

Truro Police Department

EVIDENCE COLLECTION

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REFERENCE:

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Accreditation Standards: 42.2.1(c), 83.1.1, 83.1.2, 83.2.2, 83.2.3, 83.2.4, 83.2.5, 83.2.6, 83.3.1, 83.3.2

Mass. Gen. Law:

Other:

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 that 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 The Truro Police 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 for potential evidentiary items.

III. PROCEDURES

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

1. The first officer(s) 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 Criminal Investigations and/or Traffic Investigation. 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 the shift commander, [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 shift commander will evaluate the need for special units for search or investigative purposes.

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 shift commander 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. The Truro Police Department does not process, lift, develop and label fingerprints. The crime scene will be processed by an investigator from the Barnstable County Sheriffs Department Bureau of Criminal Investigations. (BCI) (Revised April 8, 2005)
 - a. The Shift Commander shall contact BCI for assistance in processing the scene. (Added November 20, 2008)
 - b. The BCI investigator will be responsible for the protection, collection, recording, and preservation of evidence. (83.2.4)
 - b. Depending upon the severity of the crime and investigation, the Shift Commander shall also be responsible for assuring that the State Police or any other appropriate investigative agency is notified.
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, devices capable of storing data and peripheral equipment shall be seized in the same manner as other evidence. (Revised November 20, 2008)

- 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 crime laboratory for comparison with physical evidence collected. In all cases, the property or evidence will be logged in the evidence application of the computer system, labeled carefully, and turned over to an evidence officer. [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 investigating officer through the shift commander is required to summon the services of specialists (e.g. BCI Investigators, State Police Investigators) when the collection of physical evidence requires greater expertise or special equipment. (Revised April 13, 2009)
- 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 of the scene shall be taken by departmental personnel trained as photographers. If a department photographer is unavailable, a BCI Investigator shall be requested.

- a. If the crime/incident scene is minor in nature, the OIC may instruct an officer to photograph the incident with their issued digital camera. Examples of crime/incident scenes that may be photographed include simple documentation of minor malicious destruction, minor car crashes without criminal action, minor assault and battery cases, etc. Many of these cases require only a few pictures. If an officer does take photographs for simple documentation, he/she will fill out the Truro Police Department photographic log, and submit the completed form and the camera data disk to the Investigator/Prosecutor, or in his absence, the Lieutenant. At this point, a CD of the pictures will be made, labeled and filed, and a replacement camera disk will be obtained. (Revised January 4, 2006)
2. An officer trained as a photographer will be assigned to photograph the crime scene. The entire scene shall be photographed prior to the collection of any evidence. The Photographic log will be utilized to document the scene. This form will be kept in the case folder as a hardcopy. (Rev 02-27-02)
3. In the event a video tape of the scene is required, a BCI Investigator will be requested.
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, disks, digital media and film of incident scenes and/or evidence shall be maintained in the Investigators office clearly marked and filed by the photographer. In all cases, the property or evidence (including photographs) will be logged in the evidence application of the computer system, labeled carefully, and turned over to an evidence officer. (Revised July 1, 2004)

- a. If a BCI Investigator took photographs of the incident or evidence, he/she will take the film and develop the pictures. The pictures will enter into the evidence application, labeled and stored at the Truro Police Department.

D. Sketching the Crime/Incident Scene

1. Because photographs provide only a two-dimensional representation of the crime scene, a sketch may 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 Evidence Officer, upon receipt of evidence, shall submit the evidence for analysis as soon as is practicable. [83.3.2(a)]
- b. Evidence shall be packaged in a uniform manner consistent with the requirements of the receiving laboratory. (See attachment A) [83.3.2(b)]

2. Non-Perishable Evidence:

- a. Non-perishables shall be logged and tagged in accordance with departmental procedures and turned over directly to the Evidence Officer. When the Evidence Officer is not on duty, evidence shall be logged and placed in the lockers located in the hallway. If the evidence is large, locker number 5, located in the hallway downstairs shall be used.

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 state crime 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 report to the Investigator/Prosecutor, who is also an Evidence Officer.
- d. In those cases where immediate transport to the crime laboratory is not possible, items should be preserved using methods described in the Truro Police Evidence Collection handbook.

4. Submission of Hazardous, Flammable Evidence
 - a. Officers shall consult with fire department personnel regarding hazardous materials. The fire department shall have control over all hazardous materials, and shall notify the State Fire Marshall's Office regarding evidentiary and property management issues.
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, and should notify the evidence officer in writing.
 - b. A tag shall be affixed to the outside of any locker containing fingerprint evidence to forewarn the Evidence Officer. The computer generated evidence label shall not be affixed to the property, but shall be placed next to the property before fingerprinting.
 - c. The Evidence Officer will then make arrangements for a member of BCI to fingerprint the item(s).
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. This includes incident reports. [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 investigating officer shall indicate in their incident report the agency and the Investigator who processed the scene. The assisting agency's investigator called to process the scene, collect evidence, photograph, and sketch or otherwise assist the Truro Police in any way shall submit a report to the Truro Police Investigator of his/her activities, including any analysis, lab tests/results or other investigatory action taken. (Revised Feb 1, 2002)
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 incident report.

H. Evidence Inventory and Chain of Custody [83.3.1]

1. After properly packaging and marking all evidence recovered, the 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.
 - e. If a Truro Police Department Evidence Officer is on location, he/she shall complete and maintain an inventory list.
2. The Officer creating said list shall then cause this information to be placed into the evidence application of the in house computer system. Upon entering this information, the computer system will issue a evidence control number, and keep track of any transfers of custody.

3. In addition, this inventory list shall include a transfer record for chain of custody purposes. This information will be entered by the Telecommunicator on duty upon request of the evidence officer, or investigating officer, and shall be printed upon request.
4. 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
 - f. The name and location of the laboratory, synopsis of the event, and examination desired, when transferred to a laboratory not within the department.