



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-73

OPA DRAFT

**2-73 COLLECTION, SUBMISSION AND DISPOSITION OF EVIDENCE
CONFISCATED AND PROPERTY, AND FOUND ITEMS**

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2-73-1 Purpose

It is the purpose of the department to collect, submit, store, and dispose of evidence and property according to applicable law, regulations, policies, and procedures.

2-73-2 Policy

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

2-73-2 Definitions



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A. Evidence Log

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.

B. OIM

Online Database for evidence.

C. Personal Protective Equipment (PPE)

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

D. Tag/Tagged

The process of entering collected property and evidence into the online database for the storage of the items at the crime lab.

2-73-3 Rules Collection of Evidence/Property

7 A. CSS's and trained personnel will complete the following when collecting different types of evidence.

1. Collection of biological evidence at a crime scene

- a. If the sample is moist, a sterile swab can be used to collect the sample.
- b. If the sample is dried, the sterile swab should be moistened with distilled water to collect the sample.
- c. All biological evidence shall be packaged in paper.
- d. Photos should be taken with and without an indicator prior to collecting.
- e. A service request shall be submitted to the proper SED unit for analysis.

2. Collection of DNA based on a search warrant or consent

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

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

3. Photographs

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

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

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

4. Latent Fingerprints

a. 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.

b. Elimination prints should be taken from victims for use by latent examiners.

5. Proper PPE should be worn when the possibility exists of coming into contact with bodily fluids.

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

a – cartridge

b – blood

c – cartridge case

cl – clothing

d – documents

f – firearms

g – glass

h – hair and other trace

i – bullet hole (or impact

site)

k – knife

l – latent work needed

m – miscellaneous

n – drugs

p – bullet

s – DNA swab

B. Vehicle Crashes and Auto Theft

1. Fatal and Serious Injury Crashes

a. A CSS will respond to the scene if assistance is requested.



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- b. The CSS will photograph the scene.
 - i. Injured parties will be photographed.
 - ii. Vehicles and evidence will be photographed.
 - iii. Photographs will also be taken at driver's eye level to indicate approach path of all vehicles.
- c. The Office of the Medical Investigator will be responsible for obtaining inked fingerprints of the decedent if necessary.
- d. The CSS will assist the crash investigator as needed, working as a team.

2. Crashes Involving City Vehicles

- a. Field Services Supervisors should take photographs.
- b. 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.
- c. Photos of the scene will be taken from long, medium, and short range, including close-ups of damages.

3. Auto Theft/Recovered Stolen Vehicles

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

C. Towing and Sealing of the Vehicle(s)

- 1. Personnel will process the exterior and seal the vehicle.
- 2. The processing personnel will follow the wrecker to the Metropolitan Forensic Science Center to allow access through the gates only if involving homicide, life-threatening injuries, criminal sexual penetration, or robbery.
- 3. 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.
 - a. Do not park the vehicle on the red access panel or behind the crime van.



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

5. Vehicle Processing Timeframe

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

6. Post Vehicle Evidentiary Processing

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

D. Crimes Against Children and Sex Crimes

1. Child Abuse

- a. The CSS on scene of a child abuse call will photograph the suspected abused child to include the male and female genital area, including the anus, if child abuse is suspected in those areas. These photographs will be obtained in the presence of a sworn officer or medical personnel. Photographs will be obtained in a closed private room with only the necessary personnel present.
- b. 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 the child may die, notify his/her supervisor or the Major Crime Scene Supervisor on-call of the situation. They will make the determination to begin the callout procedure.
- e. Photographs should be taken of parents or responsible adults and examined for injuries or bruising, i.e. bruised hands. Photos will be taken with and without scales.
- f. 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.

