograph unconscious victims of a crime is permitted under consistent the following regulations/ules:
 - A. Department personnel shall Photographs cannot be taken take photographs of victims who will be examined by a going to for a Sexual Assault Nurse Examiner (SANE), children, and/or persons who are under a guardianship.
 - B. Department personnel shall not manipulate an unconscious The victim's body, clothing, or coverings on the victim cannot be manipulated to take the when taking the photographs.
 - C. Department personnel may only take P photographs can only be taken of evidence that is in plain view.

b. If Department personnel are photographing an unconscious person in a hospital medical facility and the medical personnel asks the photographer Department personnel who are taking photographs to stop, they photographer shall stop taking the photos.

- i. The photographer Department personnel shall document in their a Supplemental Report why photographs were not taken and, if possible, the name of the individual medical facility employee that gave the order ordered them to stop taking the photographs.

c. Department personnel do not need to obtain P permission from Unconscious in-custody individuals do not have a right of refusal for photos is not needed to photograph them take photographs.

- i. When an in-custody individual refuses to cooperate, Department personnel may take photographs of the individual pictures may be taken from a distance, and shall document the circumstances noted in the Supplemental Report.



6

2. Photographs Following a Use of Force, Including and a Shows of Force

- a. For all uses of force, including shows of force, (Someone) Department Personnel a Crime Scene Specialist (CSS), sergeant, or lieutenant shall ensure take P photographs: ss are taken shawill be taken of all Uuses of Fforce, including Sshows of Fforce.
 - i. Individual(s);
 - ii. Involved officer(s);
 - iii. Any weapon systems used during the force incident.
- b. ECC personnel shall dispatch Aa Crime Scene Specialist (CSS), sergeant, or Lieutenant shawill be dispatched to document and collect any evidence, te including e photographing the prisoner-in-custody individual at the last point of contact, if possible.
- c. (Someone) Department personnel shall Required photographs:
 - i. At a minimum, take over-all, mMid-range, and cClose-up photographs shawill be taken of the scene, of individuals upon whom force was used subject(s) of force, and of officer(s) involved in a use of force; and a If used, take P photographs wchawill be taken of all four (4) sides of the IIntermediate wWeapon sSystem and/or firearm, including the firearm used to include the serial number.
 - ii.
- d. If circumstances arise where Department personnel cannot take photographs cannot be taken according to the Department's Standard Operating Procedure (SOP) or training, they shall document the those circumstances shawill be documented in a Uniform Incident rReport.

C. Towing and Sealing of Vehicles

- 1. CSS Unit or Major Crime Scene Team (MCST) personnel shall process the exterior of the vehicle and seal the vehicle for evidence processing.
 - a. Department personnel who process the vehicle shall follow the tow service to the MFSC to maintain the chain of custody.
- 2. Department personnel shall only have vehicles that are involved in a homicide, life-threatening injuries, criminal sexual penetration, or vehicles that require special tools for processing towed and stored at the MFSC.
- 3. The Department case agent must process vehicles within two (2) weeks.
 - a. If the vehicle is not processed within two (2) weeks, the MCST Detective shall have it towed to the original tow service company's yard.
- 4. After processing the vehicle, the Department case agent shall contact the original tow company to tow the vehicle to their yard.



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a. Without permission from the Scientific Evidence Division Commander, Department personnel shall not release vehicles to the owner or responsible party from the MFSC.

~~CSS Unit or Major Crime Scene Team (MCST) personnel shall process the exterior of the vehicle and they shall be responsible for sealing the vehicle for evidence processing.~~

~~The employee The p Personnel who processes the vehicle shall follow the wreckertow service to the Metropolitan Forensic Science Center (MFSC) for to maintain chain of custody.~~

~~Department P personnel shall Only have vehicles that are if involved ining a homicide, life-threatening injuries, or criminal sexual penetration, or vehicles that require special tools for processing will be towed and stored at the MFSC.~~

~~(Someone) Sworn personnel who are the case agent must process V vehicles must be processed within two (2) weeks.~~

~~If the vehicle is not processed within two (2) weeks it is not, (someone) Evidence Unit personnel it shall be have it towed it to the original wreckertow service company's yard.~~

~~After processing the vehicle, (someone) the case agent shall contact the original wreckertow company shall be contacted to tow the vehicle to their yard.~~

~~(Someone) Department personnel shall not release V vehicles shall not be released to the owner or responsible party from the MFSC.~~

~~Use of Force~~

~~A CSS, sergeant, or Lieutenant will be dispatched in accordance with SOP Use of Force Review and Investigation by Department Personnel to document and collect any evidence to include photographing the prisoner at the last point of contact, if possible.~~

~~Photographs will be taken of all Uses of Force, including Shows of Force.~~

~~Required photographs~~

~~At a minimum over all, Mid range, and Close up photographs will be taken of the scene, subject(s) of force, and officer(s) involved~~

~~If a firearm or Intermediate Weapon System is used,~~

~~On Shows of Force, the sergeant will take photos of all four sides of the Intermediate Weapon System and/or firearm used to include the serial number.~~

~~The sergeant or a CSS will be called to take photographs on any battery or minor injury of a police officer.~~



- ~~— A CSS will be dispatched in accordance with SOP Use of Force Review and Investigation by Department Personnel to document and collect any evidence to include photographing the prisoner at the last point of contact if possible~~
- ~~— The CSS will photograph all Level 2 uses of Force where an Intermediate Weapon System is used or major injuries were sustained.~~
- ~~— The CSS will take Over all, Mid-range, and Close-up photos of the scene, Intermediate Weapon System used (including the serial number), subject(s) of force, and officer(s) involved.~~
- ~~— Photos of injuries will be taken with and without a scale.~~
- ~~— A CSS will be called to take photographs on any major injury of a police officer.~~

