



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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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D. Rescinded Special Order(s)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 23-71 Amendment to SOP 2-73 Collection, Submission, and Disposition of Evidence and Property

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 a 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. Bar Coded Evidence Analysis Statistical Tracking System (BEAST) Categories

1. The classification that is selected in the Property Evidence Management System (PEMS) that organizes evidence into one (1) of three (3) categories, including:

- a. Evidence: Item(s) with an evidentiary value associated with a crime(s);
- b. Found:



- i. Item(s) that are found or abandoned will be held for a period of up to ninety (90) days or one (1) year for a firearm. These items may or may not have an evidentiary value.
- ii. Department personnel shall use this category instead of the Destruction category.
- c. Return to Owner: Item(s) that are found to have no evidentiary value and are being held for a period of up to ninety (90) days for the purpose of returning them to the owner.

B. Crime Scene

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

C. Digital Evidence

Data which is stored on electronic devices.

D. 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 reports the findings to the employee assigned to investigate the case.

E. Digital Image Video Recovery Team (DIVRT) Toolkit

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

F. Last Point of Contact

The original custodian officer who transferred the custody of an individual to another officer. Once the transfer is completed, the original custodian officer will no longer have contact with the in-custody individual.

G. Personal Protective Equipment (PPE)

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

H. 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.

I. 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. When feasible, 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 following incidents:

a. All uses of force, including shows of force;

i. This includes any physical evidence related to lawful objectives, such as criminal trespass signs.

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 with the following rules:

1. Department personnel shall not take photographs of victims who, will be examined by a Sexual Assault Nurse Examiner (SANE), are children, and/or persons who are under guardianship.

2. Department personnel shall not manipulate an unconscious victim's body, clothing, or coverings when taking the photograph.

3. 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 feasible, 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); and
 - 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 feasible.
- c. Department personnel shall:
 - i. At a minimum, take overall, 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 (top, bottom, left, and right) 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, and/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 items they have found, items for safekeeping, and evidentiary items using PEMS.
 - a. A supervisor's signature and completed log sheet is required to authorize the use of hard copy evidence tags for exigent or unusual circumstances, such as PEMS outages.

B. General Rules for Tagging

1. When tagging items into the Evidence Room, Department personnel shall:
 - a. Tag all items of evidence, items for safekeeping, and found items into the Evidence Room by using PEMS, and deposit the items in a substation drop box by the end of the employee's shift;
 - i. 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 a cabinet that can be secured under the direct control of the supervisor.
 - ii. 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 the chain of custody rules.
 1. The evidence must be placed in a secure location within the Crime Lab, such as a safe, a locker, or a cabinet that can be secured under the direct control of the supervisor.
 - iii. The tagging employee shall seal all evidence tagged either in plastic or paper bags.
 - iv. The employee shall ensure that the sealed evidence bag has the initials of the employee tagging the items and the date across the seal written in permanent ink before placing the evidence in a locker.
 - v. Failure to place initials and date across the seal shall result in rejection of the evidence by Evidence Unit personnel.



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- b. Seal all audiotapes and CD/DVD in a 6x9 manila envelope with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
- c. When acquiring and storing Images;
 - i. Capture images through digital cameras that are authorized by the MFSC Photography Unit.
 - ii. Archive and maintain images in their original state.
 - iii. Archive and maintain any digital evidentiary images in any format.
 - iv. Assume responsibility for transferring all images captured on temporary media to a CD-R at the completion of the call for service.
 - v. When establishing chain of custody for digital images, complete a film envelope and tag the envelope into evidence.
 - vi. Never make copies of digital images for any unofficial use.
- d. Ensure that the evidence does not become intermingled with evidence from other cases;
 - i. Department personnel shall obtain a case number and record it in the "Case #" field in PEMS or the appropriate location on the evidence tag.
- e. When tagging large and multiple items;
 - i. Secure items that will not reasonably fit in the evidence lockers at the area command in the Evidence Room that is located behind the lockers;
 - 1. Area Command Evidence Storage Room Security.
 - A. Area Commanders shall maintain a key log for this room.
 - B. Area Commanders and area command lieutenants shall be the only personnel who are issued keys, excluding Evidence Unit personnel, to the Evidence Room.
 - C. Responsibility for the keys shall not be delegated unless a sergeant is upgraded to acting lieutenant.
 - D. Duplicate keys shall not be made unless authorized by the Area Commander.
 - ii. Department personnel shall not force large items into lockers; and
 - iii. Department personnel shall immediately take fragile items or investigative evidence for urgent cases to the MFSC at 5350 Second Street NW.
- f. When evidence in a case involves multiple items such as televisions, computers, etc., in quantities exceeding ten (10) items, store the items in the Evidence Room behind the lockers;
- g. When large amounts of evidence requiring truck transport are recovered at a crime scene, for personnel who are tagging the items, contact the Emergency Communications Center (ECC) Dispatcher and request that the Evidence Unit Supervisor respond to the scene;
- h. Store ammunition in the lowest available empty locker; and
- i. Not tag perishable items, volatile/flammable liquids, fuels, and lighters as evidence.
 - i. If the item is needed for prosecution, Department personnel shall have it sampled and photographed by a CSS. After being photographed, Department personnel shall return the item to the owner or have it properly disposed.
 - ii. Department personnel do not need to tag used narcotic test kits.