2. Criminal Sexual Penetration



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- a. 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 S.A.N.E facility. The CSS will document, by name, what person evidence is received from if the CSS does not witness the collection.
- b. The CSS will find out if the location of occurrence can be identified.
 - i. If so, the CSS will completely process the 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 the piece of cloth or article which has bodily fluids on it, the same procedure for collecting blood will be used.
 - ii. Photograph the crime scene in its entirety (overalls).
 - iii. The victim and his/her injuries should be photographed.
 - iv. Scales should be used when photographing pattern-type injuries.
 - v. Photos should be taken of the offender if possible.
 - vi. 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.
 - vii. Biological evidence that has been dried may be tagged into Evidence. No liquid items should be frozen, i.e., blood tubes.

E. Violent Crime Scenes/Unexplained Death

1. A CSS shall be dispatched on any violent crime or unexpected, unnatural death.
 - a. Upon arrival, the CSS shall have initial authority over the crime scene.
 - b. 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.
 - c. 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.
 - d. In cases of suspicious unexplained death, the CSS will contact the OMI. The CSS will consult with the OMI investigator about the death determination.
 - e. The CSS supervisor will be notified of the situation and extent of injuries.
 - f. If the injuries are life threatening, or resulting 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 Radio Control of life threatening injuries or death.



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- g. 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.
- h. Personnel will make every effort to shield the body from public view without having any item contact with the body to prevent contamination.
- i. If the victim was transported to the hospital, is being treated and is still alive, the CSS supervisor will notify Radio Control. Radio Control will initiate a Violent Crimes call out.
- j. 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 Radio Control and a Homicide call out will be initiated.
- k. Regardless of investigative case responsibility, the Major Crime Scene Team is responsible for processing the entire scene.
- l. The CSS shall take overall photographs of the crime scene area from outside the crime scene boundaries.
- m. 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, an attempt should be made to photograph the victim's position in order to preserve evidence.
- n. The CSS will brief the CSS supervisor and Major Crime Scene Team personnel upon their arrival.
- o. For non-life-threatening injuries, the CSS will process the crime scene.

F. Apparent Natural Death

- 1. Crime Scene Specialists will not be dispatched to apparent natural death calls.
 - a. 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.

G. Suicide

- 1. A CSS will be dispatched to all suicide calls.
- 2. The Crime Scene Specialist will be responsible for the collection and preservation of evidence, and for requesting evidence analysis by personnel at the Crime Lab.
- 3. The primary officer may request that the CSS collect any other evidence that may be pertinent to the investigation.

H. Robberies/Burglaries



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1. Process the point of entry and exit for latent prints.
2. Check point of entry and exit for other trace evidence, such as hair or fibers.
3. Process items touched or handled by the offender for latent prints.
4. Photograph the scene, if necessary, using long, medium and short range. Evidence will be photographed both with and without indicator cards prior to collection.
5. Personnel will submit a Service Request Form, if needed, to SED personnel for analysis of evidence.
6. 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.
7. Personnel will identify, collect, and properly package and preserve all evidence, including blood, clothing, weapons, etc.

I. Use of Force

1. On any claims of excessive force, unnecessary force, alleged injury, injury of prisoners, and all prisoners arrested for resisting arrest, officers will request either a Field Supervisor, who has been issued a camera, or a CSS to take the photographs.
2. A CSS will be called to take photographs on any battery or injury of a police officer.
3. The digital images will be tagged into evidence, before clearing the call, at the Crime Lab.

J. Photographing of Prisoners

1. Personnel will note the prisoner's name, arresting officer's name, the date and time that the photographs were taken on the photo envelope.
2. The digital images will be tagged into the evidence management system and then stored in the Forensic Photography Unit.
3. A report will be generated.



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

K. Collecting Evidence at Hospitals

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1. Photographs

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

2. Photographs of Victims

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

3. Photographs of Prisoners

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

4. Photographs of Female Victims and Prisoners

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

5. Photographs of Juveniles

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

6. Photographs of Deceased Persons

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

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7. Physical Evidence

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a. Blood, Urine, Hair Samples, and other Biological Samples

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

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b. Body Cavity Swabbing

- i. Swabbing may be obtained by medical personnel with the subject's permission.
- ii. 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.

c. Evidence Retained in the Body

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

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d. Evidentiary Personal Property and Effects

- i. Prisoner's property for evidentiary purposes may be taken by officers without the consent of the subject.
- ii. Victim's property should not be taken without consent unless there is a high probability that evidence will be lost.
- iii. In all cases, property removed from the hospital will be inventoried and signed for by the officer.

