



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

SOP 1-41 (Formerly 3-04 and 5-6)

Effective: 10/21/22 Review: 10/21/23 Replaces: 09/16/2019

## 1-41 EVIDENCE UNIT

### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-73 Collection, Submission, and Disposition of Evidence and Property \(Formerly 2-08\)](#)

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, §§ 7-8A-1 through 7-8A-31 Uniform Unclaimed Property Act  
NMSA 1978, § 29-1-13 Unclaimed Property; Inventory  
NMSA 1978, § 29-1-14 Unclaimed Property; Authority to Sell; Notice of Sale; Deadly Weapons, Controlled Substances, and Other Contraband Excepted  
NMSA 1978, § 29-1-15 Proceeds of Sale; Title to Property Vests in Purchaser  
Resource Conservation and Recovery Act of 1976

D. Rescinded Special Order(s)

SO 18-38 Production of Videos through Downloadable Links and Physical Copies Where a Request Has Been Made to the APD Evidence Unit

### 1-41-1 Purpose

The purpose of this policy is to outline the procedures for Albuquerque Police Department (Department) personnel to maintain the integrity of all evidence and non-evidentiary items, to protect the chain of custody, to protect evidence from degradation, and to ensure that evidence is maintained in the condition that it was received in when it was submitted to the Evidence Unit.

### 1-41-2 Policy

It is the policy of the Department to maintain the integrity of all evidence and non-evidentiary items in the evidence warehouse, to comply with the legal standards for evidence handling and storage, and to maintain the chain of custody.

### N/A 1-41-3 Definitions

None

### 7 1-41-4 Responsibilities



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A. Evidence Unit personnel shall:

1. Properly handle all evidence and non-evidentiary items within the evidence warehouse to comply with the legal standards for evidence handling and storage and to maintain chain of command;
2. Properly research assigned cases in a timely manner;
3. Provide prompt, courteous service at the evidence counter, evidence warehouse service window, and over the phone;
4. Accurately enter and update any item of evidence they handle during their duties into the property evidence management system as soon as possible, but no later than the end of the employee's shift; and
5. Be responsible for the security of the evidence warehouse and all evidence and non-evidentiary items by ensuring that physical access is limited to authorized personnel and that they enforce all security measures.

B. Evidence Unit personnel shall be the only personnel authorized to be in the evidence warehouse during the time they are scheduled to work.

1. An Evidence Unit Supervisor must provide prior authorization to Evidence Unit personnel for after-hours access to the evidence warehouse.
2. Evidence Unit personnel who admit any one into the evidence warehouse without a supervisor's prior approval is grounds for disciplinary action, up to and including termination.

C. Public Relations

1. All Evidence Unit personnel shall attempt to assist requestor(s) in resolving any inquiry before referring them to another unit or employee.
  - a. Evidence Unit personnel shall make every effort to assist requesters who come to the Evidence Unit without making an appointment in advance.
  - b. Evidence Unit personnel shall make every effort to assist the requester even if they do not have pertinent information, such as a case number.

D. Security

1. Only authorized Evidence Unit personnel shall have unescorted access to the evidence warehouse.
  - a. Evidence Unit personnel shall escort all other persons who are in the evidence warehouse at all times.



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2. An Evidence Unit employee shall immediately report any breach in security to an Evidence Unit Supervisor. Breaches in security include, but are not limited to:
  - a. When Evidence Unit personnel or non-Evidence Unit personnel gain access to an area they are not authorized to be in; or
  - b. When another Evidence Unit employee mishandles or tampers with evidence.
3. Failure to report a security breach as outlined in this Standard Operating Procedure (SOP) shall result in disciplinary action.
4. All Evidence Unit personnel are issued a personal locker with a key lock in the locker room to secure the facility.
  - a. Evidence Unit personnel shall secure all personal belongings, including, but not limited to, purses, backpacks, and workout bags in their locker.
  - b. Evidence Unit personnel shall be aware that there is no expectation of privacy in the lockers.
    - i. An Evidence Unit Supervisor shall be authorized to search the lockers at any time.
5. Evidence Unit personnel shall escort visitors and be physically present with the visitor(s) during their visit to the evidence warehouse.
  - a. Evidence Unit personnel shall document in the visitor's log book the time the visitor enters and exits the area by placing the exit time and the Evidence Unit employee's initials in the appropriate box adjacent to the visitor's signature and the purpose of their visit.
  - b. Evidence Unit personnel shall document the reason for the visitor's visit in the visitor's log book and place their initials at the entry in the visitor's log book.
6. At no time shall there be fewer than two (2) Evidence Unit Technicians in the evidence warehouse during regular working hours to ensure accountability and safety.
7. The Evidence Unit Supervisor or their designee shall activate/deactivate the evidence warehouse alarm at the beginning and end of each day.