C. Use of PEMS for Tagging Items

1. When tagging items into PEMS, Department personnel shall:
 - a. Include the appropriate case number;
 - b. Ensure all property and evidence is submitted to the Evidence Unit through the PEMS; and
 - c. Completely fill out the mandatory PEMS entry fields in order for the entry to be valid.
 - i. 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. They shall list the owner or finder as "unknown".

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D. Drugs and Drug-Related Items

1. When tagging drugs and drug-related items, Department personnel shall:
 - a. Tag controlled substances separately from containers or packaging, when possible, and heat sealed in plastic bags with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
 - 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, and dry marijuana, shall be grouped into one (1), sealed, initialed plastic bag per substance type;
 - c. Package and tag narcotics evidence separately from other items; and
 - i. Fentanyl in powder or pill form shall be double bagged by:
 1. Placing the fentanyl in a plastic bag and heat-sealing the bag. This will be bag one (1).
 2. Bag one (1) shall be placed into another plastic bag and heat-sealed.
 3. Only one (1) evidence tag is needed.
 4. The evidence tag shall be placed on the second evidence tag only.
 - ii. Fentanyl in pill form, if found in packaging, shall be double bagged in the packaging it was found.
 - iii. Fentanyl patches are to be treated as any other drug item. Packaged in plastic and heat sealed in one (1) bag.
 - iv. Red and black Fentanyl warning stickers are to be affixed to the outside of any packaging suspected to contain fentanyl.
 - v. The Investigative Support Division (ISD) is exempt from this process and shall adhere to their division SOP, but will follow the double bagging procedure and affix the red and black Fentanyl warning stickers.
 - vi. If there is a concern that an item has residual Fentanyl, it shall be packaged in plastic and heat sealed, to include latent packets.



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- 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 Unit Technicians shall dry the marijuana.
 - ii. When the marijuana is dry, Evidence Unit 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 that is puncture-resistant when tagging them.

- a. Department personnel may place other sharp items in plastic tubes, which shall be heat-sealed in plastic bags.

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. When tagging medication, Department personnel shall:

- a. With the expectation of medication being returned to the owner, tag it separately from other drugs or paraphernalia in its original container in a clear plastic bag;
 - i. When feasible, Department personnel shall not mix medication or store it in a bag outside the original container.
- b. When tagging medications as found, or for safekeeping, tag it under the owner or finder's identification and contact information including, but not limited to the owner or finder's name, address, and phone number and enter it into the evidence history by tagging personnel.
- c. When tagging prescription medication that belonged to a deceased individual and it was seized as part of the preliminary investigation, the medication is not to be released to the next of kin.
 - i. Upon completion of the investigation, Department personnel shall destroy the medication, consistent with SOP Evidence Unit.

F. Jewelry

1. When tagging jewelry, Department personnel shall:

- a. Tag the jewelry separately from any other items;
- b. Seal the jewelry in plastic bags; and



c. Itemize the jewelry in the description field of PEMS.

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G. Firearms

1. When tagging firearms, Department personnel shall:

- a. Heat-seal all firearms in plastic bags, with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
 - 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 them in the plastic heat-sealed bag with the firearm;
 - i. If necessary, National Integrated Ballistic Information (NIBIN) Unit personnel shall complete the Laboratory Firearms Evidence Trace Request.
- c. 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.
- d. Properly categorize firearms that they have tagged into storage at the evidence warehouse within the PEMS by selecting one (1) of the following three (3) categories, including:
 - i. Evidence;
 - ii. Found; or
 - iii. Return to Owner.
- e. Accurately enter all required information for firearms into the PEMS and shall ensure that it is properly categorized. The PEMS prompts the employee to fill out the sections on firearms and knives with any known information;
 - i. After completing this step, the system internally retains the information on firearms for a set period of time to allow for proper testing, evidence collection, and review by Department NIBIN personnel and Crime Gun Intelligence Center (CGIC) personnel.
 1. This excludes firearms that are tagged under the category of "Return to Owner" in the PEMS.
- f. Tag pellet or ball bearing (BB) firearms the same as regular evidence;
 - i. Pellet or BB firearms shall be tagged by affixing the evidence tag directly to the plastic bag.
 - ii. Pellet or BB firearms shall be noted as "toy gun".
- g. Tag unfired ammunition and/or fired cartridge casings that are found in the firearm magazine or cylinder separate from the firearm and packaged separately; and
- h. Submit fired cartridge casings for the NIBIN System in the following manner:
 - i. Collect all fired cartridge casings;