6 2-73-545 4 Tagging and Submission of Evidence Property and Evidence Property

~~B.A.~~ Accountability for Evidence Property, Property Evidence, and Found Items Accountability

- ~~1. Officers~~ Department personnel who collecting evidence property, property evidence, or found items ~~are~~ shall be responsible for the custody of these items until they have been ~~turned~~ tagged into the Evidence Room ~~or a~~ substation drop boxes or lockers.
- ~~2. Officers~~ Department personnel will shall tag all found, safekeeping and evidence items using the ~~Office Input Module~~ Property Evidence Management System (Officer Input Module (OIM PEMS)) evidence accounting tracking system.
 - ~~a.~~ A supervisor's signature and completed log sheet is required to authorize the use of hard copy evidence tags for exigent/unusual circumstances like OIM PEMS system outages.

~~C.~~ When Tagging Items items to be Tagged in to the Evidence, Department Personnel shall:

~~D.B.~~

- ~~1. The term tag and tagged are used synonymously in APD literature to describe the process of entering the property into evidence. Evidence tag also refers to the evidence label produced when entering items into evidence using OIM.~~
- ~~2.1.~~ Tag All articles items of evidence, safekeeping, and found items ~~will~~ shall be ~~tagged/entered into Evidence using OIM PEMS, and submitted to the Evidence Unit and deposit~~ the items ~~in a~~ substation drop boxes by the end of the ~~officer's~~ tour of duty employees shift;
 - ~~a. Only a supervisor~~ due to exigent or unusual circumstances ~~can~~ may a supervisor authorize exceptions to this; however, the evidence must be placed



in a secure ~~setting~~ location within a police building such as a safe, ~~a~~ or a locker or cabinet that can be secured under the direct control of the supervisor.

b. ~~Due to the nature of some evidence handling and processing Major Crime Scene Team (MCST) and Crime Scene Specialist (CSS) are not required to have all evidence tagged into and submitted by the end of shift, but shall still follow chain of custody rules.~~

i. ~~The evidence must be placed in a secure setting location within the Crime Lab such as a safe, a locker or cabinet that can be secured under the direct control of the supervisor.~~

~~b.c. Also, the tagging officer-employee will shall seal all evidence tagged either in plastic or paper bags.~~

~~e.d. The officer-employee shall ensure that sealed evidence bag has the officer's-employee's initials and the date across the seal, using a permanent type marker, before placing the evidence in a locker.~~

~~d.e. Failure to place initials and date across the seal shall result in rejection of the evidence by the Evidence Unit personnel. Large items that cannot be placed in bags will have the evidence tag affixed to them.~~

~~3. Seal All audiotapes and CD/DVD shall be sealed in a 6x9 manilla manila envelope with the tagging officer's-employee's initials and the date across the seal, using a permanent type marker.~~

~~Image Acquisition~~

~~2.~~

~~a. Images will be captured via digital cameras authorized by the Metropolitan Forensic Science Center (MFSC) Photography Unit.~~

~~3. When acquiring and storing Images-Storage:~~

~~Images shall be captured via digital cameras authorized by the Metropolitan Forensic Science Center (MFSC) Photography Unit.~~

~~a.~~

~~b. archive and maintain in an original state any Digital evidentiary images in any format should shall be archived and maintained in an original state.~~

~~Personnel shall not make copies of digital images for any unofficial use.~~

~~c. Personnel shall a. Assume responsibility for transferring all images captured on a temporary media to a CD-R at the completion of the call.~~

~~d. To when establishing chain of custody for digital images, the photographer shall will complete a film envelope and tag the envelope into evidence; and~~

~~e. Personnel shall n. Not make copies of digital images for any unofficial use.~~

~~4. Ensure It is the tagging officer's responsibility to ensure that the evidence does not become intermingled with evidence from other cases. This shall will be accomplished by obtaining a case number and recording it in the "Case #" field on OIM PEMS or the appropriate location on the evidence tag.~~

~~4.5. When tagging Large and Items, Multiple Items;~~



- a. Items that will not reasonably fit in the evidence lockers shwill be secured at the substation in the Evidence Room located behind the lockers.
 - i. Area Command Evidence Storage Room Security.
 - 1. Area Commanders shwill maintain a key log for this room.
 - 2. Area Commanders and area command lieutenants shwill be the only personnel issued keys (excluding Evidence Unit personnel) to the Evidence Storage Room.
 - 3. Responsibility for the keys shwill not be delegated unless a sssergeant is upgraded to acting lieutenant.
 - 4. Duplicate keys shwill not be made unless authorized by the Area Commander.
 - 5. 4.
 - ii. ~~Officers~~ Personnel shwill not force large items into lockers.
 - iii. ~~Fragile~~ Fragile items or urgently needed investigative evidence shwill be taken immediately to the Metropolitan Forensic Science Center (MFSC) at 5350 Second Street NW.
 - iv. iii.

- b. When evidence in a case involves multiple items, ~~(i.e.g.,~~ such as televisions, computers, etc.) in quantities exceeding ten (10) items, the items shwill be stored in the Evidence Room behind the lockers.
- c. When large amounts of evidence requiring truck transport are recovered at a crime scene, personnel ~~the tagging~~ the items officer or designee wi shall contact the Emergency Communications Center (Radio ECC) dispatcher and request that the Evidence Supervisor ~~responds~~ respond to the scene.