E. Evidence Warehouse Safety Rules

1. Department personnel shall only use safety steps or ladders for climbing while working with evidence to help reduce the risk of injury.
  - a. Department personnel shall not stand on or use shelving, boxes, or bins as stepping or climbing tools.



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2. Evidence Unit personnel shall store and secure evidence so that it does not fall, slide, or strike against other evidence to protect the safety of personnel and prevent evidence from being damaged.
3. All Evidence Unit personnel shall be familiar with building evacuation in case of a bomb threat, fire, or other emergencies.
4. Department personnel shall not bring food and/or drinks into the vaults, fire room, or freezers. This protects evidence from contamination and protects Department personnel from potential pathogens.

F. Records and Administration

1. Evidence Unit personnel shall assist with the maintenance of electronic records and files.
  - a. Electronic records and files shall reflect the status of all property held by the Evidence Unit.
2. Evidence Unit Database Use
  - a. Evidence Unit personnel shall use the appropriate property evidence management system to ensure an accurate chain of custody is maintained for every item of evidence through an electronic tracking system.
    - i. If the tracking system is not functioning for any reason, the Evidence Unit supervisor may authorize alternative methods of tracking evidence until the situation is resolved.
    - ii. Once the evidence management system is available, Evidence Unit personnel shall immediately enter the records into the tracking system.
  - b. Evidence Unit personnel shall use the property evidence management system to maintain an indefinite file of approved user access and change requests, which shall be maintained by proper Evidence Unit personnel.
    - i. User requests shall be directed to the Evidence Unit Supervisor for approval.
      1. The Evidence Unit Supervisor or their designee shall approve user access and change requests.
3. Evidence Files and Logs
  - a. Evidence Unit personnel shall maintain electronic evidence logs.
  - b. Evidence Unit personnel shall use the property evidence management system to update, reference, and maintain all court orders, Brady bill checks, disposition letters, and other records relating to evidentiary and non-evidentiary items stored within the evidence warehouse.
4. Inventories, Inspections, and Audits

N/A



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- a. Evidence Unit personnel shall maintain an up-to-date inventory of all property held within the evidence warehouse through the property evidence management system.
- b. Evidence Unit personnel shall conduct annual bin audits to ensure quality control of items stored within the bins.
  - i. The Evidence Unit supervisor shall house these audits.
- c. A Department supervisor who is not routinely or directly connected to the Evidence Unit shall conduct an annual audit of the evidence stored to ensure that the Evidence Unit is maintained in a clean and orderly fashion and that the integrity of the property is maintained.
- d. Performance Metrics Unit (PMU) personnel may conduct unannounced inspections of the Evidence Unit at the direction of the Chief of Police.
  - i. All Evidence Unit personnel shall fully cooperate with Compliance and Oversight Division personnel.
- e. Evidence Unit personnel shall request PMU personnel to conduct any audits of evidence before disposal or destruction.

G. Categories of Property or Evidence

1. Destruction

- a. When Department personnel tag property or evidence designated as contraband and tagged as an item to "Destroy," Evidence Unit personnel shall retain the property or evidence for a minimum of ninety (90) days before destroying it to ensure that the property does not possess evidentiary value.

