

COLLECTION & PRESERVATION OF EVIDENCE

WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 6.01	EFFECTIVE DATE: 03/31/2022
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I. GENERAL CONSIDERATIONS AND GUIDELINES

Physical evidence is an extremely important component for the prosecution of criminal cases. The successful presentation of evidence at trial includes documenting where the evidentiary item was found, who has had possession of it, where it has been after being collected, and what forensic testing was done along its journey to the court.

Given the scientific nature of much of the evidence today, officers must be even more vigilant to protect crime scenes from contamination, and those who collect evidence must take great care not to contaminate the evidence at the scene, during packaging, or during processing.

In addition to in-house personnel, state and federal evidence processing resources are available to police departments to augment their collecting and processing of evidence. In some cases, specialized state crime scene personnel have the expertise and equipment to provide a more detailed search for forensic evidence. They often can collect more and better evidence, shorten the chain of custody by bringing the items directly to the lab, and help to avoid the collection of unnecessary items that can burden the property and evidence function.

II. POLICY

It is the policy of this department to:

- A. Protect and process the crime/incident scene as appropriate;

- B. Properly collect, record, and preserve items recovered of potential evidentiary value;
- C. Maintain a precise chain of custody for potentially evidentiary items; and,
- D. Ensure the admissibility of evidence recovered at a crime/incident scene in court.

III. PROCEDURES

A. Crime Scene Processing Resources

EQUIPMENT AND SUPPLIES:

This department provides crime scene technicians with equipment and supplies used for conducting their specialty tasks, as determined by the Chief of Police.

AVAILABILITY:

State Police points of contact and telephone numbers are available in dispatch in the Resource Manual.

COLLISION RECONSTRUCTION:

Traffic collision reconstruction personnel may be requested as authorized by the shift supervisor. These include department personnel, other area departments and the State Police.

COMMERCIAL VEHICLE INSPECTIONS:

Commercial Vehicle Inspection personnel may be requested through the State Police Truck Team as authorized by the shift supervisor.

LATENT FINGERPRINT RECOVERY:

Latent fingerprint recovery personnel may be requested by the shift supervisor through the State Police Crime Scene Services.

PHOTOGRAPHY:

Photography personnel may be requested by the shift supervisor through the State Police Crime Scene Services.

CRIME SCENE SKETCH:

Specialized crime scene diagramming and mapping personnel are available for certain crime scenes and may be requested by the shift supervisor through the State Police Crime Scene Services.

PHYSICAL EVIDENCE COLLECTION AND RECOVERY:

In most cases, physical evidence will be recovered by department personnel conducting preliminary or follow-up investigations.

Physical evidence recovery personnel may be requested by the shift supervisor through the State Police Crime Scene Services. These personnel resources may be summoned for incidents where:

- There is a large volume of recoverable evidence.
- The evidence is of such a nature that the services of specially trained persons are necessary for recovery.
- Such cases may include:
 - Recovery of DNA evidence;
 - Perishable fingerprints on portable items;
 - Firearms which could be loaded, containing fingerprint or DNA evidence that officers at the scene are unfamiliar with; and
 - Explosive devices and infernal machines.

TRACE AND BODY FLUID EVIDENCE RECOVERY: Trace and body fluid evidence recovery personnel may be requested by the shift supervisor through the State Police Crime Scene Services.

B. Initial Response to a Crime/Incident Scene

PRELIMINARY INVESTIGATION

Some crime scenes can be processed by patrol personnel conducting preliminary investigations. This will be determined by:

- The nature of the incident;
- The volume of potential evidence;
- The need for any special skills in collecting evidence; and
- The availability of patrol officers and the Investigator.

Normally, the first units to arrive will be responsible for identifying, securing, and protecting the crime/incident scene as well as conducting the preliminary investigation (see the department policy ***1.05 - Preliminary Investigations***).

The Investigator, if available, may respond directly to a crime scene while on duty or may be called at the direction of the Chief of Police who has evaluated the need for the Investigator.

PRIMARY CASE OFFICER DUTIES:

Not all crime scenes require processing. Upon arrival at a crime scene, the primary case officer should:

- Ensure that the scene has, in fact, been secured.
- Obtain information about the nature of the incident.
- Inquire as to what potential evidence items have been located and what, if any, has been recovered.
- Enquire as to contamination of the crime scene, if any, and to what degree contamination may have occurred prior to the arrival of the investigator.
- Determine what types of evidence, if any, may be collected and what resources will be needed.

- Adjust the secured crime scene area, larger or smaller, as appropriate.

C. Crime Scene Processing Plan

To avoid contaminating, missing, or destroying evidence, and to ensure that evidence is properly collected and documented, it is important to process the scene methodically.