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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 for the recovered firearm to be examined;
 - iii. If an investigative lead is made, a Request for Forensic Service form is required from the Firearms and Tool Marks Unit (FATM) 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 Department personnel with information that assists in the investigation(s).
2. Department personnel shall not tag or store black powder in evidence lockers at the area commands.
 - a. Department personnel shall give black powder to Evidence Unit personnel. Once Evidence Unit personnel receive the black powder, it is turned over to the Department's Bomb Squad.
 3. Department personnel shall not dismantle any firearm, such as removing the slide or any other internal parts.
 - a. Dismantling a firearm restricts the NIBIN/CGIC testing processes.
 - b. Rendering the firearm(s) safe for tagging purposes is still required as indicated in this Standard Operating Procedure (SOP).
 4. Supervisors shall ensure when reviewing Uniform Incident Reports that any recovered firearm(s) are tagged into storage at the evidence warehouse as described in this SOP.
 - a. Evidence Unit personnel use information about firearms within a Uniform Incident Report for the purpose of tracking, retaining, and disposing of firearms.

H. Knives

1. When tagging knives, 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; and
 - 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.

I. Money

1. When tagging money, Department personnel shall:



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- a. Separate any money, regardless of the amount, from any other item and seal it in a plastic bag with the initials of the employee who is tagging the items and the date across the seal written in permanent ink; and
 - b. Tag and deposit all money, regardless of amount, in an area command evidence locker or mail-type drop box.
2. Department personnel shall not tag money as an item for safekeeping without the owner or finder's name, address, and phone number.
 - a. Found money shall be tagged as "unknown" in the owner field of PEMS.
 3. Department personnel may not tag money 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 federal prosecution and federal forfeiture action has been established.
 - b. For consideration for forfeiture, the Department's policy is to adopt a minimum threshold of \$2,500.

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J. Personal Electronic Devices

1. When tagging personal electronic devices, Department personnel shall
 - a. Make efforts to ensure all personal electronic devices are disconnected from transmitting or receiving any electronic data;
 - b. Be heat sealed inside a standard plastic evidence bag with the initials of the employee who is tagging the items and the date across the seal written in permanent ink; and
 - c. Only tag one (1) device per bag.

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K. Safekeeping Property

1. Department personnel may tag property into PEMS as safekeeping when:
 - a. They have exhausted all other possibilities of disposing the property;
 - b. The owner is known; and/or
 - c. The owner has a permanent mailing address.
2. Evidence Unit personnel shall not accept contraband for safekeeping.
3. Department personnel may leave objects or articles of a non-evidentiary nature with 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. Department personnel shall document in their Uniform Incident Report when the property was left with next of kin at the scene, tagged into evidence, or disposed of due to safety or health concerns.
 - a. Department shall run their On-Body Recording Device (OBRD) when disposing of property due to safety or health concerns.
5. Evidence Unit personnel shall not release items tagged for safekeeping to anyone other than the court or a person authorized to receive them by either a court order or the Department employee who tagged the item.

L. Office of the Medical Investigator (OMI)

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

5 2-73-6 Viewing and Checking Out Evidence

A. Viewing and Checking Out Evidence from the Evidence Unit

1. Department personnel shall:
 - a. When they need items of evidence for court, 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. The Department employee'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 evidence 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 was admitted into court as 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 the court's evidence storage area 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 contact the Evidence Unit at (505) 823-4600 before proceeding to the MFSC.
2. The District Attorney's (DA) Office shall specifically state which 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 explicit permission from the DA'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 DA's Office; or
 - 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 collect 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. Evidence Unit personnel shall follow the requirements outlined in state statutes and shall require disposition authority from either the DA's Office, the City Legal Department, the investigating officer, and/or a Department supervisor or Bernalillo County Sheriff's Office (BCSO) supervisor, as appropriate, before disposing of property or evidence that is held by the Department.
2. The investigating officer or their supervisor must authorize the disposal of evidence for 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 BCSO, the appropriate area commander shall complete the Disposition Review Letter through a Department Memorandum indicating the disposition of evidence.
 - a. Investigating sworn personnel must authorize the release of evidence in felony cases that is acceptable to the DA to release or dispose of.



