



1-41 EVIDENCE UNIT

Related SOP(s):

[5-5 Scientific Evidence Division](#)

[2-9 Use of Computer Systems](#)

[2-73 Submission of Evidence, Confiscated Property, and Found Items](#)

1-41-1 Purpose

The purpose of the Evidence Unit is to maintain the integrity of all evidence, found items, and property held for safe-keeping by the Albuquerque Police Department, the Bernalillo County Sheriff's Office, and other outside agencies with the highest quality of professionalism, fairness, and respect.

1-41-2 Policy

It is the policy of the Evidence Unit to maintain the integrity of all evidence, found items, and property held for safe-keeping.

1-41-3 Rules and Responsibilities

A. Evidence

1. Personnel will be responsible for the proper handling of all items of evidence, lost and found property and items held for safekeeping.
2. Personnel is also responsible for the proper researching of assigned cases in a timely manner.
3. Personnel will be responsible for providing prompt, courteous service at the evidence counter, warehouse service window, and over the phone.
- 7 4. Personnel is responsible for accurately entering and updating any item of evidence they process during the course of their duties into the Evidence Management System as soon as possible but no later than the end of the individual's shift.
- 6 5. Evidence Technicians are only authorized to be in the Evidence Warehouse during the time for which they are scheduled to work. Any admittance into the warehouse without a supervisor's prior approval is grounds for disciplinary action up to and including termination.

7 B. Public Relations



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Effective: 09/16/19 Review: 09/16/20 Replaces: 10/25/17

1. All assigned personnel will make every attempt to assist in resolving any inquiry before a client is directed to another unit or individual. Additionally, clients who come to the Evidence Unit without making an advance appointment will not be denied assistance. Every effort will be made to assist them even if they do not have pertinent information such as a case number.
2. Utilization of City or personal phones by employees for personal business will be kept to an absolute minimum.

C. Security

1. Only authorized Evidence personnel will have unescorted access to the evidence warehouse. Security for the evidence warehouses and all items of evidence are the responsibility of all employees of the Evidence Unit. Any breach in security (i.e.: either evidence employees or non-evidence employees in unauthorized areas, mishandling of evidence to tampering with evidence) will be reported to an Evidence Supervisor immediately. Failure to report items described above will result in disciplinary action.
2. All evidence employees will be issued a personal locker in the locker room along with an issued key lock. All personal belongings (purses, backpacks, workout bags, etc.) must be secured here. Employees should be aware that there is no expectation of privacy in these lockers, and they are subject to search by a supervisor at any time.
3. Employees shall escort visitors and be physically present with the individual(s) during their presence at the unit.; Employees shall document on the visitor's logs the time the visitor exits the area by placing the time of exit and their initials in the appropriate box adjacent to the visitor's signature and purpose of visit.
4. At no time will there be fewer than two evidence technicians in the warehouse during normal working hours to ensure security and safety.
5. Personnel will ensure that all evidence is returned to the warehouse and updated in the Evidence Management System at the end of the day.
6. The warehouse alarm is to be activated at the end of each day by the Evidence Unit Supervisor or designee.

D. Safety



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1. Only safety step stools or ladders for climbing will be used. Employees will not stand on swivel chairs or use them as stepping stools.
2. Evidence will be stored in such a manner, so there is no danger from sliding, falling, or presenting a hazard by striking against it.
3. All employees will be familiar with building evacuation in case of a bomb threat, fire, or other emergencies.
- 7 4. Food and drinks are not permitted in the vaults, fire room, or freezers.

E. Records and Administration

1. General

- a. It is the responsibility of each individual assigned to the Evidence Unit to assist in the maintenance of records and files. Records will reflect the status of all property held by the Evidence Unit.

2. Computer

- a. The Evidence Unit utilizes several Evidence Management Programs to ensure an accurate chain of custody for every item of evidence through an electronic tracking system. Should the system not function for any reason, the supervisor may authorize alternative methods of tracking evidence until the situation is resolved. Once the Evidence Management System is available, all records will immediately be entered into the system.
- b. Evidence management software – user request will be forwarded to the Evidence management via interoffice correspondence for
- c. The Evidence Supervisor will maintain an indefinite file of approved user access/change requests.