A simple crime scene may be processed by one or two officers. A larger or more complicated crime scene will require the assistance of the State Police Crime Scene Services. They will be responsible for:

- The types of evidence to be processed;
- Personnel and skills needed to process the scene;
- The need for clothing such as Tyvek outerwear or foot covers to avoid contaminating the crime scene or personnel;
- The need to videotape the crime scene prior to processing;
- Adequate supplies to process, collect and package evidence;
- The need for any special equipment;
- On-site storage of collected evidence; and
- Transportation of evidence from the scene.

CRIME SCENE PROCESSING FUNCTIONS:

In most cases, personnel processing for evidence will need to perform several functions. For smaller scenes, all of the functions may be carried out by one person. For a larger scene, State Police Crime Scene Services will be responsible for the following functions:

- Locate evidence.
- Photograph the evidence in place.
- Document the photo on a photo log.
- Collect the evidence.
- Document the evidence on an evidence collection log.
- Maintain chain of evidence.

D. Crime Scene Processing

VIDEO:

The crime scene primary case officer should consider the need for videotaping the crime scene prior to searching for and processing evidence. Video is available through the State Police Crime Scene Services.

PHOTOGRAPHS:

In most cases, photographs should be taken of the crime scene prior to processing. All photographs will be used taking photographs with a digital camera. In simple cases the investigating officer will take photographs. For all other cases the department will notify the State Police Crime Scene Services.

Photographs should include a wide view of the crime scene showing its spatial relationship to the area's other buildings, markers or terrain features. Several closer photographs, if necessary, should be taken to focus in on the crime scene area.

Photographs of areas of the crime scene itself should be taken to document the overall crime scene.

Photographs of each evidence item should be taken, when possible, prior to the item's being collected or processed. A photograph of each collected evidence item may be taken to document the item. This may be useful as best evidence in the event that the item is returned to the owner.

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. The same camera position, lighting, and camera settings will be used. Alternatively, the dimensions of a fixed object in the scene can be taken to provide a scale of reference.

SUBMISSION OF DIGITAL IMAGES:

Officers shall upload the images to a read-only media. No changes of any kind, including file name changes and image orientation (portrait, landscape), may be made to any file. The images burned on the media must be an exact copy of the images from the camera media.

The CD containing the images shall be logged into evidence. If additional copies are needed, they may be made from the camera media when the master CD is made or from the master CD later. The images shall be uploaded to IMC software.

CRIME SCENE DIAGRAM (SKETCH):

Not all crime scenes require a diagram. In cases where more than a simple sketch is required, the department will notify the State Police Crime Scene Services.

A crime scene diagram may be necessary depending upon the nature of the incident and the evidence recovered from the scene. The crime scene diagram establishes a "map" of the crime scene.

Crime scene diagrams shall contain the following information:

- Incident number;
- Incident date;
- Incident location;
- Name of officer preparing the diagram; and
- An arrow indicating north.

COLLECTION OF ARTICLES OF EVIDENCE:

All articles collected as evidence should be photographed in place prior to being collected, if practical. If multiple articles are collected, an evidence collection log form may be used. The log shall include:

- The incident number;
- The date of collection;
- Location of collection;
- The item number;
- Description of the item;
- The person who collected the item; and
- The person at the scene taking custody of the item.

Each article shall be packaged in a bag, box, or envelope. Large items shall have a tag affixed, and all shall be marked with the information below.

Evidence labels should not be affixed directly to any item, as the label adhesive may damage or alter the item. The label or tag shall include:

- Incident number;
- Location where collected;
- Date of collection;
- Person who collected the item; and
- Item number corresponding to the collection log, if any.

Drug evidence collected shall not be comingled. Drugs found in separate locations shall be collected, packaged, and submitted as separate evidence articles.

Drugs of the same type, found together, may be submitted as one evidence article. (Marijuana in a baggie and a marijuana cigarette are different for the purposes of packaging and submission.)

Drugs of different types or pills of different shape, color or configuration, found together, must be package separately and submitted as separate articles of evidence. The lab must process them separately.

FINGERPRINTS:

Processing Fingerprints will be done by means of the State Police Crime Scene Services Unit.

TRACE AND BODY FLUID EVIDENCE:

Processing Trace and Body Fluid evidence will be done by means of the State Police Crime Scene Services Unit. Whenever possible a comparison sample shall be collected and submitted.

SEIZURE OF FIREARMS:

Firearms seized for safe keeping, such as in the case of a restraining order, shall be unloaded and inspected to ensure that no ammunition remains in the firearm or magazine prior to submission to the evidence officer.