- ~~6.~~ 6. Store Ammunition shwill be stored in the lowest available empty locker; and
- 7. Not tag Perishable items, volatile/flammable, liquids, fuels, and lighters shwill not be tagged as evidence.

~~5-a.~~ 5-a. If the item is needed for prosecution, ~~the officer~~ personnel shwill have it sampled and photographed by a CSS. After being photographed, the item shwill be returned to the owner or properly disposed of. Used narcotic test kits shwill not be tagged.

~~E.C.~~ E.C. Information Required Department Personnel shall include the following Information for When Tagging Items Into the OIM Property Evidence Management System (PEMS):

- 1. ~~The appropriate case numbers will be obtained from a dispatcher or Mobile Data Terminal (MDT) for~~ All items that are turned into the Evidence Unit or deposited into the a substation drop box or evidence lockers, under t The appropriate case number;
- 2. Ensure a ~~The submitting officer personnel~~ shwill enter All articles property and evidence ~~shall be~~ submitted into the e Evidence Unit through the OIM PEMS; and



- 3. ~~Officers/Personnel must~~ Completely fill out the mandatory OIM PEMS entry fields in order for the entry to be valid.

~~The following data is mandatory when entering evidence data into OIM. Evidence items not containing the mandatory data will not be accepted. The transaction will be rejected until the proper data is provided by the submitting officer. Mandatory boxes/fields are as follows: Date, time, case number, offense, offense type, agency, place of occurrence, and article being tagged. Of the categories of the articles, one must be checked to indicate either safekeeping, felony, misdemeanor, or found item. Officers will input their names and employee number. If there are multiple items to be tagged, evidence shall be marked sequentially, e.g., card #1 of 5. (The entry made under an officer's unique login on the OIM is considered an electronic signature). City policy prohibits sharing of computer passwords.~~

~~When entering evidence data into OIM, include the date of birth, social security number and complete address of the owner/finder in the "Add new person" field on the OIM screen.~~

- ~~a. If it is unknown who the owner of the property or evidence is unknown, Officers~~ Department personnel shall not be listed as the owner or finder of the property or evidence. ~~being tagged as evidence. The owner or finder shall be listed as "unknown".~~

~~b. a.~~

~~F. Evidence Log~~

7

~~An automated log of evidence items is created for each Substation when the item is entered into OIM. The Evidence Technician retrieving the items will reject any items placed in evidence that are not entered into OIM~~

~~G. D. When Department personnel Tagging Drugs and Drug-Related Items~~

- 1. ~~Due to the hazardous nature of controlled substances and related materials used in the production of controlled substances, the following procedures will be followed when tagging these items.~~

1. Department personnel shall:

- a. ~~Tag~~ Controlled substances shall be tagged separately from container/packaging when possible and heat sealed in plastic bags with the tagging the officer's personnel's initials and date across the seal, using a permanent type marker.
- ~~i.~~ When tagging pills, capsules, etc. into evidence, the tagging officer personnel shall count the individual pills and note the number on the evidence tag in the area designated "remarks" or the "Quantity" field on the OIM PEMS screen.

6

- ~~3.~~ In cases where more than one (1) controlled substance is to be collected collected, the substances of the same type (i.e., such as cocaine,



heroin, methamphetamine, dry marijuana) sh will be grouped into one (1), sealed, initialed plastic bag per substance type; ~~Each of these sealed plastic bags will be put into one, single larger sealed and initialed plastic bag to receive its evidence bar code label.~~

b.

c. ~~Unlike other controlled substances, Separate~~ dry marijuana sh will be separated from any packaging, and sh will be place it into a single plastic bag; and

~~4. (i.e. f~~ For example five (5) Ziploc baggies of marijuana sh will be emptied into one (1) evidence plastic bag and the empty Ziploc bags discarded, unless personnel tagging the bags separately to be processed for latent prints.)

i.

~~5. Secure~~ Multiple syringes may be placed in a sharps container for when tagging.

~~6. Drug manufacturing or agricultural equipment and chemicals (such as grow lights and irrigation equipment) sh~~ will not be tagged as evidence. If the item is needed for prosecution, the officer/Specialized Unit sh will include instructions to photograph and destroy the item/(s) on the search warrant.

~~G~~ green freshly pulled marijuana sh will be secured in a paper bag or box with an evidence tag attached to it with and -the words "Green or wet Marijuana" placed added in the remarks section of the tag or the "Weight Box" in the Narcotics screen of OIMPEMS.

d.

i. Evidence technicians sh will dry the marijuana.

ii. and w When the marijuana is dry, Evidence technicians shall notify the the employee who tagged the marijuana officer personnel sh will be notified to come to the main Evidence Room to package and seal it in plastic bags.

iii. Under no circumstances sh will green undried marijuana be placed into evidence in plastic bags or other sealed containers.

2. Department personnel may place multiple syringes in a sharps container when tagging them.

3. Department personnel shall not tag drug manufacturing or agricultural equipment and chemicals such as grow lights and irrigation equipment as evidence.

a. If the item is needed for prosecution, Department personnel shall include instructions to photograph and destroy the item(s) on the search warrant.

E. Medications

1. Department personnel shall:

a. When tagging Medications ~~tagged~~ as evidence with the expectation of it being returned to the owner, Department personnel sh will be tagged tag it separately



from other drugs or paraphernalia in ~~the~~its original container in a clear plastic bag.

~~7. When feasible M medication should~~shall not be mixed or contained in ~~a~~ bag outside ~~of the original~~ container ~~whenever possible~~.