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e. Medical Care and Evidence Collection for CSP Victims

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

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

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8. Office of the Medical Investigator

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

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2-73-4 Tagging Evidence/Property

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A. Evidence/Property/Found Item Accountability

Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the Evidence Room or substation drop boxes or lockers. Officers will tag all found, safekeeping and evidence items using the Officer Input Module (OIM) evidence accounting tracking system. 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 system outages.

B. Items to be Tagged

~~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.~~ All articles of evidence, safekeeping, and found items will be tagged/entered into evidence using OIM and submitted to the Evidence Unit and deposited in substation drop boxes by the end of the officer's tour of duty.

- a. Only a supervisor due to exigent or unusual circumstances can authorize exceptions to this; however, the evidence must be placed in a secure setting within a police building such as a safe or a locker or cabinet that can be secured under the direct control of the supervisor.
- b. ~~Also, †~~The tagging officer will seal all evidence tagged either in plastic or paper bags.
- c. The officer will ensure that sealed evidence bag has the officer's initials and date across the seal, using a permanent type marker, before placing the evidence in a locker.

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

~~3-2.~~ All audiotapes and CD/DVD will be sealed in a 6x9 manilla envelope with the tagging officer's initials and date across the seal, using a permanent type marker.

3. Image Acquisition

a. Images will be captured via digital cameras authorized by the MFSC Photography Unit

4. Image Storage

a. Digital Evidentiary images in any format should be archived and maintained in an original state

b. Personnel will not make copies of digital images for any unofficial use.

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

d. To establish chain of custody for digital images, the photographer will complete a film envelope and tag the envelope into evidence.

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

4-6. Large Items, Multiple Items

a. Items that will not reasonably fit in the evidence lockers will be secured at the substation in the Evidence Room located behind the lockers.

i. Area Command Evidence Storage Room Security

- Area Commanders will maintain a key log for this room
- Area Commanders and area command lieutenants will be the only personnel issued keys (excluding Evidence Unit personnel) to the evidence storage room.
- Responsibility for the keys will not be delegated unless a sergeant is upgraded to acting lieutenant.
- Duplicate keys will not be made unless authorized by the Area Commander.

ii. Officers will not force large items into lockers.



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- iii. Fragile items or urgently needed investigative evidence will be taken immediately to the Metropolitan Forensic Science Center (MFSC) at 5350 Second Street NW.
- b. When evidence in a case involves multiple items, i.e. televisions, computers, etc. in quantities exceeding ten items, the items will be stored in the Evidence Room behind the lockers.
- c. When large amounts of evidence requiring truck transport are recovered at a crime scene, the tagging officer or designee will contact Radio-Emergency Communications Center (ECC) and request that the Evidence Supervisor responds to the scene.
- d. Ammunition will be stored in the lowest available empty locker.

5-7. Perishable items, volatile/flammable, liquids, fuels, and lighters will not be tagged as evidence. If the item is needed for prosecution, the officer will have it sampled and photographed. After being photographed, the item will be returned to the owner or properly disposed of. Used narcotic test kits will not be tagged.

C. Information Required for OIM

1. The appropriate case numbers will be obtained from a dispatcher or MDT for all items that are turned into the Evidence Unit or deposited into the substation drop box or evidence lockers
2. The submitting officer will enter all articles into evidence through the OIM.

3. Officers must completely fill out the OIM 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.~~

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- a. Officers shall not be listed as the owner or finder of the property being tagged as evidence. The owner or finder shall be listed as "unknown".

~~D. Evidence Log~~

~~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.~~

7 ~~E-D.~~ 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.~~

~~2-1.~~ Controlled substances will be tagged separately from container/packaging when possible and heat sealed in plastic bags with the officer's initials and date across the seal, using a permanent type marker. When tagging pills, capsules, etc. into evidence, the tagging officer will count the individual pills and note the number on the evidence tag in the area designated "remarks" or the "Quantity" field on the OIM screen.