Firearms actions shall be locked open, whenever possible. Detachable magazines shall be removed from firearms whenever possible. Firearms collected as evidence shall be photographed prior to unloading or clearing, whenever possible.

Whenever fingerprint or DNA testing is requested:

- The firearms must be handled with Biohazard Barrier Gloves to avoid contamination.
- The firearms shall be stored separately in an unused container, bag or box.

When the firearm is unloaded, the chamber or cylinder shall be inspected, and the location of live ammunition and/or empty shell casings noted.

Ammunition from the chamber or cylinder shall be packaged separately from ammunition from a magazine, or a magazine containing ammunition.

A magazine removed from a firearm shall be packaged separately from other magazines and identified as such.

Firearms shall only be submitted unloaded as described in the preceding section, "Safe Keeping."

If a firearm must be examined prior to unloading, contact the State Police and request a ballistics to respond and process the firearm prior to submission to the evidence officer.

SEIZURE OF COMPUTER EQUIPMENT:

Only employees trained to do so will attempt to examine any computer system, CPU, floppy disk, zip disk, thumb drive, CD ROM, cell phone, PDA, external drive or like device used to store electronic media for potential evidence contained therein. In all other cases the services of the State Police Crime Scene Services Unit will be utilized.

PRESERVING EVIDENCE IN THE FIELD:

At a scene where evidence cannot be easily removed or packed, the scene will be secured until the property can be properly processed and released. Transfer of custody of the physical evidence while in the field will be documented to maintain the chain of custody.

E. DNA Evidence**FIRST RESPONDER PRECAUTIONS:**

First responders must secure the crime scene. Protect the area from which the DNA sample is to be taken from contamination.

DNA BUCCAL SWAB:

Authorization for Collection

- DNA Buccal swabs will only be conducted by employees trained to do so. In all other cases the department will utilize the State Police Crime Scene Services unit.
- A DNA Buccal swab may be conducted under the consent of the person being tested or pursuant to a court order.
- All consent swabbing must be preceded by the subject's reading, understanding and signing a Voluntary Submission of DNA Sample for Analysis form.

Precautions

- Whenever possible, use a State Police approved collection kit.
- Read the entire instruction sheet prior to collection.
- Do not use a kit if the integrity seal has been broken.
- It is critical to avoid touching the pink/white collection paper, and to avoid allowing the paper to come into contact with another collection paper during the drying and packaging stage.

Collection Procedures

- Remove all components from the kit envelope.
- Fill out all information requested on the front of the DNA collection card.
- Put on Biohazard Barrier Gloves.
- Remove the foam-tipped swab from the sterile package, being careful not to touch the foam tip.
- Place the swab in the subject's mouth, then thoroughly swab between gum line and cheek, both left and right side, using all sides of the swab, and then swab under the subject's tongue, allowing the foam tip to absorb as much saliva as possible.
- Remove the applicator from the subject's mouth.
- Carefully lift the paper cover on the collection card.
- Press, drag and roll the applicator onto the FTA paper. This technique is wiping the skin cells off the swab onto the FTA paper.
- If there is an immediate change from pink to white, continue. If there is little change, swab again and apply swab to FTA paper.
- Discard the applicator.
- Allow the card to air dry for approximately thirty minutes. Be sure to maintain a chain of custody during the drying process.
- Place the dry collection card into the Ziplock bag provided, seal the bag and return the bag to the kit envelope. **NEVER MOISTEN THE ENVELOPE SEAL WITH SALIVA OR WATER.**
- Do not remove the desiccant packet from the Ziplock bag.
- Kits may be ordered from Doe & Ingalls, Medford, MA. 798-391-0090 ext. 208, Kit ordering code: DNA(S.S)-1M.

F. Chain of Custody

TRANSFER OF CUSTODY IN THE FIELD:

A transfer of evidence from one person to another in the field must be documented to ensure the chain of custody is maintained.

In cases where an evidence collection team member collects an item of evidence and submits the evidence to a team member tasked with receiving and documenting collected evidence, a notation on the evidence collection log as to who collected the evidence is sufficient.

In cases where evidence is submitted to a crime scene technician from the crime lab, a written receipt from the person taking custody of the evidence must be obtained.

The submission copy of the state CL-1 form is an adequate receipt. A receipt may be handwritten and contain:

- The date and time of transfer;
- The incident number;
- Name of the person taking custody;
- A description of the item(s) taken; and
- Signature of the person taking custody.

EVIDENCE OFFICER:

The evidence officer shall be responsible for accepting, maintaining, accounting for, and submitting to the appropriate laboratory, evidence collected by officers in the field.