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- b. Sworn personnel must report the disposition of all cases when returning evidence to the Evidence Unit and indicate that the evidence is no longer needed.
- i. Evidence Unit personnel shall send requests for the status of cases to sworn personnel on cases that have met statutory requirements or have received authorization from the DA to dispose of the related evidence.
 - ii. Sworn personnel shall advise Evidence Unit Technicians that 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 DA or has met the statutory requirements.
 - v. If after fifteen (15) calendar days, the officer does not respond to the request for a status from Evidence Unit personnel, the officer shall consider the request as being unacknowledged and report it to their immediate supervisor.
 - vi. Each fifteen (15) day period after the request goes unacknowledged, a request for a 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, Evidence Unit personnel shall assume that the evidentiary items that are the subject of the request are no longer needed. 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 meet with Evidence Unit personnel 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 departure process.
 - iii. When the employee who originally tagged the evidence is unknown, or is 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 their designee shall be sent a Disposition Review Letter requesting them to research the case the evidence was tagged for and determine if it can be disposed of.
 - v. The Evidence Unit requires a supervisor's authority to dispose of evidence that was tagged by an employee who no longer works for the Department. The supervisor authorizing the disposition shall complete the research and return the Disposition Review Letter to the Evidence Unit.

N/A



B. Disposition of Found Items

1. Department personnel shall:
 - a. Attempt to identify the owner and return the property; and
 - b. If contact with the owner cannot be made during their work shift, they shall tag the item into evidence as a found item.
2. Department personnel shall obtain pertinent information from the finding party, including their 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, Department personnel shall provide the owner the case number to assist them in the return of the item.
3. When unclaimed personal property, excluding firearms, has been left in the possession of the Department and has remained unclaimed by the true owner for more than ninety (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 or Dispose of Case Evidence

1. After a case has been assigned to a detective or case agent, the original officer relinquishes authority for that case.
 - a. The detective or case agent who assumes investigative responsibility for the case shall have the authority to release or dispose of case evidence.
 - b. If the detective or case agent is not listed in PEMS, they shall provide Evidence Unit personnel with documentation showing the authority to release or dispose of the evidence.

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2. 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.
 - b. 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 detective or case agent in charge of the case.

D. Evidence Disposition Guidelines



1. Evidence Unit personnel shall retain custody of:
 - a. Felony evidence involving homicides, vehicular homicides, all sex crimes, child abuse involving great bodily harm, including deoxyribonucleic acid (DNA) samples from questionable suicides, if available, indefinitely, unless clear disposition authorization is obtained from the DA'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 DA'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 who 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 an Investigative Bureau supervisor, unless clear earlier disposition authorization is obtained from the DA'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 second-degree felony) and has no outstanding arrest warrants for the 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 DA'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 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 DA'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 DA's Office, investigating agency, and/or judicial authority;
 - h. Suicide evidence involving a DNA sample shall be retained in the custody of the Evidence Unit indefinitely, unless clear disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority; and
 - 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 DA's Office, investigating agency, and/or judicial authority.

2. Department personnel shall process property for safekeeping, and found property for disposition per 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 the National Crime Information Center (NCIC) database prior to destroying the firearms.

E. Amending Evidence Tags

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

7 2-73-8 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;
3. Tag seized items as evidence or turn them over to the case agent;
4. Attempt to extract digital evidence from electronic devices; and
5. Be on-call to assist with major cases.

B. Department personnel shall make requests for digital extraction through the DIVRT/RCFL TFO.



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/Disposition Unit (Formerly 5-6)~~ ~~1-41 Evidence/Disposition 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)

~~D. SO 23-71 Amendment to SOP 2-73 Collection, Submission, and Disposition of Evidence and Property~~

~~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 a 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. Bar Coded Evidence Analysis Statistical Tracking System (BEAST) Categories



1. The classification that is selected in the Property Evidence Management System (PEMS) that organizes evidence into one (1) of three (3) categories, including:
 - a. Evidence: Item(s) with an evidentiary value associated with a crime(s);
 - b. Found:
 - i. Item(s) that are found or abandoned ~~and~~ will be held for a period of up to ninety (90) days or one (1) year for a firearm. These items may or may not have an evidentiary value.
 - ii. Department personnel shall use this category ~~shall~~ instead of the Destruction category.
 - c. Return to Owner: Item(s) that are found to have no evidentiary value and are being held for a period of up to ninety (90) days for the purpose of returning them to the owner.

~~A.~~B. Crime Scene

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

~~B.~~C. Digital Evidence

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

~~C.~~D. 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~~ reports the findings to the employee assigned to investigate the case.

~~D.~~E. Digital Image Video Recovery Team (DIVRT) Toolkit

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

~~E.~~F. Last Point of Contact

The original custodian officer who transferred the custody of an individual to another officer. Once the transfer is completed, the original custodian officer will no longer have contact with the in-custody individual.

~~F.~~G. Personal Protective Equipment (PPE)

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

~~G.~~H. 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.

H.I. _____ 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. When feasible, 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 following incidents:

a. All uses of force, including shows of force;

a.i. This includes any physical evidence related to lawful objectives, such as criminal trespass signs.

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 with the following rules:

1. Department personnel shall not take photographs of victims who will be examined by a Sexual Assault Nurse Examiner (SANE), are children, and/or persons who are under a guardianship.

2. Department personnel shall not manipulate an unconscious victim's body, clothing, or coverings when taking the photograph.



