

COLLECTION & PRESERVATION OF EVIDENCE

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I. GENERAL CONSIDERATIONS AND GUIDELINES

Physical evidence is extremely important to the prosecution of criminal cases. Therefore, it is important to have an understanding of what is, and what may potentially be, evidence. The identification, collection, and preservation of physical evidence is a critical function of law enforcement's efforts towards solving criminal acts. The ultimate success of this effort is closely related to the quality of the physical evidence which is identified, collected, and preserved. This is generally achieved through proper utilization of in-house identification and laboratory equipment (where available); investigative expertise and training; and utilization of services that are available from a wide range of laboratories, both government and private.

II. POLICY

It is the policy of this department to:

- A. Ensure the admissibility of evidence recovered at a crime/incident scene in court.

- B. Protect and process the crime/incident scene as appropriate;
- C. Properly collect, record, and preserve items recovered of potential evidentiary value; and
- D. Maintain a precise chain of custody shall be maintained for potentially evidentiary items.

III. PROCEDURES

A. Initial Response to a Crime/Incident Scene [83.2.1]

1. The first unit to arrive will be responsible for identifying, securing, and protecting the crime/incident scene as well as conducting the preliminary investigation in accordance with the departmental policy on **Preliminary Investigations**. Any contamination of the scene can greatly reduce the effectiveness of the department in successfully processing the scene.
 - a. The officer(s) shall ensure that the scene remains undisturbed by refusing access to unnecessary personnel;
 - b. No one should be allowed to pick up or place anything in the crime/incident scene area; and
 - c. Items of evidence shall not be handled unless health or safety factors require the immediate security or removal of an item.
2. Upon the arrival of a supervisor, [s]he will assume command of the scene. [S]he will ensure that sufficient personnel is available to secure and protect the scene, deny access to unauthorized persons, and preserve evidence.
3. The supervisor will evaluate the need for special units for search or investigative purposes, and notify the officer-in-charge of the station.

B. Processing Evidence at the Scene [83.2.1]

1. The nature and seriousness of the crime will determine the need and extent of processing required for a particular crime scene. Not all crime scenes require processing. Upon review of the circumstances of the crime, the supervisors and/or detectives at the scene will determine the specific needs of the crime scene and will be responsible for the appropriate crime scene processing.
2. The Chief of Police shall establish a system, either within the department or through an outside agency, to provide 24-hour availability of a crime/accident scene investigator for situations where a crime has been committed that involves physical evidence that must be collected promptly and submitted to a laboratory without delay. [83.1.1]
3. Normally, the crime scene will be processed by an investigator or detective.
 - a. The investigator/detective will be responsible for the protection, collection, recording, and preservation of evidence.
 - b. Depending upon the severity of the crime and investigation, [s]he shall also be responsible for assuring that the State Police or any other appropriate investigative agency is notified.
4. The department will maintain at least one Crime Scene Search Kit. Each kit will contain necessary equipment for securing and processing a crime scene. The kit will include equipment for: [83.2.4]
 - a. Recovering latent fingerprints;
 - b. Photographing a crime scene;
 - c. Sketching the scene; and
 - d. Collecting and preserving physical evidence.
5. Whenever possible, one detective/investigator should be assigned as the collector of the evidence to be responsible for

marking or tagging each piece of evidence located for identification and shall be responsible for submitting a completed evidence/drug form on all evidence collected.

6. Evidence shall be collected, packaged, and sealed in a manner so that it is not damaged, destroyed, altered, or contaminated. (The "Handbook of Forensic Science," Department of Justice, Federal Bureau of Investigations, should be consulted for the proper methods.)
7. **FINGERPRINTS:** The most common form of physical evidence appears as articles bearing fingerprints. Fingerprints are most prevalent on non-porous surfaces (glass, bottles, windows, some metal surfaces). Prints may also be developed from firearms, knives, and tools. In addition, recent advances make the gathering of fingerprints from other items possible as well (e.g., dead bodies).
 - a. Fingerprints shall be lifted, developed, processed and labeled consistent with officer training. [83.2.3]
 - b. Latent fingerprint evidence will be obtained at the scene by the investigator assigned to the scene. If this is not possible, as much of the evidence as possible shall be brought to the station for processing.
8. **SEIZURE OF COMPUTER EQUIPMENT:** Computer equipment can be severely damaged or data lost due to improper shutdown procedures. [83.2.5]
 - a. Non-operating computer equipment, disks, and peripheral equipment shall be seized in the same manner as other evidence.
 - b. Operating computer equipment shall be correctly shut down by an officer familiar with the operation of computers before being transported.
 - c. Equipment should be examined by a person skilled in computer operation prior to start up in the event that the computer is programmed to erase or destroy data if certain procedures are not followed.
9. **COLLECTING FROM KNOWN SOURCE:** When evidence has been identified, every effort should be made to collect the entire object. If the entire object cannot be collected, the

largest possible sample should be obtained for laboratory analysis. Materials and substances should be collected from a known source, whenever available, for submission to the laboratory for comparison with physical evidence collected.
[83.1.2]

10. When processing crime scenes that require photographs and/or sketches, evidence should only be collected after it has been photographed, identified on the crime scene sketch, and measured to other items of evidentiary value and fixed objects.
11. The detectives/investigators should summon the services of specialists (e.g., lab personnel, latent print specialists, etc.) when the collection of physical evidence requires greater expertise or special equipment.