The evidence officer may refuse to accept improperly packaged evidence, or evidence missing proper documentation. Missing evidence items shall be noted, and the evidence officer shall confer with the submitting officer.

Discrepancies that are not resolved shall be reported to the Chief of Police.

SUBMISSION OF EVIDENCE TO EVIDENCE OFFICER:

All evidence items shall be packaged and labeled prior to submission to the evidence room and placed in an evidence locker. Non-perishable items shall be turned over directly to the evidence officer. When the property/evidence officer is not on duty, evidence shall be secured in an evidence locker.

SUBMISSION OF PERISHABLE EVIDENCE:

When an item of evidence may deteriorate if not refrigerated, the evidence shall be submitted to the evidence officer as soon as possible. The evidence officer will store the evidence in secure, refrigerated storage.

When the property/evidence officer is not on duty, evidence shall be secured in the temporary storage refrigerator in the Booking Area.

SUBMISSION OF HAZARDOUS, FLAMMABLE EVIDENCE:

Flammable evidence shall be secured in a sealable metal or glass container. If a large volume of such material is collected, a sample of the material shall be sealed in such a metal or glass container and submitted as evidence. The balance shall be entered as evidence, tagged, and secured in a flammable materials storage locker.

The evidence officer may consult with Fire Department officials and the Chief of Police to make certain that the evidence is stored and processed in a manner that will ensure both safety and the admissibility of the evidence.

SUBMISSION OF EVIDENCE FOR FINGERPRINT PROCESSING:

Officers submitting evidence that they believe may contain fingerprints of evidentiary value must package the item in such a manner as to avoid accidental contamination by handling.

The evidence shall be secured in an evidence locker and the packaging clearly marked "FINGERPRINTS."

The evidence officer shall accept the properly packaged item for submission to a state laboratory.

G. Submission of Evidence to Laboratories**PROPERTY AND EVIDENCE FUNCTION:**

It is the responsibility of the property and evidence function to ensure that evidence items are transported to the appropriate accredited laboratory in a timely manner.

DOCUMENTATION:

Officers submitting evidence for analysis shall complete a State Lab Evidence Submission Form (CL-1) with the evidence when it is submitted to the evidence officer. A copy of the incident report is required for items submitted to the state lab.

If a report is not available, a note from the case officer shall be attached to the submission form advising lab personnel that a copy of the report will be forwarded as soon as it is available. It is the responsibility of the case officer to provide such reports to the evidence officer.

FINGERPRINT EVIDENCE:

The case officer shall provide elimination prints whenever possible in cases where evidence articles or fingerprint lifts are submitted as evidence.

FIREARMS:

Firearms must be submitted to the state lab unloaded and packaged in a box or bag. All firearms must be submitted to the State Police Ballistics Lab, regardless of what tests (ballistic, fingerprints, DNA) are to be conducted.

Firearms submitted for fingerprinting or DNA testing must be so marked prior to submitting.

CHAIN OF CUSTODY:

Activity of all evidence items submitted to or received from labs shall be recorded in the evidence log. State labs provide a receipt for all items submitted or returned.

TRANSPORTATION OF EVIDENCE:

Evidence may be transported by the evidence officer for delivery to a laboratory.

The evidence officer may transfer custody of evidence to another person for transportation. Such person must be a state or local public safety employee and the activity documented to maintain chain of custody.

Evidence transported to laboratories by department employees may be transported in the containers in which it is stored.

Drug evidence may be shipped to state laboratories by Registered U.S. Mail.ⁱ Other evidence items may be shipped to state or federal laboratories by Registered U.S. Mail. Evidence mailed to labs shall be packaged in a sealed box or envelope to maintain the integrity of the evidence in the event that the container opens during shipping. The sealed envelope or box shall be packaged in a mailing container or box for shipping.

H. Reports

OFFICERS' REPORTS:

The officer who processes or supervises the processing of a crime, incident, or collision scene shall submit a detailed report of the investigation as soon as possible. The report shall include:

- The date and time of arrival to the scene;
- The location of the crime;
- The names of the victims, if known;
- The name(s) of the suspect(s), if known;
- The actions taken at the scene, including photographs, measurements, and a listing and disposition of physical evidence recovered;
- The name of the laboratory to which evidence was sent for analysis; and
- The department incident number.

If personnel outside of the department are requested to participate in processing the scene, the officer shall include additional information in the report, such as:

- Date and time of service request;
- The name of the person(s) responding; and
- The disposition of physical evidence, exposed negatives, images, and crime scene measurement information.

LABORATORY RESULTS:

State and federal laboratories shall submit laboratory reports in writing as determined by their policies.

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M.G.L. c. 94C, §47A.