~~i.~~
~~When tagging M medications tagged as F Found or S Safekeeping it shaw~~will be tagged under the owner/finders identification and contact information including, but not limited to owner/finders' (name, address and phone number) and it shall be entered into the evidence history by the tagging officer personnel.

~~b.~~
~~c. When tagging P prescription drugs medication that belongeding to a the~~deceased individual and was seized as part of the preliminary investigation the medication shaw ~~will~~ not be released to a next of kin.

~~8. Upon completion of the investigation, the drugs medication shaw~~will be destroyed by ~~consistent with SOP Evidence Unit procedures.~~

~~9.i. Green freshly pulled marijuana will be secured in a paper bag or box with an evidence tag attached to it with the words "Green or wet Marijuana" placed in the remarks section of the tag or the "Weight Box" in the Narcotics screen of OIM.~~

~~i.~~
~~10.1. Evidence technicians will dry the marijuana, and when the marijuana is dry, the tagging officer will be notified to come to the main Evidence Room to package and seal it in plastic bags. Under no circumstances will green undried marijuana be placed into evidence in plastic bags or other sealed containers.~~

~~11. The tagging of money for evidentiary purposes on narcotics related offenses is not authorized unless the probability of a federal prosecution and federal forfeiture action under SOP 2-77 is established. For consideration for forfeiture, the Department's policy is to adopt a minimum threshold of \$2500.00.~~

~~12. In those cases where a forfeiture action is not being considered, personnel will photograph the money and document the amount and denominations of the currency in the offense/incident report.~~

~~a. Personnel will ensure the money is returned to the person from whom the money was temporarily seized.~~

~~b. The photographer will be responsible for logging and dropping the film in the small item locker. Do not tag the film into evidence.~~

~~H.F.~~ Tagging Jewelry

1. Department personnel shall tag ~~1. Jewelry shaw~~will be tagged separately from any other items and sealed it in plastic bags.

a. Department Personnel shall Jewelry shaw ~~will be~~ itemized the jewelry in the description field of PEMS.



1. Department personnel shall:

- ~~1. All firearms shall be heat-sealed~~ all firearms in plastic bags, with the tagging ~~personnel~~ employee's ~~officer's~~ initials and date written across the seal, using a permanent type marker.
 - a.
 - i. Firearms shall not be disassembled before being tagged.
 - ii. Only one (1) firearm may be tagged per bag/barcode.
 - iii. Evidence tags for firearms shall be attached to the plastic bag.
 - 4. ~~Seal~~ Emptied magazines shall be sealed in small plastic bags and seal ~~those bags in the plastic heat-sealed bag with~~ tagged inside the bag with the firearm. ~~Only one firearm may be tagged per bag/barcode.~~
 - b.
 - c. Fully complete ~~An APDA~~ a Department Laboratory Firearms Evidence -Trace Request form ~~shall be filled out completely and staple it~~ to outside of evidence bag.
 - 2. ~~Evidence Unit personnel shall reject the evidence if Department personnel~~ Failure to attach the Laboratory Firearms ~~evidence -Trace Request form~~ shall result in rejection of evidence.
 - i. ~~Officers~~ Personnel shall utilize the plastic barrel plugs or ties that have been provided by the Evidence Unit to clear the chamber of firearms that are being tagged into Evidence.
 - d.
 - i. Pens or similar writing devices shall not be used to clear the chamber of firearms.
 - 2. ~~Under no circumstances shall~~ Department personnel use tape or metal wire of any kind ~~be used~~ to affix ammunition, magazines, and ~~holsters to the firearm.~~
 - ii.
 - e. Pellet/B=B= pistols shall be tagged in the same fashion as regular evidence.
 - i. Pellet/B=B= rifles shall be tagged by affixing the evidence tag directly to the plastic bag.
 - 3. Pellet/B=B= guns shall be noted as "toys gun".
 - 4. ~~Evidence tags for firearms will be attached to the plastic bag.~~
 - ii.
 - 5. Tag Unfired ammunition and/or fired cartridge casings that were are found in the firearm (magazine or cylinder) ~~shall be~~ separated from the firearm and packaged separately.
 - a. ~~Pens or similar writing devices will not be used to clear the chamber of firearms. Officers will utilize plastic barrel plugs or ties provided by Evidence.~~



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~~b. Under no circumstances will tape or metal wire of any kind be used to affix ammunition, magazines, and holsters to the firearm.~~

~~f.~~

~~6. Personnel Submitting~~ Submitting fired cartridge casings for ~~the~~ the National Integrated Ballistics Information Network (NIBIN) ~~shall be as follows completed in the following manner:~~

~~g.~~

~~a.i. Fill out a Major Crime Scene Team Service Request Form, checking the Firearm/Tool Mark box. Write the word "NIBIN" in the "Describe Examination Needed" section. Collect all fired cartridge casings (except revolver); Submit casings found at shooting scenes. This also includes fired shotshells and rifle caliber cartridge casings. Do not submit casings removed from revolvers at this time. Do not submit fired bullets at this~~

~~b.ii. If Department personnel suspect that a recovered firearm is involved in other shootings, with or without casings, they shall submit a Request for Forensic Service Request form as stated above, for the recovered firearm to be examined;~~

~~c.iii. If an "Investigate Lead HIT" is made, a Major Crime Scene Team Firearm and Tool Mark Detail report will be prepared, a Request for Forensic Service Request form shall be required from the Firearms and Tool marks group for further analysis. The submitting person personnel shall receive a copy of the report; and~~

~~iv. These guidelines will ensure the NIBIN System will operate properly and presents personnel with information that will assist in the investigation(s).~~