2. Found Items

- a. When Department personnel tag property or evidence designated as a "Found Item," Evidence Unit personnel shall store the item for a minimum of ninety (90) days.
  - i. After the ninety (90) days, the Evidence Unit Technician shall send a letter on City of Albuquerque letterhead advising the finder that the item(s) must be claimed within the following ninety (90) days and that the Evidence Unit will hold the item for a total of one-hundred and eighty (180) days.
  - ii. If the property is not claimed after one-hundred and eighty (180) days, it shall be properly disposed of, pursuant to NMSA 1978, §§ 29-1-13 through 29-1-15.
  - iii. If the property is not claimed by the owner after the first ninety (90) days, it may be released to the finder during the second ninety (90) day period, pursuant to NMSA 1978, §§ 7-8A-1 through 7-8A-31.
    1. Firearms, ammo, and contraband are exempt.

3. Return to Owner



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- a. When Department personnel tag property or evidence designated as a "Return to Owner" item, they shall list the owner and the owner's contact information in property evidence management system.
  - i. Evidence Unit personnel shall store all property designated as "Return to Owner" for ninety (90) days.
  - ii. Evidence Unit personnel shall send a letter on City of Albuquerque letterhead to the owner requesting that they retrieve the property.
  - iii. Evidence Unit personnel shall make every reasonable effort to contact the property owner to inform them of the property's location and the necessity to pick up the property designated as "Return to Owner." If other means or avenues of contacting the property owner are available, Evidence Unit personnel shall attempt to contact them using those means.
    1. Evidence Unit personnel shall include in the notification that the property owner has ninety (90) days from the date the item was tagged to pick up their property.
    2. If the owner fails to retrieve their property, Evidence Unit personnel shall dispose of it consistent with this Standard Operating Procedure (SOP) and NMSA 1978, §§ 29-1-13 through 29-1-15.

4. Misdemeanor/Felony Evidence

- a. Evidence Unit personnel shall retain all property tagged as misdemeanor/felony evidence until the Evidence Unit is notified by the case agent, a designated supervisor, signed court order, or the District Attorney (DA)'s Office of the completion of the case or if it has met statutory requirements.

H. Evidence Handling

1. Packaging

N/A

- a. Department personnel shall package all evidence or property consistent with SOP Collection, Submission, and Disposition of Evidence and Property (refer to SOP Collection, Submission, and Disposition of Evidence and Property for sanction classifications and additional duties).
- b. The Evidence Unit Technician shall immediately notify a supervisor if the item's packaging is compromised.
  - i. The supervisor and the Evidence Unit Technician shall reseal the item, initial and date the packaging, and make a notation in the property evidence management system.
- c. The Evidence Unit Technician shall notify their supervisor immediately and call a firearms expert from the Metropolitan Forensic Science Center (MFSC) or sworn personnel who are trained in handling a firearm to render a weapon safe and/or unload the weapon if a weapon is found to be loaded.

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2. Rejected Evidence and Property



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- a. When Evidence Unit Technicians collect evidence or property from an off-site tagging location and the items have been improperly tagged or otherwise require rejection, they shall take the item to the MFSC where it will be stored.
- b. Department personnel shall fix rejected evidence within five (5) working days.
  - i. If the employee tagged the item fails to fix the rejected evidence within five (5) days, Evidence Unit personnel shall notify the employee's immediate supervisor via email.

### 3. Storing Property

- a. Evidence Unit personnel shall:
  - i. Take all property to the MFSC, where it shall be stored in designated areas depending on the item type;
  - ii. Store items requiring extra security measures such as firearms, narcotics, cash, and jewelry in their respective vaults;
    1. Items that require extra security measures shall remain in their vaults until they are properly disposed of.
  - iii. Store all other evidence or property in bins or shelf areas depending on their size; and
  - iv. Store only authorized items outside the evidence warehouse.

### I. Releasing Evidence and Property

1. Evidence Unit personnel shall ensure that Department personnel who inquire about evidence present documentation such as Case Agent, tagging officer, or outside agency identification to ensure that they have the authority over the case to release or dispose of evidence/property.
  - a. If the Evidence Unit Technician does not recognize the officer, they shall ask for official identification.
2. Evidence Unit personnel shall only release evidence under the following circumstances:
  - a. By a court order that has been signed by a judge;
  - b. By authorization of the submitting officer, investigating officer, or their respective supervisor; or
  - c. By authorization of the City Attorney or the Department's legal counsel.
3. If Evidence Unit personnel have reason to question the authenticity of a court document, they shall request for the Evidence Unit supervisor or their designee to review copies of the documents authorizing the release or disposition of any items of evidence including, but not limited to, court orders and DA's Office letters.
  - a. Court orders shall have the case number, inventory, or amount of money to be released and the judge's signature authorizing the release.