3. 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 feasible 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); and
 - 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 feasible 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 (top, bottom, left, and right) 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, and/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 items they have found, items for safekeeping, and evidentiary items using PEMS.
 - a. A supervisor's signature and completed log sheet is required to authorize the use of hard copy evidence tags for exigent or unusual circumstances, such as PEMS outages.

B. General Rules for Tagging

1. When tagging items ~~in to~~into the Evidence Room, Department personnel shall:
 - a. Tag all items of evidence, items for safekeeping, and found items into the Evidence Room by using PEMS, and deposit the items in a substation drop box by the end of the employee's shift:
 - i. 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 a cabinet that can be secured under the direct control of the supervisor.
 - ii. 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 the chain of custody rules.
 1. The evidence must be placed in a secure location within the Crime Lab, such as a safe, a locker, or a cabinet that can be secured under the direct control of the supervisor.
 - iii. The tagging employee shall seal all evidence tagged either in plastic or paper bags.



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- iv. The employee shall ensure that the sealed evidence bag has the initials of the employee ~~sealed evidence bag has the initials of the employee who is~~ tagging the items and the date across the seal written in permanent ink, before placing the evidence in a locker.
- v. Failure to place initials and date across the seal shall result in rejection of the evidence by Evidence/~~Disposition~~ Unit personnel.
- b. Seal all audiotapes and CD/DVD in a 6x9 manila envelope with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
- c. When acquiring and storing Images:;
 - i. Capture images through digital cameras that are authorized by the MFSC Photography Unit.;
 - ii. Archive and maintain images in an their original state.;
 - iii. Archive and maintain any digital evidentiary images in any format.;
 - iv. Assume responsibility for transferring all images captured on a temporary media to a CD-R at the completion of the call for service.;
 - v. When establishing chain of custody for digital images, complete a film envelope and tag the envelope into evidence.;
 - vi. Never make copies of digital images for any unofficial use.
- d. Ensure that the evidence does not become intermingled with evidence from other cases:;
 - i. Department personnel shall obtain a case number and record it in the "Case #" field in PEMS or the appropriate location on the evidence tag.;
- e. When tagging large and multiple items:;
 - i. Secure items that will not reasonably fit in the evidence lockers at the area command in the Evidence Room that is located behind the lockers:;
 - 1. Area Command Evidence Storage Room Security.
 - A. Area Commanders shall maintain a key log for this room.
 - B. Area Commanders and area command lieutenants shall be the only personnel who are issued keys, excluding Evidence/~~Disposition~~ Unit personnel, to the Evidence Room.
 - C. Responsibility for the keys shall not be delegated unless a sergeant is upgraded to acting lieutenant.
 - D. Duplicate keys shall not be made unless authorized by the Area Commander.
 - ~~i.ii.~~ Department personnel shall not force large items into lockers; and.
 - ~~ii.iii.~~ Department personnel shall immediately take fragile items or investigative evidence for urgent cases to the MFSC at 5350 Second Street NW.
- f. When evidence in a case involves multiple items such as televisions, computers, etc., in quantities exceeding ten (10) items, store the items in the Evidence Room behind the lockers;
- g. When large amounts of evidence requiring truck transport are recovered at a crime scene, for personnel who are tagging the items, contact the Emergency Communications Center (ECC) Dispatcher and request that the Evidence/~~Disposition~~ Unit Supervisor respond to the scene;
- h. Store ammunition in the lowest available empty locker; and



- i. Not tag perishable items, volatile/flammable, liquids, fuels, and lighters as evidence.
 - i. If the item is needed for prosecution, Department personnel shall have it sampled and photographed by a CSS. After being photographed, Department personnel shall return the item to the owner or have it properly disposed of.
 - ii. Department personnel do not need to tag used narcotic test kits.

C. Use of PEMS for Tagging Items

1. When tagging items into PEMS, Department personnel shall:

- a. Include the appropriate case number;
- b. Ensure all property and evidence is submitted to the Evidence/Disposition Unit through the PEMS; and
- c. Completely fill out the mandatory PEMS entry fields in order for the entry to be valid.
 - i. 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. They shall list the owner or finder as "unknown".

7

D. Drugs and Drug-Related Items

1. When tagging drugs and drug-related items, Department personnel shall:

- a. Tag controlled substances separately from containers or packaging, when possible, and heat sealed in plastic bags with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
 - 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, and dry marijuana, shall be grouped into one (1)-, sealed, initialed plastic bag per substance type;
- c. Package and tag narcotics evidence separately from other items ~~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 Fentanyl in powder or pill form shall be double bagged by:
 1. Placing the fentanyl in a plastic bag and heat-sealing the bag. This will be bag one (1).
 2. Bag one (1) shall be placed into another plastic bag and heat-sealed.
 3. Only one (1) evidence tag is needed.
 4. The evidence tag shall be placed on the second evidence tag only.