C. **Photographing or Video Taping the Crime/Incident Scene** [83.2.2]

1. When a visual record is required as part of the processing of a crime scene, photographs or a video tape of the scene shall be taken by departmental personnel trained as photographers.
2. A detective trained as a photographer will be assigned to photograph/video the crime scene. The entire scene should be photographed or video taped prior to the collection of any evidence.
3. A photographic/video log will be maintained of each video or photograph taken noting:
 - a. The date, time, and location;
 - b. The case/incident number;
 - c. The camera used;
 - d. The lenses used;
 - e. The San Disk or storage used
 - f. The lighting used.

4. When a scale is to be used in the field of view so that the exact size of an object can be determined, a separate photograph will also be taken without the scale.
 - a. The same camera position, lighting, and camera settings will be used.
 - b. Alternatively, the dimensions of a fixed object in the scene can be taken to provide a scale of reference.
5. Photographs/video tapes of crime/incident scenes and/or evidence shall be maintained in the appropriate case file.

D. Sketching the Crime/Incident Scene

1. Because photographs provide only a two-dimensional representation of the crime scene, a sketch will be necessary in serious cases.
2. The sketch shall contain the following:
 - a. Measurements;
 - b. Compass direction;
 - c. Scale or proportion;
 - d. Relation of the crime scene to other buildings;
 - e. Geographical features or roads;
 - f. Address, floor, or room number, as appropriate;
 - g. Location of significant features of the scene, including the victim, date, and time of preparation;
 - h. Names of persons preparing the sketch;
 - i. Location of items of physical evidence recovered; and
 - j. A legend.

E. Motor Vehicles

1. Any vehicle recovered and/or seized as evidence that has been used, or is suspected of having been used in the commission of a felony, will be considered a crime scene and processed as such prior to the release of the vehicle to the owner.

F. Laboratory Submission

1. General Requirements

- a. The Property/Evidence Officer, upon receipt of evidence, shall submit the evidence for analysis as soon as is practicable. When a doubt exists as to the proper disposition of evidence, the Property/Evidence Officer shall consult with a department evidence technician and be guided by his/her advice. [83.3.2(a)]
- b. Evidence shall be packaged in a uniform manner consistent with the requirements of the receiving laboratory. [83.3.2(b)]

2. Non-Perishable Evidence:

- a. Non-perishable shall be tagged in accordance with departmental procedures and turned over directly to the Property/Evidence Officer. When the Property/Evidence Officer is not on duty, evidence shall be *[insert specific procedure here]*.

3. Submission of Perishable Evidence

- a. When an item of evidence has been collected that by its very nature may deteriorate (for example, a liquid sample of semen, a gasoline soaked item, etc.), it should be transported to the laboratory as soon as possible and in no case should transportation be delayed for more than several hours.
- b. Any time that a perishable item is to be transported to the crime laboratory for analysis, the laboratory

should be called first so that they will be prepared to receive the item.

- c. Officers shall submit all documentation received from the laboratory and a copy of their report to the Property/Evidence Officer.
- d. In those cases where immediate transport to the crime laboratory is not possible, items should be preserved according to departmental procedures.

4. ***Submission of Hazardous, Flammable Evidence***

- a. An evidence locker shall be maintained for hazardous and/or flammable evidence.
- b. Officers placing items in this locker must submit a complete report to the Property/Evidence Officer.
- c. The Property/Evidence Officer shall consult with Fire Department officials and the Commanding Officer - Detective Division to make certain that the evidence is stored and processed in a manner that will ensure both safety and the admissibility of the evidence.

5. ***Submission of Evidence to be Fingerprinted***

- a. Officers submitting evidence that they believe may contain fingerprints of evidentiary value must note this on their report.
- b. An evidence tag shall be affixed to the outside of any locker containing fingerprint evidence to forewarn the Property/Evidence Officer.

6. ***Documentation***

- a. Officers submitting evidence for analysis shall specify in their report what is to be analyzed and what analysis is requested.
- b. Transmittal documents shall accompany all items to the laboratory and chain of custody procedures shall be followed. [83.3.2(c)(d)]

- c. The results of all laboratory analysis shall be in writing, signed by the analyst, and notarized when possible. [83.3.2(e)]

G. Report [83.2.6]

1. The detective or investigator responsible for processing the crime/incident scene, shall submit a detailed report of the investigation to his/her supervisor as soon as possible. The report shall include:
 - a. The date and time of arrival to the scene;
 - b. The location of the crime;
 - c. The names of the victims, if known;
 - d. The name of the suspect, if known;
 - e. The department incident number;
 - f. The actions taken at the scene, including photographs, measurements, and a listing and disposition of physical evidence recovered; and
 - g. The name of the laboratory to which evidence was sent for analysis.
2. In the event photographs are not taken, or physical evidence is not obtained at a crime scene of a serious nature, the reasons for this will be noted in the crime/incident scene investigation report.

H. Evidence Inventory and Chain of Custody [83.3.1]

1. After properly packaging and marking all evidence recovered, the detective/investigating officer will be responsible for compiling a complete inventory list of these items. This list will include:
 - a. A description of the items (including make, model number, and serial number, if any);
 - b. The source (from whom or which location items were obtained);

- c. The name of the person collecting the item or items;
and
 - d. The evidence control and/or incident number
assigned.
- 2. In addition, this inventory list shall include a transfer record
for chain of custody purposes. Each time evidence is
transferred to the custody of another party, for whatever
acceptable purpose, a record of each transfer shall be made
to include:
 - a. The date and time of transfer;
 - b. The receiving person's name and functional
responsibility;
 - c. The reason for the transfer; and
 - d. The name and location of the laboratory, synopsis of
the event, and examination desired, when transferred
to a laboratory not within the department.