6 ~~3-2.~~ In cases where more than one controlled substance is to be collected, substances of the same type (i.e.: cocaine, heroin, methamphetamine, dry marijuana) will be grouped into one, 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.~~

~~4-3.~~ Unlike other controlled substances, dry marijuana will be separated from any packaging, and will be placed into a single plastic bag (i.e.: five Ziploc baggies of marijuana will be emptied into one evidence plastic bag and the empty Ziploc bags discarded, unless tagging bags separately to be processed for latents.)

~~5-4.~~ Multiple syringes may be placed in a sharps container for tagging.

~~6-5.~~ Drug manufacturing or agricultural equipment and chemicals (such as grow lights and irrigation equipment) will not be tagged as evidence. If the item is needed for prosecution, the officer/Specialized Unit will include instructions to photograph and destroy the item/s on the search warrant.

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~~7-6.~~ Medications tagged as evidence with the expectation of being returned to the owner will be tagged separately from other drugs or paraphernalia in their original container in a clear plastic bag. Medication should not be mixed or contained in a bag outside of the original container whenever possible.

~~8-7.~~ Medications tagged as Found or Safekeeping will be tagged under the owner/finders identification and contact information (name, address and phone number) entered into the evidence history by the tagging officer.

~~9-8.~~ 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.

~~10-9.~~ 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.~~

~~F.E.~~ Tagging Jewelry

Jewelry will be tagged separately from any other items and sealed in plastic bags. Jewelry will be itemized in the description field.

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~~G.F.~~ Tagging of Firearms and Knives

1. All firearms will be heat-sealed in plastic bags, with the officer's initials and date across the seal, using a permanent type marker. Emptied magazines will be sealed



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in small plastic bags and tagged inside the bag with the firearm. Only one firearm may be tagged per bag/barcode.

2. Officers will utilize plastic barrel plugs or ties provided by Evidence.

~~2-3.~~ Pellet/B.B. pistols will be tagged in the same fashion as regular evidence. Pellet/B.B. rifles will be tagged by affixing the evidence tag directly to the plastic bag. Pellet/B.B. guns will be noted as toys.

~~3-4.~~ Evidence tags for firearms will be attached to the plastic bag.

~~4-5.~~ Unfired ammunition and/or fired cartridge casings that were found in the firearm (magazine or cylinder) will 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.~~

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

~~5-6.~~ Submitting fired cartridge casings for the National Integrated Ballistics Information Network (NIBIN) will be as follows:

- a. ~~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. If personnel suspect that a recovered firearm is involved in other shootings, with or without casings, submit a service request form as stated above, for the recovered firearm to be examined.
- c. If a "HIT" is made, a Major Crime Scene Team Firearm and Tool Mark Detail report will be prepared. The submitting person will receive a copy of the report.
- d. These guidelines will ensure the NIBIN System will operate properly and present personnel with information that will assist in the investigation.

~~6-7.~~ Firearms will not be disassembled before being tagged.

~~7-8.~~ Pocket or folding knives will be closed when possible. Hunting knives will be kept in the knife sheath unless trace evidence will be destroyed. Long knives, razor



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blades, and any other objects with sharp cutting edges will have the edges protected by covering with cardboard or other suitable material and with the material taped securely into place to prevent accidental injury. Sharps may also be placed in plastic tubes. All tubes will then be sealed in plastic bags.

6 H.G. Tagging Money

1. Any money, regardless of the amount, submitted to the Evidence Unit, will be tagged separately from any other item and sealed in a plastic bag with the officer's initials and date across the seal.
2. All money, regardless of value, shall be tagged at a substation 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.
4. Monies tagged as safekeeping or found will not be accepted without the owner/finders name, address and phone number.
5. Currency may not be tagged as Evidence.

6. 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. For consideration for forfeiture, the Department's policy is to adopt a minimum threshold of \$2500.00.