- ii. Fentanyl in pill form, if found in packaging, shall be double bagged in the packaging it was found.
 - iii. Fentanyl patches are to be treated as any other drug item. Packaged in plastic and heat sealed in one (1) bag.
 - iv. Red and black Fentanyl warning stickers are to be affixed to the outside of any packaging suspected to contain fentanyl.
 - v. The Investigative Support Division (ISD) is exempt from this process and shall adhere to their division SOP, but will follow the double bagging procedure and affix the red and black Fentanyl warning stickers.
 - i.vi. If there is a concern that an item has residual Fentanyl, it shall be packaged in plastic and heat sealed, to include latent packets.-
- 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 Unit Technicians shall dry the marijuana.
 - ii. When the marijuana is dry, Evidence Unit 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 that is puncture-resistant when tagging them.
- a. Department personnel may place other sharp items in plastic tubes, which shall be heat-sealed in plastic bags.
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. When tagging medication, Department personnel shall:
- a. With the expectation of medication being returned to the owner, tag it separately from other drugs or paraphernalia in its original container in a clear plastic bag;
 - i. When feasible, Department personnel shall not mix medication or store it in a bag outside ~~stored in a bag outside~~ of the original container.
 - b. When tagging medications as found, or for safekeeping, tag it under the owner or finder's identification and contact information including, but not limited to the owner or ~~finders'~~ finder's name, address, and phone number and enter it into the evidence history by tagging personnel.



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

F. Jewelry

1. When tagging jewelry, Department personnel shall:
 - a. Tag the jewelry separately from any other items;
 - b. Seal the jewelry in plastic bags; and
 - c. Itemize the jewelry in the description field of PEMS.

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G. Firearms

1. When tagging firearms, Department personnel shall:
 - a. Heat-seal all firearms in plastic bags, with the initials of the employee who is tagging the items and the date across the seal written in permanent ink;
 - 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 them in the plastic heat-sealed bag with the firearm;
 - i. If necessary, National Integrated Ballistic Information (NIBIN) Unit personnel shall complete the Laboratory Firearms Evidence Trace Request.
 - c. Use the plastic barrel plugs or ties that have been provided by the Evidence ~~Disposition~~-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.
 - d. Properly categorize firearms that they have tagged into storage at the evidence warehouse within the PEMS by selecting one (1) of the following three (3) categories, including:
 - i. Evidence;
 - ii. Found; or
 - iii. Return to Owner.
 - e. Accurately enter all required information for firearms into the PEMS and shall ensure that it is properly categorized. The PEMS prompts the employee to fill out the sections on firearms and knives with any known information;
 - i. After completing this step, the system internally retains the information on firearms for a set period of time to allow for proper testing, evidence collection, and review by Department ~~National Integrated Ballistic~~



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- Information Network (NIBIN) personnel and Crime Gun Intelligence Center (CGIC) personnel.
1. This excludes firearms that are tagged under the category of "Return to Owner" in the PEMS.
 - f. Tag pellet or ball bearing (BB) firearms the same as regular evidence;
 - i. Pellet or BB firearms shall be tagged by affixing the evidence tag directly to the plastic bag.
 - ii. Pellet or BB firearms shall be noted as "toy gun".
 - g. Tag unfired ammunition and/or fired cartridge casings that are found in the firearm magazine or cylinder separate from the firearm and packaged separately; and
 - h. Submit fired cartridge casings for ~~the~~ the National Integrated Ballistics Information Network (NIBIN) System in the following manner:
 - i. Collect all fired cartridge casings;
 - 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 for the recovered firearm to be examined;
 - iii. If an ~~investigate~~ investigative lead is made, a Request for Forensic Service form is required from the Firearms and Tool Marks Unit (FATM) 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 Department personnel with information that assists in the investigation(s).
 2. Department personnel shall not tag or store black powder in evidence lockers at the area commands.
 - a. Department personnel shall turn all give give black powder to Evidence/~~Disposition~~ Unit personnel. Once Evidence/~~Disposition~~ Unit personnel receive the black powder, it is turned over to the Department's Bomb Squad.
 3. Department personnel shall not dismantle any firearm, such as removing the slide or any other internal parts.
 - a. Dismantling a firearm restricts the NIBIN/CGIC testing processes.
 - b. Rendering the firearm(s) safe for tagging purposes is still required as indicated in this Standard Operating Procedure (SOP).
 4. Supervisors shall ensure ~~shall~~ when reviewing Uniform Incident Reports ~~ensure~~ that any recovered firearm(s) are tagged into storage at the evidence warehouse as described in this SOP.
 - a. Evidence/~~Disposition~~ Unit personnel use information about firearms within a Uniform Incident Report for the purpose of tracking, retaining, and disposing of firearms.