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- i. Evidence Unit personnel shall retain the original court order on file, and a copy shall be given to the requestor.

4. Evidence Unit personnel shall capture all information about the release of evidence or property in the property evidence management system, including scanning court orders, DA's Office letters, and/or the signature of the releasing person and the person receiving the item.
5. The Evidence Unit supervisor shall respond to any escalated inquiries regarding the release of evidence or property.

J. Requests for Audio/Video Copies and Reproduction

1. All internal and external audio and video copy requests shall be submitted through the Evidence Unit email at [apdevidence@cabq.gov](mailto:apdevidence@cabq.gov). Speed letters must be included when applicable.
2. Requests for copies of on-body recording device footage shall be shared via Evidence.com.
- N/A

 3. If requested by an authorized entity, including but not limited to the District Attorney, the City Attorney's Office, or the Civilian Police Oversight Agency (CPOA), Evidence Unit personnel may modify the scheduled auto-deletion for non-evidentiary videos to prevent its deletion.
- N/A

 4. The disposition of evidentiary videos shall follow the same policy as other evidence, consistent with SOP Collection, Submission, and Disposition of Evidence and Property (refer to SOP Collection, Submission, and Disposition of Evidence for sanction classifications and additional duties).

K. Final Disposition of Property/Evidence

1. Evidence Unit personnel shall follow guidelines pursuant to NMSA 1978 §§ 29-1-13 through 29-1-15 and shall require written disposition authority from the DA's Office, the City Attorney's Office, the investigating officer, a Department/Bernalillo County Sheriff's Office sergeant, or above, or an Evidence Unit supervisor as appropriate before the disposition of property/evidence is held by the Department.
2. Evidence Unit personnel shall complete the final disposition for found items, recovered, and evidentiary property as soon as possible after all legal requirements have been satisfied.
  - a. Any auction, destruction, or transfers shall be done in compliance with NMSA 1978, §§ 29-1-13 through 29-1-15.
3. Evidence Unit personnel shall verify the proper and legal final disposition of the items before disposing of any item in their custody.





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4. PMU personnel have the authority to conduct a physical inspection of the items being disposed of during the disposition process and shall be notified of the final disposition.
  - a. PMU personnel shall have the authority to stop any destruction process because of discrepancies in the evidence destruction list or the inspection of the items.
  - b. The Evidence Unit shall be responsible for documenting all destructions/disposals and forwarding this report to the Inspections Unit.
5. The Evidence Unit shall not return any contraband to any party involved in the seizure of the items without proper authorization. The Evidence Unit's policy is to dispose of these items by destroying them after receiving a court order.
6. Evidence Unit personnel shall dispose of drug lab chemicals, equipment, or biohazard items that are not needed for prosecution consistent with the Resource Conservation and Recovery Act of 1976.
7. Weapons not claimed by or otherwise returned to the owner may be disposed of as follows:
  - a. After obtaining a court order, Evidence Unit personnel shall place all weapons that are designated as usable by the MFSC in the MFSC forensic firearms armory/library for future reference and investigative purposes;
    - i. Evidence Unit personnel shall ensure that all investigative and court orders related to the weapons have been met prior to transferring the weapon.
  - b. Evidence Unit personnel shall transfer all weapons that do not meet Department standards of serviceability and are needed for ballistics information to Firearms Unit personnel; and
    - i. Evidence Unit personnel shall transfer the weapons after all legal requirements have been completed.
  - c. Evidence Unit personnel shall destroy any firearm that does not fit the above categories. This includes, but is not limited to, machine guns, sawed-off shotguns, rifles, firearms with obliterated serial numbers, and other crime-involved firearms.
8. Evidence Unit personnel shall give property conversion requests to the Scientific Evidence Division (SED) Commander for final approval.

N/A