3. Evidence Files/Logs

- a. The Evidence Unit shall maintain electronic logs.
- b. All court orders, Brady Bill Checks, disposition letters and any other records relating to items within the Evidence Unit will be maintained at the Evidence Unit.

4. Inventories/Inspections and Audits



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- a. Unit personnel will maintain an up-to-date inventory of property being held within the unit through the use of the Evidence Management System.
- b. Evidence staff will conduct periodic bin audits to ensure quality control of stored items within the bins. The Unit Supervisor will maintain these audits.
- c. An inventory/inspection of the Evidence Unit will take place whenever the person responsible for the unit is assigned to and /or transferred from the position. The inventory/inspection is to be conducted jointly by the newly designated property custodian and a designee of the Chief of Police to ensure that records are correct and properly annotated.
- d. An annual audit of the Evidence Unit will be conducted by a supervisor not routinely or directly connected with the Evidence Unit to ensure that the Evidence Unit is maintained in a clean and orderly fashion and that the integrity of the property is being maintained. The Chief of Police will schedule this audit. The Evidence Supervisor will forward a copy of this audit to the Performance Metrics Unit upon completion.
- e. At the direction of the Chief of Police, the Inspections Unit may conduct unannounced inspections of the Evidence Unit. All Evidence Unit staff members are expected to cooperate completely with the Performance Metrics Unit.
- f. The Evidence Unit will call upon the Performance Metrics Units to conduct any audits of evidence before disposal or destruction.

F. Categories of Property or Evidence

1. Officers shall tag property or evidence designated as contraband as an item to "Destroy."
 - a. The Evidence Unit will retain property or evidence for a minimum of 90 days before destruction to ensure there is no evidentiary value
2. Officers shall tag property or evidence designated as a "Found" Item.
 - a. The item will be held for 90 days.
 - b. If before, the technician will send a letter advising the owner the item(s) must be claimed within 90 days. The item will be held in our possession for 90 days.
 - c. If, after 90 days the property has not been claimed then it will be properly disposed of as per New Mexico State Statute sections 29-1-13 through 29-1-15 NMSA 1978.
 - d. Property not claimed by the owner after 90 days may be released to the finder in compliance with the Finders Law. Firearms, ammo, and contraband do not apply to this law.



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3. Officers shall tag property or evidence designated as a Safekeeping Item.
 - a. For an item to be accepted as safekeeping, an owner and contact information must be listed.
 - b. All items held for safekeeping will be held for 90 days.
 - c. When the item is submitted, a letter with APD/City of Albuquerque letterhead shall be sent to the owner requesting they retrieve the item(s).
 - d. Every reasonable effort should be made to contact the owner of the property to inform them of the items and the necessity to pick up the safekeeping items. If other means or avenues of contact are available, department personnel should attempt to contact the owners by those means.
 - e. In the notification, the owner of the property shall be given 90 days from the date the item was tagged in which to pick up their property. If the owner fails to retrieve their property, the property shall be disposed of per policy and per New Mexico State Statute sections 29-1-13 through 29-1-15 NMSA 1978.

4. Misdemeanor / Felony Evidence

- a. All items tagged as a misdemeanor/felony evidence shall be retained until such time the Evidence Unit has been notified as to the completion of the case, or it has met statutory requirements.

G. Evidence Handling

1. Packaging

- 7 a. All items being taken into the Evidence Unit shall be packaged according to SOP - Collection, Submission, and Disposition of Evidence and Property. Should any item's packaging become compromised, a supervisor shall be notified immediately. The supervisor and Evidence Technician shall reseal the item, initial and date the packaging and make a notation in the Evidence Management System.

- 6 b. If a weapon is found to be loaded, the Evidence Technician shall call a firearms expert from the lab or sworn personnel trained in the handling of a firearm to render the weapon safe and/or unload the weapon. A supervisor shall be notified immediately.