H. Knives



1. When tagging knives, Department personnel shall:
 - a. Close the pocket or folding knives, when possible;
 - b. Keep hunting knives in the knife sheath unless trace evidence may be destroyed; and
 - 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.

I. Money

1. When tagging money, Department personnel shall:
 - a. Separate any money, regardless of the amount, from any other item and seal it in a plastic bag with the initials of the employee who is tagging the items and the date across the seal written in permanent ink; and
 - b. Tag and deposit all money, regardless of amount, in an area command evidence locker or mail-type drop box.
2. Department personnel shall not tag money as an item for safekeeping without the owner or finder's name, address, and phone number.
 - a. Found money shall be tagged as "unknown" in the owner field of PEMS.
3. Department personnel may not tag money 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 federal prosecution and federal forfeiture action has been established.
 - b. For consideration for forfeiture, the Department's policy is to adopt a minimum threshold of \$2,500.

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J. Personal Electronic Devices

1. When tagging personal electronic devices, Department personnel shall
 - a. Make efforts to ensure all personal electronic devices are disconnected from transmitting or receiving any electronic data;
 - b. Be heat sealed inside a standard plastic evidence bag with the initials of the employee who is tagging the items and the date across the seal written in permanent ink; and
 - c. Only tag one (1) device per bag.

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K. Safekeeping Property



1. Department personnel may tag property into PEMS as safekeeping when:
 - a. They have exhausted all other possibilities of disposing the property;
 - b. The owner is known; and/or
 - c. The owner has a permanent mailing address.
 2. Evidence/~~Disposition~~ Unit personnel shall not accept contraband for safekeeping.
 3. Department personnel may leave objects or articles of a non-evidentiary nature with 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. Department personnel shall document in their Uniform Incident Report when the property was left with next of kin at the scene, tagged into evidence, or disposed of due to safety or health concerns.
 - a. Department shall run their On-Body Recording Device (OBRD) when disposing of property due to safety or health concerns.
 5. Evidence/~~Disposition~~ Unit personnel shall not release items tagged for safekeeping to anyone other than the court or a person authorized to receive them by either a court order or the Department employee who tagged the item.
- L. Office of the Medical Investigator (OMI)
- The OMI is responsible for all evidence on the body of a deceased person.

5 2-73-6 Viewing and Checking Out Evidence

- A. Viewing and Checking Out Evidence from the Evidence/~~Disposition~~ Unit
1. Department personnel shall:
 - a. When they need items of evidence for court, notify the Evidence/~~Disposition~~ 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/~~Disposition~~ Unit;
 - i. The Department employee's immediate supervisor shall receive notice when the ~~checked-out~~checked-out property is not returned, or a signed Metro/Property Court Receipt is not returned to the Evidence/~~Disposition~~ Unit after three (3) working days.



- d. Be responsible for the chain of custody of all evidenced ~~evidence~~ 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 was admitted into court as evidence must be documented on a Metro/Property Evidence Court Receipt or similar form and returned to the Evidence ~~Disposition~~ 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 the court's evidence storage area pending the completion of the case.
 - e. Direct all questions from the public about items in evidence to the Evidence ~~Disposition~~ Unit
 - i. The public shall be advised to contact the Evidence ~~Disposition~~ Unit at (505) 823-4600 before proceeding to the MFSC.
2. The District Attorney's (DA) Office shall specifically state which 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 explicit permission from the DA'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~~ Attorney, or the DA's Office; and
 - 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 ~~Disposition~~ 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 collect 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.

7

2-73-7

Disposition of Evidence



A. General Guidelines

1. Evidence/~~Disposition~~ Unit personnel shall follow the requirements outlined in state statutes and shall require disposition authority from either the DA's Office, the City Legal Department, the investigating officer, and/or a Department supervisor or Bernalillo County Sheriff's Office (BCSO) supervisor, as appropriate, before disposing of property or evidence that is held by the Department.
2. The investigating officer or their supervisor must authorize the disposal of evidence for 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~~, the appropriate area commander shall complete the Disposition Review Letter through a Department Memorandum indicating the disposition of evidence.
 - a. Investigating sworn personnel must authorize the release of evidence in felony cases that is acceptable to the DA to release or dispose of.
 - b. Sworn personnel must report the disposition of all cases when returning evidence~~Evidence~~ to the Evidence/~~Disposition~~ Unit and indicate that the evidence is no longer needed.
 - i. Evidence/~~Disposition~~ Unit personnel shall send requests for the status of cases to sworn personnel on cases that have met statutory requirements or have received authorization from the DA to dispose of the related evidence.
 - ii. Sworn personnel shall advise Evidence Unit Technicians that 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/~~Disposition~~ 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 DA or has met the statutory requirements.
 - v. If after fifteen (15) calendar days, the officer does not respond to the request for a status from Evidence/~~Disposition~~ Unit personnel, the officer shall consider the request as being unacknowledged and report it to their immediate supervisor.
 - vi. Each fifteen (15) day period after the request goes unacknowledged, a request for a 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, Evidence/~~Disposition~~ Unit personnel shall assume that the evidentiary items that are the subject of the request are no longer needed and any Any misdemeanor evidence may be disposed of, consistent with SOP Evidence/~~Disposition~~ Unit (refer to SOP Evidence/~~Disposition~~ Unit for sanction classifications and additional duties).