~~2. Department personnel shall not tag or store Black powder shall not be tagged and stored in evidence lockers at substations.~~

~~d.a. Black powder shall be turned into the Evidence Disposition Unit. Once the Evidence Unit receives black powder, it shall be turned over to the Explosive Ordinance Division (EOD).~~

~~7. Firearms will not be disassembled before being tagged.~~

H. Tagging of knives

1. Department personnel shall:

~~Close P~~ Close Pocket or folding knives ~~shall be closed when possible;~~

~~a.~~

~~b. Keep H~~ Keep Hunting knives in the knife sheath ~~shall be kept in the knife sheath unless trace evidence will may be destroyed.~~

~~Protect the edges of~~

~~c. Long knives, razor blades, and any other objects with sharp cutting edges shall have the edges protected by covering the edge with cardboard or other suitable material and with the material taped securely into place to prevent accidental injury.~~



~~8.2. Department personnel may place Ssyringes and other Ssharps may also be placed in plastic tubes. All tubes shawill then be heat-sealed in plastic bags.~~

6

~~I.~~ J. Tagging Money

1. Department Personnel shall:

~~1. Separate A~~ any money, regardless of the amount, submitted to the Evidence Unit, shawill be tagged separately from any other item and sealed seal it in a plastic bag with the officer's tagging personnel's initials and date written across the seal with a permanent type marker; and

a.

~~2.b.~~ Tag and deposit A all money, regardless of value amount, shall be tagged and deposited atin a substation evidence locker or "mail" type drop box. and deposited in the "mail" type drop box, providing such items are properly tagged, bagged, sealed, (as appropriate) and logged on the substation evidence log.

~~3. The Evidence Room Unit will be the only recipient and holder of the drop box key.~~

2. Department personnel shall not tag money Monies Money tagged as "safekeeping" or found shawill not be accepted without the owner/finders name, address and phone number.

4.a. Found mMonies ey shawill be tagged as "unknown" owner field of PEMS.

~~5.3.~~ Department personnel may not tag Ccurrency may not be tagged as eEvidence, unless instructed to do so by the case agent.

a. The tagging of money for evidentiary purposes on narcotics-related offenses is not authorized unless the probability of a federal prosecution and federal forfeiture action is established.

b. For consideration for forfeiture, the Department's policy is to adopt a minimum threshold of two-thousand and two thousand five hundred dollars (\$2500.00).

7

~~K.~~ Tagging of Cell Phones/Tablets/MP3 Players Personal Electronic Devices

J.

~~All cell phones with evidentiary value, tablets, or mp3 players are to be tagged in a special foil evidence bag~~

1. Department Ppersonnel shall make Eefforts will be made to ensure all personal electronic devices are disconnected from transmitting or receiving any electronic data. These bags are designed to stop the RF radio waves that may be used to alter remotely, wipe or reset electronic communications devices.

a. Bags shall be zipped close using the built in zipper seal. The entire bag will The personal electronic device shawill then be heat sealed inside a standard plastic



evidence bag with the ~~officer's~~ tagging employee's initials and a date written on the seal, using a permanent type marker.

~~a. Department personnel shall~~ Only tag one (1) device ~~may be tagged per bag/barcode.~~

b.

~~2. Evidence tags for electronic devices will be attached to the plastic evidence bag according to department policy.~~

7

K. Safekeeping Property

~~1. Department personnel may tag~~ Property may be tagged into the Evidence Unit for safe-keeping when:

~~a. The officer~~ Personnel has exhausted all other possibilities of disposing of the property;

b. The owner is known; and/or

c. The owner has a permanent mailing address.

~~2. The Evidence Unit personnel shall not accept~~ No contraband shall be accepted for safekeeping.

~~3. Department personnel may leave~~ Objects or articles of a non-evidentiary nature may be left with the next of kin or secured at the scene at the time of the preliminary investigation.

a. Property items that are taken into police custody shall be tagged into Evidence for safe-keeping.

~~— Evidence Unit personnel shall not release~~ Items tagged as safekeeping. They shall not be released to anyone other than the court or a person authorized to receive them by either a court order or the officer. ~~Department personnel who tagged the item. Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed by Evidence Unit procedures.~~

4.

~~— Evidence Collection from Medical Facilities~~

~~Medical Care and Evidence Collection for CSP Victims.~~

~~6 Before referring or transporting victims of CSP to a hospital for care and evidence collection, officers will have the Emergency Communications Center contact the Emergency Room of the University of New Mexico Hospital (UNMH) to determine if the victim can be treated there in a timely manner. If UNMH is unable to treat the victim immediately, or if the victim has a personal preference of either the Lovelace Medical Center, Presbyterian Hospital, or St. Joseph's Hospital, the victim will be transported to one of these alternate facilities.~~



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

~~3.~~

L. Office of the Medical Investigator (OMI)

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

5

~~2-73-656~~ 5 ~~Viewing and Checking out Evidence~~

A. Viewing and Checking Out Evidence from the Evidence Unit

1. Department personnel shall:

a. When needing items of evidence for court shall notify the Evidence Unit within twenty-four (24) hours or one (1) working day prior to the anticipated court date.

~~— Capture~~ All information about the viewing and releasing of evidence shall be captured in the Property Evidence Management System (PEMS).

b. Personnel must have an official interest in the evidence and present proper identification to view or check-out evidence out of the from the Evidence Unit.

c. i. Department The officer's immediate supervisor will be advised within twenty-four (24) hours of all items checked out of Evidence Unit. The officer's personnel's immediate supervisor shall also receive notice when the checked-out property is not returned, or a signed Metro/Property Court Receipt is not returned to the Evidence Unit after three (3) working days.