2. Rejected Evidence

- a. Evidence or property collected off-site that is improperly tagged or otherwise requires rejection will be taken to the Evidence Unit where the item(s) will be



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stored. Rejects should be fixed within five working days. If the reject is within five working days, the tagging officer's immediate supervisor will be notified.

3. Storing Property

- 7 a. All property taken into the Evidence Unit shall be stored in designated areas depending on the item. Items requiring extra security measures such as firearms, narcotics, cash, and jewelry shall be stored in their respective vaults. All other items of property will be stored in bins and shelf areas depending on their size.
- 5 b. Only authorized items may be stored outside the evidence warehouse.
- 6 c. Items with extra security measures shall remain in their vaults until they are properly disposed of.

H. Releasing Evidence

1. Technicians will make sure that officers releasing evidence present documentation to ensure that they have the authority of the case to release or dispose of evidence. If a technician does not recognize an officer, he or she should ask for official identification.
- 6 2. Evidence will only be released under the following circumstances:
 - a. Court order 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 APD legal counsel.
3. Copies of documents authorizing release or disposition of any items of evidence (Court Orders, D.A. Letters, etc.) may be accepted. If there is a question of authenticity, it shall be reviewed by an Evidence Supervisor or designee. Court orders will have the case number, inventory or amount of money to be released as well as the judge's signature authorizing the release.
- 7 4. When releasing property/evidence, all information about the release will be captured in the Evidence Management System to include scanning court orders, DA letters or the signature of the releasing person as well as the person receiving the item.
5. Any questions regarding the release of property should be directed to the Unit Supervisor.



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I. Requests for Audio/Video Copies and Reproduction

1. All requests for audio and video copies shall be submitted through the Evidence Unit email at apdevidence@cabq.gov. Speed letters must be included when applicable.
2. Requests for copies of Axon videos shall be shared via Evidence.com.
3. If requested by an authorized entity, (District Attorney, City Legal, CPOA, etc.), Evidence personnel may modify the scheduled auto-deletion for non-evidentiary videos to prevent its deletion.
4. The disposition of evidentiary videos shall follow the same policy as other evidence as described in SOP - Collection, Submission, and Disposition of Evidence and Property.

J. Final Disposition of Evidence/Property

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 investigation 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.
2. The final disposition of found, recovered, and evidentiary property shall be accomplished as soon as possible after legal requirements have been satisfied. Any auction, destruction or transfers shall be done in compliance with New Mexico State Statute sections 29-1-13 through 29-1-15 NMSA 1978.
3. Before disposing of any item in the custody of the Evidence Unit, the Evidence Unit is responsible for ensuring the proper and legal final disposition of the item. The Performance Metrics Unit will be notified and have the authority to conduct a physical inspection of the items being disposed of at any time during the process. The Performance Metrics Unit has the authority to stop any destruction process because of discrepancies in the list or with the inspection of the items. The Evidence Unit will be responsible for documenting all destructions/disposals and forwarding this report to the Inspections Unit.
4. The Evidence Unit will not return any contraband to any party involved in the seizure of the items without proper authorization. It is the policy of this unit to dispose of these items by destroying them after obtaining a court order.



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5. Drug lab chemicals and equipment or biohazard items that are not needed for prosecution will be disposed of by following E.P.A. guidelines concerning hazardous/ biohazard substances.
6. Weapons, which are not claimed by or otherwise returned to the owner, can be disposed of in any of the following methods:
 - a. Weapons, which are designated as usable by the Crime Lab, will be placed in the Crime Lab Forensic Firearms Armory/Library for future reference and investigative purposes after obtaining a court order. All investigative and court issues related to these weapons will have been met before transferring the weapon.
 - b. Weapons, which do not meet departmental standards of serviceability and are needed for ballistics information, will be transferred to the Criminalistics Firearms Unit. Which will be accomplished after legal requirements, as explained above, have been completed.
 - c. Any firearm that does not fit any of the above categories will be destroyed: i.e., machine guns, sawed-off shotguns, rifles, and firearms with obliterated serial numbers, and other crime involved guns.
7. All requests for conversion of property will be given to the Commander for final approval or disapproval.