7 H.H. Tagging of Cell Phones/Tablets/MP3 Players

1. All cell phones with evidentiary value, tablets, or mp3 players are to be tagged in a special foil evidence bag. ~~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 then be heat sealed inside a standard plastic evidence bag with the officer's initials and a date on the seal, using a permanent type marker. Only one device may be tagged per bag/barcode.

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



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I. Safekeeping Property

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. No contraband will be accepted for safekeeping.
3. 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.

2-73-5 Viewing and Checking out Evidence

- 5 A. Viewing and Checking Out Evidence from the Evidence Unit
1. Personnel must have official interest and present proper identification to view or check evidence out of the Evidence Unit. The officer's immediate supervisor will be advised within 24 hours of all items checked out of Evidence Unit. The officer's immediate supervisor will 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 work days. The following documentation is required for individuals other than sworn, Crime Scene Specialist, or Major Crime Scene Team personnel to view evidence.
 - a. A Court Order signed by a Judge.
 - b. With the authorization of the City Attorney, APD legal counsel or the District Attorney's Office.
 - c. Officer prosecution cases must be authorized by Metro Liaison Office.
 2. Officers/employees checking out evidence for court appearance are responsible for the chain of custody of that evidence at all times. 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



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at the Completion of the case. At no time should the evidence be out of the immediate control of the officer or authorized court personnel. Evidence in cases covering extended periods of time 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.
 4. Personnel wanting to view or check out evidence of six (6) items or more, will make an appointment seventy-two (72) hours (three working days) before the viewing and/or checking out of the items. Major Crime Scene Team 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.
 5. Officers are to direct all questions from the public about items in evidence to the Evidence Unit. The public should be advised to telephone the Evidence Unit at 823-4600 before proceeding to the Metropolitan Forensic Science Center.
 6. Viewings approved by the District Attorney's Office shall specifically state by bar code number what items, if any, may be opened for inspection. Any items not specifically listed may be visually inspected, however no packaging shall be opened or removed. No electronic items (cell phones, iPads, computers, etc.) shall be turned on and/or manipulated to view any data without expressed permission from the District Attorney's Office.

7 B. Examination of Evidence by Outside Agencies

It is the responsibility of the officer who collects the evidence to tag, package and send such items to other agencies for examination if required. The Major Crime Scene Team will assist in whatever way possible to ensure that the proper procedures are followed by the responsible officer.

2-73-6 Disposition of Evidence

A. General Guidelines

1. The APD Evidence Unit will follow guidelines in NM State Statutes and require written disposition authority from either the District Attorney's Office, the City Attorney's Office, the investigating officer and/or an APD/BCSO supervisor (Sergeant, E-14 or above) as appropriate before the disposition of property or evidence held by this department. The investigating officer (or supervisor) must



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authorize the disposition of felony cases in which the District Attorney's Office has indicated that they will not pursue adjudication. Additionally, when the original or tagging officer is no longer with the Albuquerque Police Department (APD) or the BCSO, it will be the responsibility of the appropriate Area Commander to complete the disposition review letter indicating the disposition of evidence. Return signed and dated paperwork to the Evidence Unit as soon as possible.