~~— Be responsible for the chain of custody of all evidenced checked-out for court appearance; and~~

~~1. The following documentation is required for individuals people other than sworn, Crime Scene Specialist, or Major Crime Scene Team MCST personnel to view evidence.~~

~~a. A Court Order signed by a Judge.~~

~~b. With the authorization of the City Attorney, APD Department Attorney, legal counsel or the Office of the Second Judicial District Attorney's Office.~~

~~c. Officer prosecution cases must be authorized by Metropolitan Court Liaison Office.~~

~~Officers/employees Personnel checking out evidence for court appearance are responsible for the chain of custody of that evidence at all times.~~

d. i. At no time shall the evidence be out of the immediate control of the officer or authorized court personnel.

~~— Evidence that was taken to court that is admitted into court evidence must be documented on a Metro/Property Evidence Court Transfer Receipt or~~



similar form and returned to the Evidence Unit at the Completion of the case.

~~ii. At no time should shall the evidence be out of the immediate control of the officer or authorized court personnel.~~

~~2. Evidence in cases covering extended periods of time shall will be checked back into Evidence or temporarily secured in Court Evidence pending the completion of the case.~~

6

~~3. All information about viewing and releasing of evidence will be captured in the Evidence Management System.~~

~~Personnel wanting to view or check out evidence of six (6) items or more, shall make an appointment seventy two (72) hours or (three (3) working days) before the viewing and/or checking out of the items. Major Crime Scene Team MCST and sworn personnel needing items for court are required to notify the Evidence Unit within twenty four (24) hours (one working day) of the anticipated date.~~

~~4.iii.~~

~~Officers are to Department personnel shall d Direct all questions from the public about items in evidence to the Evidence Unit.~~

~~e.~~

~~5.i. The public should shall be advised to telephone the Evidence Unit at 505-823-4600 before proceeding to the Metropolitan Forensic Science Center MFSC.~~

2. The Office of the Second Judicial District Attorney shall specifically state what items, if any, may be opened for inspection when they approve Evidence Viewings. ~~approved by the Office of the Second Judicial District Attorney's Office shall specifically state by bar code number what items, if any, may be opened for inspection.~~

a. Any items not specifically listed may be visually inspected, however no packaging shall be opened or removed.

~~6.b. No personal electronic devices items (cell phones, iPads, computers, etc.) shall be turned on and/or manipulated to view any data without expressed permission from the Second Judicial District Attorney's Office.~~

3. The following documentation is required for people other than Department personnel to view evidence.

a. A court order signed by a Judge.

b. Authorization from the City Attorney, Department Attorney, or the Office of the Second Judicial District Attorney.

c. Authorization from the Metropolitan Court Liaison Office on officer prosecution cases.



4. Department personnel wanting to view or check-out evidence shall make an appointment with the Evidence Unit seventy-two (72) hours or three (3) working days before the viewing and/or checking out of the items.

7

B. Examination of Evidence by Outside Agencies

1. When necessary, it is the responsibility of the officer/Department personnel who collects the evidence to tag, package and send such items to other agencies for examination,

~~if required.~~

a. The Major Crime Scene/MCST Team shall assist in whatever way possible to ensure that the proper procedures are followed by the responsible officer.

7

2-73-767 ~~6~~ Disposition of Evidence

A. General Guidelines

1. The ~~APD~~ Department's Evidence Unit shall follow the guidelines in New Mexico State Statutes and require ~~written~~ disposition authority from either the Office of the Second Judicial District Attorney's Office, the City's Attorney's Office Legal Department, the investigating officer and/or a Department/APD/ or Bernalillo County Sheriff's Office (BCSO) supervisor (Sergeant, E-14 or above) as appropriate before the disposition of property or evidence held by ~~this~~ the Department.

2. The investigating officer (or their supervisor) must authorize the disposition of felony cases in which the District Attorney's Office has indicated ~~that~~ they will not pursue adjudication.

~~4.3.~~ Additionally, w/When the original or tagging officer is no longer with the ~~Albuquerque Police Department (APD)~~ Department or the BCSO, it shall be the responsibility of the appropriate Area Commander to complete the Disposition Review Letter via a Department memorandum indicating the disposition of evidence. ~~Return signed and dated paperwork to the Evidence Unit as soon as possible.~~

a. ~~The~~ investigating officer/sworn personnel must authorize the release of evidence in felony cases that are acceptable to the District Attorney to release or dispose.

b. ~~Officers~~ Sworn personnel must report the disposition of all cases when returning evidence to the Evidence Unit Room, ~~sign a release form~~ and indicate if the evidence is no longer needed.

i. The Evidence Unit personnel shall send ~~Requests~~ Requests for the status of cases ~~will be sent to~~ sworn personnel/officers on cases that have met statutory requirements or have received District Attorney disposition authorization.