N/A



4. Department personnel who are separating from City employment are required to meet with Evidence ~~/Disposition~~ Unit personnel before their departure.
 - a. Department personnel must supply the Evidence ~~/Disposition~~ Unit Manager with case disposition on all cases involving items of evidence tagged throughout the employee's career.
 - i. The Evidence ~~/Disposition~~ 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 departure process.
 - iii. When the employee who originally tagged the evidence is unknown, or is 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 their designee shall be sent a Disposition Review Letter requesting them to research the case the evidence was tagged for and determine if it can be disposed of.
 - v. The Evidence ~~e/Disposition~~ Unit requires a supervisor's authority to dispose of evidence that was tagged by an employee who no longer works for the Department. The supervisor authorizing the disposition shall complete the research and return the Disposition Review Letter to the Evidence ~~e/Disposition~~ Unit.

B. Disposition of Found Items

1. Department personnel shall:
 - a. Attempt to identify the owner and return the property; and
 - b. If contact with the owner cannot be made during their work shift, they shall tag the item into evidence as a found item.
2. Department personnel shall obtain pertinent information from the finding party, including their 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, Department personnel shall provide the owner the case number to assist them in the return of the item.
3. When unclaimed personal property, excluding firearms, has been left in the possession of the Department and has remained unclaimed by the true owner for more than ninety (90) days, Evidence ~~/Disposition~~ 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 or Dispose of Case Evidence

1. After a case has been assigned to a detective or case agent, the original officer relinquishes authority for that case.
 - a. The detective or case agent who assumes investigative responsibility for the case shall have the authority to release or dispose of case evidence.
 - b. If the detective or case agent is not listed in PEMS, they shall provide Evidence ~~Disposition~~ Unit personnel with documentation showing the authority to release or dispose of the evidence.
2. Sworn personnel shall not mislead Evidence ~~Disposition~~ 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~~ sign off to release or dispose of evidence as a favor to friends or community members.
 - b. 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 detective or case agent in charge of the case.

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D. Evidence Disposition Guidelines

1. Evidence ~~Disposition~~ Unit personnel shall retain custody of:
 - a. Felony evidence involving homicides, vehicular homicides, all sex crimes, child abuse involving great bodily harm, including deoxyribonucleic acid (DNA) samples from questionable suicides, if available, indefinitely, unless clear disposition authorization is obtained from the DA'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 DA'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 ~~Disposition~~ Unit for five (5) years. A juvenile victim who 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 an Investigative Bureau supervisor, unless clear earlier disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority;
 - e. Felony evidence that has been in the custody of the Evidence ~~Disposition~~ Unit for the term of the statute of limitations of the respective charge(s) (e.g., ten (10) years for a ~~second-degree~~ second-degree felony) and has no outstanding arrest warrants for the 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 DA's Office, investigating agency, and/or judicial authority;
- f. Misdemeanor evidence involving domestic violence, Driving While Intoxicated (DWI), or sex crimes that ~~has~~ has been in the custody of the Evidence/~~Disposition~~ 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 DA's Office, investigating agency, and/or judicial authority;
 - g. Misdemeanor evidence that has been in the custody of the Evidence/~~Disposition~~ 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 DA's Office, investigating agency, and/or judicial authority;
 - h. Suicide evidence involving a DNA sample shall be retained in the custody of the Evidence/~~Disposition~~ Unit indefinitely, unless clear disposition authorization is obtained from the DA's Office, investigating agency, and/or judicial authority; and
 - i. Suicide evidence that does not involve a DNA sample and has been in the custody of the Evidence/~~Disposition~~ 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 DA's Office, investigating agency, and/or judicial authority.

- 2. Department personnel shall process property for safekeeping, and found property for disposition per state statutes.
 - a. In the case of firearms in the process of being disposed of, Evidence/~~Disposition~~ Unit personnel are authorized to open packages to verify serial numbers through the National Crime Information Center (NCIC) database prior to destroying the firearms.

E. Amending Evidence Tags

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

7 2-73-8 **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;



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-73 (Formerly 2-08)

P&P Draft 09/06/2023

2. Seize all digital evidence according to the procedures that ensure the integrity of the seized items;
 3. Tag seized items as evidence or turn them over to the case agent;
 4. Attempt to extract digital evidence from electronic devices; and
 5. Be on-call to assist with on major cases.
- B. Department personnel shall make requests for digital extraction through the DIVRT/RCFL TFO.

REDLINED