- a. The investigating officer must authorize the release of evidence in felony cases that are acceptable to the District Attorney.
- b. Officers must report the disposition of all cases when returning evidence to the Evidence Room, sign a release form and indicate if the evidence is no longer needed.
 - i. Requests for the status of cases will be sent to officers on cases that have met statutory requirements or have received District Attorney disposition authorization. Officers will advise evidence technicians if the items in question should be disposed of or will identify the detective who assumes investigative responsibility for the case. If an item is to be retained, the officer will advise evidence of the case status (e.g. pending trial, warrant issued, etc.). The retain date provided by the officer will be considered the officer's authorization for final disposition processing when it is acceptable to the District Attorney or has met statutory requirements.
 - ~~ii.~~ If, after fifteen calendar days the officer does not respond to the request for status, the request will be considered unacknowledged and reported to the officer's immediate supervisor. Each fifteen days thereafter that the request goes unacknowledged, a request for status will be sent to the next level in the officer's chain of command. If the request goes unacknowledged through the rank of Commander, 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 **outlined in 2-73-2 (M)(5)(d) and (e).**
 - ~~iii.~~ii. Officers or employees departing from City employment are required to check out with the Evidence Unit before their departure. Officers/employees must supply the Evidence Supervisor with case disposition on all cases involving items of evidence tagged throughout the officer's/employee's career.
 - ~~iv.~~iii. The Evidence Supervisor will not sign off on the out-processing form unless this process is complete. Failure to complete the process could result in the delay of the officer's/employee's checkout process. When the responsible officer is not known or is no longer with the department, the Area Command where the incident took place will assume evidence disposition responsibility. The dispositions will be sent to the last known



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Area Command to be researched by the designee appointed by the Commander. 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 will print and sign their name on the form that will be forwarded to the Evidence Unit, Supervisor.

B. Disposition of Found Items

1. Officers shall obtain pertinent information from the finding party including name, address, and phone number. Officers will 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, the item will be tagged into Evidence as a found item. Information concerning the finding party should be reflected on the evidence tag or entered into OIM. If contact is made at a later time (after the item has been tagged into Evidence) the owner will be provided the case number to assist in the return of the item.
2. Whenever any unclaimed personal property, which a finder has left in the possession of the city police, has remained unclaimed by the true owner for more than 90 days, Evidence Unit personnel shall notify, by mail, the person finding the property and advise that they may take possession of the property within 30 days.
 - a. If the property is not claimed by the finding party within 30 days, it will 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. Authority to Release/Dispose of Case Evidence

1. After a case has been assigned to a specialized unit or a detective, the original officer relinquishes authority for that case. The detective 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.
2. If an officer's/detective's name does not appear on the front of the evidence card, but the officer/detective is in charge of the investigation of the case or has a significant investigative role in the case, the officer/detective will provide the evidence technician with documentation, such as a report supplement or the case assignment log, to show his/her authority to release or dispose of the evidence.
3. 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 ID card to verify his/her identity. The evidence technician will note on the bottom portion of the card that ID was presented.



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4. Officers/Detectives will not mislead evidence technicians into believing they have the authority to dispose of evidence when in fact they do not.
5. Officers/Detectives will not sign off on evidence cards to release or dispose of evidence as a favor to friends or citizens unless the officer/detective has the authority to do so, and the case is over with. If a request is made by citizens or as favors to friends to release evidence, the officer will instruct the person(s) to contact the officer/detective in charge of the case.

E-D. The following purging policy outlines evidence disposition guidelines.

1. 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) will be retained in the custody of the Evidence Unit indefinitely, unless clear disposition authorization is obtained from the District Attorney's Office, Investigating Agency and/or Judicial Authority.

~~2. Felony 2nd Degree Evidence as listed in the DA's Charge Code listing that has been in the custody of the Evidence Unit for 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, including juvenile matters, 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 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. Misdemeanor Evidence involving Sex Crimes that do not involve Sexual Assault Evidence Kits that has been in the custody of the Evidence Unit for (5) years, the juvenile victim has reached eighteen years old plus one 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 or investigation division personnel, unless clear earlier disposition authorization is obtained from the District Attorney's Office, Investigating Agency and/or Judicial Authority.~~

~~2.~~
~~3. Felony 3rd and 4th Degree Evidence as listed in the DA's Charge Code listing that has been in the custody of the Evidence Unit for 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 the~~

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custody of the Evidence Unit for the term of the Statute of Limitations of the respective charge(s) (i.e. 10 years for a Felony 2nd Degree) 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.

~~3.~~

4. Misdemeanor Evidence involving Domestic Violence, 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. (DA authorization is not required)

~~4.~~

5. 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. (DA authorization is not required)

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

- ~~6-7.~~ Safekeeping/Found Property 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 Technicians are authorized to open packages to verify serial numbers through 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

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

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