N/A

- ~~ii. Officers will~~ Sworn personnel shall advise evidence technicians if the items in question ~~should be~~ are to be disposed of, or ~~they will~~ shall identify the detective who assumed ~~ed~~ investigative responsibility for the case.
- ~~iii.~~ If an item is to be retained, the officer shall advise Evidence Unit personnel of the case status.
- ~~iv. (e.g. pending trial, warrant issued, etc.)~~ The retain date provided by the officer shall be considered the officer's authorization for final disposition processing when it is acceptable to the District Attorney or has met statutory requirements.
- ~~v.~~ If, after fifteen (15) calendar days the officer does not respond to the Evidence Unit's request for a status, the request shall be considered unacknowledged and reported to the officer's immediate supervisor.
- ~~vi.~~ Each fifteen (15) day periods thereafter that the request goes unacknowledged, a request for status shall be sent to the next level in the officer's chain of command.
- ~~vii.~~ If the request goes unacknowledged through the rank of Commander, the Evidence Unit shall it shall be assumed that the evidence items that are the subject of the request are no longer needed and any misdemeanor evidence may be disposed of in accordance with the purging policy consistent with SOP Evidence Unit (refer to SOP Evidence Unit for sanction classifications and additional duties).

~~ii. outlined in 2-73-2 (M)(5)(d) and (e).~~

~~4. Officers or employees~~ Department personnel who are departing-separating from City employment are required to check-out with the Evidence Unit before their departure.

~~iii.a. Officers/employees~~ Department personnel must supply the Evidence Unit Supervisor Manager with case disposition on all cases involving items of evidence tagged throughout the officer's/employee's career.

~~i.~~ The Evidence Unit Supervisor-Manager shall not sign-off on the Out-Processing form unless this process is complete.

~~ii.~~ Failure to complete the process could may result in the delay of the officer's/employee's checkout process.

~~iii.~~ When the responsible officer-personnel are is not known or is-are no longer employed with the Department, the aArea cCommand where the incident took place shall assume evidence disposition responsibility.

~~iv.~~ The last known area commander or designee shall be sent the dispositions form to the last known aArea cCommand to be researched by a the designee appointed by the Commander.

~~v.~~ The Disposition Form requires a supervisor's authority to dispose of the evidence tagged by the ex-employee as per Section (M)(1). The Supervisor authorizing the disposition shall print and sign their name on the form that will be forwarded to the Evidence Unit, Supervisor.

B. Disposition of Found Items



1. Department personnel shall:

- a. Attempt to identify the owner and return the property.
- b. If contact with the owner cannot be made during Department personnel's work shift, the item shall be tagged into Evidence as a found item.

2. Department ~~Officers~~ Personnel shall obtain pertinent information from the finding party including name, address, and phone number.

- a. This information shall be listed on the evidence tag or entered into PEMS.
- b. If contact is made with the owner after the item has been tagged into Evidence the owner shall be provided the case number to assist them in the return of the item.

~~Officers Personnel shall then attempt to identify the owner and return the property. If contact with the owner cannot be made during an officer's tour of duty personnel's work shift, the item shall be tagged into Evidence as a found item.~~

~~1. Information concerning the finding party should be reflected on the evidence tag or entered into OIM/PEMS. If contact is made after the item has been tagged into Evidence at a later time (after the item has been tagged into Evidence) the owner shall be provided the case number to assist them in the return of the item.~~

~~2.3. Whenever any unclaimed personal property, excluding firearms, which a finder has left in the possession of the city police Department, has remained unclaimed by the true owner for more than ninety (90) days, the Evidence Unit personnel shall notify the finder, by mail, and advise them the person finding that they may take possession of the property and advise that they may take possession of the property within thirty (30) days.~~

- ~~a. If the property is not claimed by the finding party within thirty (30) days, it shall be disposed of as provided by law.~~

~~C. Safekeeping Property: Submission and Disposition~~

~~1. Property may be tagged into the Evidence Unit for safe keeping when:~~

- ~~a. The officer has exhausted all other possibilities of disposing of the property.~~
- ~~b. The owner is known.~~
- ~~c. The owner has a permanent mailing address.~~

~~2. The submitting officer will notify the owner that the Evidence Unit is holding the property and that he must have the property picked up within 30 days.~~

- ~~a. The date, time, and method of notification will be noted on the evidence tag and OIM.~~
- ~~b. The officer will also notify the owner of the operational hours of the Evidence Unit.~~



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- ~~3. Upon receipt of the property in the Evidence Unit, the Evidence Technician will mail notification to the owner of the property, advising that the property must be picked up within 30 days, or it will be disposed of. A claim receipt form issued to the owner by the submitting officer satisfies New Mexico State statute, section 29-1-13 through 29-1-15 owner notifications.~~
- ~~4. If the property is not claimed by the owner or the owner's authorized representative within 30 days, the property will be disposed of as provided by law.~~
- ~~5. No contraband will be accepted for safekeeping.~~
- ~~6. Objects or articles of a non-evidentiary nature may be left with the next of kin or secured at the scene at the time of the preliminary investigation. Property items that are taken into police custody shall be tagged into Evidence for safe keeping. They shall not be released to anyone other than the court or a person authorized to receive them by either a court order or the officer. Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed by Evidence Unit procedures.~~

~~D.C.~~ C. Authority to Release/Dispose of Case Evidence

- ~~1. After a case has been assigned to a specialized unit or a detective/case agent, the original officer relinquishes authority for that case. The detective/case agent who assumes investigative responsibility for the case shall have the authority to release or dispose of case evidence.
Often, several officers/detectives will have disposal authority;
then subsections b and c will apply.~~
- ~~1.2. If an officer's or 's/detective's name does not appear on the front of the evidence card, but the officer/detective is in charge of the investigation or has a significant role in the case the case or has a significant investigative role in the case, the officer or /detective will provide the evidence technician with documentation showing his/her authority to release or dispose of the evidence, (e.g., such as a report supplement or the case assignment log), to show his/her authority to release or dispose of the evidence. If the detective/case agent is not listed in PEMS, the case agent shall provide the Evidence Unit with documentation showing the authority to release or dispose of the evidence.~~

~~2. Officers/Detectives will print their name in the "authority" box on the back of the evidence card and sign it. The officer/detective will present his/her driver's license or APD Department ID card to verify his/her identity. The evidence technician will note on the bottom portion of the card that ID was presented.~~

- ~~3. Officers/Detectives~~ Sworn personnel ~~shall~~ will not mislead the Evidence Unit personnel ~~evidence technicians~~ into believing they have the authority to dispose of evidence when in fact they do not.



