



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-73

Effective: 10/25/17 Expires: 10/25/18 Replaces: 02/04/16

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

**2-73-1 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 Rules**

[6] 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. 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. 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. Also, the tagging officer will seal all evidence tagged either in plastic or paper bags. 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. 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.



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3. 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.
4. 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.
5. 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.
    - 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 and request that the Evidence Supervisor responds to the scene.
  - d. Ammunition will be stored in the lowest available empty locker.
6. 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



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2. The submitting officer will enter all articles into evidence through the OIM.
3. 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.
4. When entering evidence data into OIM, include the date of birth, social security number and complete address of the owner/finder in the "Add new person" field on the OIM screen.
  - a. 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".

[7] 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. 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. 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. 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.



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4. 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)
5. Multiple syringes may be placed in a sharps container for tagging.
6. 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.
7. 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. 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. 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. 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.



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F. Tagging Jewelry

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

[7] G. 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 in small plastic bags and tagged inside the bag with the firearm. Only one firearm may be tagged per bag/barcode.
2. 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. Evidence tags for firearms will be attached to the plastic bag.
4. 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. 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. Under no circumstances will tape or metal wire of any kind be used to affix ammunition, magazines, and holsters to the firearm.

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.
  - b. 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 time.
  - c. 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.
  - d. 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.
5. These guidelines will ensure the NIBIN System will operate properly and present personnel with information that will assist in the investigation.
  6. Firearms will not be disassembled before being tagged.



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7. 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 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. 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 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.

[7] I. Tagging of Cell Phones/Tablets/MP3 Players

1. All cell phones, 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.

[5] J. 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



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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 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.

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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.

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K. 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.



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L. Disposition of Evidence

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 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. 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.



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iv. 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 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.

2. Disposition of Found Items

- a. 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.
- b. 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.
- c. If the property is not claimed by the finding party within 30 days, it will be disposed of as provided by law.

3. Safekeeping Property: Submission and Disposition

- a. Property may be tagged into the Evidence Unit for safe keeping when:
  - i. The officer has exhausted all other possibilities of disposing of the property.
  - ii. The owner is known.
  - iii. The owner has a permanent mailing address.

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- b. 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.
  - i. The date, time, and method of notification will be noted on the evidence tag and OIM.



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- ii. The officer will also notify the owner of the operational hours of the Evidence Unit.
  - c. 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.
  - d. 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.
  - e. No contraband will be accepted for safekeeping.
  - f. 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.
4. Authority to Release/Dispose of Case Evidence
- a. 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.
  - b. 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.
  - c. 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.
  - d. Officers/Detectives will not mislead evidence technicians into believing they have the authority to dispose of evidence when in fact they do not.
  - e. 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.



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5. The following purging policy outlines evidence disposition guidelines.
  - a. Felony Evidence involving Homicides, Vehicular Homicides, Capital Crimes, all Sex Crimes, Child Abuse with Great Bodily Harm (including DNA samples from questionable suicides if available) 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.
  - b. Felony 2nd Degree Evidence as listed in the DA's Charge Code listing that has been in the custody of the Evidence Unit for ten (10) years and has no outstanding arrest warrants for the defendant/co-defendant(s) shall be reviewed and approved for disposition by the assigned detective or investigation division personnel. (DA authorization is not required)
  - c. 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)
  - d. 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. (DA authorization is not required)
  - e. 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. (DA authorization is not required)
  - f. Safekeeping/Found Property will be processed for disposition per New Mexico State Statutes.
  - g. Video and audio captured by Department personnel will be retained and purged according to SOP.

M. Amending Evidence Tags for Safekeeping and Found Items

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 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.