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~~4-a. Officers/Detectives~~ Sworn personnel ~~sh~~will not sign-off on evidence cards to release or dispose of evidence as a favor to friends or citizens community members. ~~unless the officer/detective has the authority to do so, and the case is over with.~~ If a request is made by citizens community members or as favors to friends to release evidence, the officer ~~sh~~will instruct the person(s) to contact the ~~officer/detective~~ case agent in charge of the case.

~~E.D.~~ The following purging policy outlines Evidence Disposition Guidelines.

1. The Evidence Unit shall retain custody of:

~~4-a. Felony Evidence involving Homicides, Vehicular Homicides, Capital Crimes, all Sex Crimes, Child Abuse with Great Bodily Harm (including DNA samples from questionable suicides if available) sh~~will be retained in the custody of the Evidence Unit indefinitely, unless clear disposition authorization is obtained from the Second Judicial District Attorney's Office, Investigating Agency and/or Judicial Authority.

~~b. Felony 2nd Degree Evidence as listed in the DA's Charge Code listing that has been in the custody of the Evidence Unit for ten (10) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel. (DA authorization is not required) Evidence for Sex Crimes involving Sexual Assault Evidence Kits (SAEK), including juvenile matters, sh~~will be retained in the custody of the Evidence Unit indefinitely, unless clear disposition authorization is obtained from a Judicial Authority.

~~Felony Evidence for Sex Crimes that do not involve Sexual Assault Evidence Kits SAEKs sh~~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.

~~c. d. Misdemeanor Evidence involving Sex Crimes that do not involve SAEKs sexual Assault Evidence Kits that has~~ and have been in the custody of the Evidence Unit for five (5) years, ~~at~~ the juvenile victim has reached eighteen (18) years old plus one (1) year if such a victim exists, ~~and~~ has no outstanding arrest warrants for defendant/co-defendant shall be reviewed and approved for disposition by the assigned ~~detective~~ case agent or investigation division Bureau personnel supervisor, unless clear earlier disposition authorization is obtained from the District Attorney's Office, Investigating Agency and/or Judicial Authority.

~~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 six (6) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel. (DA authorization is not required) Felony Evidence that has been in~~



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the custody of the Evidence Unit for the term of the Statute of Limitations of the respective charge(s) (i.e. eg., ten (10) years for a ~~Felony~~ 2nd Degree Felony) 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, unless clear earlier disposition authorization is obtained from the District Attorney's Office, ~~Investigating Agency and/or Judicial Authority.~~

e.

~~3.~~ Misdemeanor ~~E~~evidence involving ~~D~~domestic ~~v~~Violence, Driving While Intoxicated (DWI) or ~~S~~sex ~~C~~crimes that has been in the Custody of the Evidence Unit for five (5) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the District Attorney's Office, ~~Investigating Agency and/or Judicial Authority.~~ (DA authorization is not required)

~~4.~~

f.

~~5.~~ Misdemeanor ~~E~~evidence that has been in the Custody of the Evidence Unit for three (3) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the District Attorney's Office, ~~Investigating Agency and/or Judicial Authority.~~ (DA authorization is not required)

g.

~~6.~~ Suicide ~~E~~evidence involving a deoxyribonucleic acid (DNA) sample ~~sh~~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.~~

h.

~~7.~~ Suicide ~~E~~evidence that does not involve a DNA sample ~~that~~ and has been in the custody of the Evidence Unit for three (3) years shall be reviewed and approved for disposition by the assigned detective or investigation division personnel, unless clear earlier disposition authorization is obtained from the District Attorney's Office, ~~Investigating Agency and/or Judicial Authority.~~

~~6.2.~~ Safekeeping/Found Property ~~sh~~will be processed for disposition per New Mexico State Statutes.

a. In the case of firearms in the process of being disposed of, ~~the~~ Evidence Unit personnel ~~Technicians~~ are authorized to open packages to verify serial numbers through National Crime Information Center (NCIC) prior to destroying the firearms.

~~7.~~ Video and audio captured by Department personnel will be retained and purged according to SOP.

~~F.~~ E. Amending Evidence Tags for Safekeeping and Found Items



~~4.~~ If Department personnel ~~an item was~~ tagged an item into evidence for safekeeping or as a found item and it is ~~now~~ then determined to be stolen, the tagging officer must notify the Evidence Unit of the updated information.

7 ~~2-73-87~~ Digital Image Video Recovery Team (DIVRT)/Regional Computer Forensics Laboratory (RCFL) Task Force Officer (TFO)

A. DIVRT/RCFL TFO personnel shall:

1. Collect digital evidence in connection with criminal investigations and/or searches;
2. Seize all digital evidence according to the procedures that ensure the integrity of the seized items. DIVRT personnel shall tag the items as evidence or turned over to the case agent;
3. Attempt to extract digital evidence from electronic devices; and
4. Be on-call and can assist on major cases.

B. Department personnel shall make requests for digital extraction through the DIVRT/RCFL TFO. ~~amend the Evidence tag to show the name, address, and other identifiers of the owner. When feasible, the officer should have the item photographed and returned to the owner.~~