



| | | | | |
|---|--|---|---|--|
| Somerville Police Department  | TYPE: GENERAL ORDER | | POLICY NUMBER: 202 | VERSION: 3.00 |
| | Subject: Evidence Collection | | | |
| | Issuing Authority: Charles Femino Chief of Police | | Signature:  Number of Pages: Page 1 of 10 | Effective Date: December 21, 2021 |
| Accreditation Standards (5th Edition) 42.2.1c, 83.1.1, 83.2.1, 83.2.2, 83.2.3, 83.2.4, 83.2.5, 83.2.6, 83.2.7, 83.3.1, 83.3.2 | | <input type="checkbox"/> New <input checked="" type="checkbox"/> Revised <input type="checkbox"/> Amended | | |
| Revision & Reissued Dates: | 9/3/14 | 11/19/15 | | |
| | | | | |
| | | | | |

Table of Contents

| | |
|---|----|
| Purpose..... | 2 |
| Policy | 2 |
| Procedures..... | 2 |
| A. Initial Response to a Crime/Incident Scene [42.2.1(c)]..... | 2 |
| B. Processing Evidence at the Scene [83.2.1] | 3 |
| C. Fingerprints:..... | 4 |
| D. Processing and Collecting Fingerprints [83.2.3]..... | 4 |
| E. Seizure of Computer Equipment:..... | 5 |
| F. Cell phones and other portable electronic equipment..... | 5 |
| G. Collection, Storage, and Transportation of DNA Evidence [83.2.7(b)]..... | 6 |
| H. Collecting from a Known Source: | 7 |
| I. Photographs and/or Sketches:..... | 7 |
| J. Photographing or Video Taping the Crime/Incident Scene [83.2.2] | 7 |
| K. Digital evidence requiring digital storage..... | 8 |
| L. Sketching the Crime/Incident Scene..... | 8 |
| M. Motor Vehicles..... | 8 |
| N. Laboratory Submission..... | 8 |
| O. Non-Perishable Evidence:..... | 9 |
| P. Perishable Evidence:..... | 9 |
| Q. DNA Evidence: [83.2.7(d)]..... | 9 |
| R. Activating a DNA Case [83.2.7(d)] | 9 |
| S. Hazardous/Flammable Evidence: | 10 |
| T. Evidence to be Fingerprinted:..... | 10 |
| U. Documentation:..... | 10 |
| V. Reporting [83.2.6]..... | 10 |
| W. Evidence Inventory and Chain of Custody [83.2.1] | 11 |

Purpose

Physical evidence can be crucial to the prosecution of criminal cases. It is imperative to have an understanding of what is, and what may potentially be, evidence. The identification, collection, and preservation of physical evidence are a critical function of the Somerville Police Department's efforts toward solving crimes. The ultimate success of this effort is closely related to the quality and handling of the physical evidence which is identified, collected, and preserved.

Policy

It is the policy of the Somerville Police Department to:

1. Ensure the admissibility of evidence recovered at a crime/incident scene in court
2. Protect and process the crime/incident scene
3. Properly collect, record, and preserve items recovered of potential evidentiary value
4. Maintain a precise chain of custody (as practicable) for potential evidentiary items

Procedures

A. Initial Response to a Crime/Incident Scene [42.2.1(c)]

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 department policy. Any contamination of the scene can greatly reduce the effectiveness of the department in successfully processing the scene.
 - a. Officers shall ensure that the scene remains undisturbed by refusing access to unauthorized personnel. This includes city officials and police officers not directly involved in the investigation regardless of their rank or position. [83.2.1]
 - b. No one should be allowed without authorization to pick up or place down anything in the crime/incident scene area.
 - c. Items of evidence shall not be handled unless health or safety factors require the immediate security or removal of an item.
 - d. A crime scene personnel log ([Crime Scene Log](#)) will be kept indicating who was on scene and when they arrived and left scene. It shall be the dual responsibility of the officer/personnel arriving and leaving the scene to sign the log. As well as the officer keeping the attendance log.

2. Upon the arrival of a supervisor, he/she will assume command of the scene. The supervisor will ensure that sufficient personnel are available to secure and protect the scene, deny access to unauthorized persons, and preserve evidence.
 - a. The supervisor will evaluate the need for special units for search or investigative purposes, and notify the Shift Commander, who will make the proper staff notifications.

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, or for notifying the department's Crime Scene Specialist.
2. The Chief of Police shall establish a system, either within the department or through outside resources, 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 a detective or by the Crime Scene Specialist. [83.2.1]
 - a. The Detective/Crime Scene Investigator will be responsible for the protection, collection, recording, and preservation of evidence.
 - b. Depending upon the severity of the crime and investigation, he/she shall also be responsible for assuring that the District Attorney's Office or any other appropriate investigative agency is notified.
4. The department has specially trained detective(s) and/or Crime Scene Specialist with the training, equipment, and supplies for securing and processing a crime scene specifically for: [83.2.4]
 - a. Recovering latent fingerprints
 - b. Photographing a crime scene
 - c. Sketching the scene
 - d. Collecting and preserving physical evidence

5. Whenever possible, the Crime Scene Specialist or a detective 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 log 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. [83.2.1]

7. Fingerprints:

The most common form of physical evidence that appears on articles are 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). [83.2.3]

a. Fingerprints shall be lifted, developed, processed, and labeled consistent with officer training. The Crime Scene Specialist, when available, will perform these duties.

b. Latent fingerprint evidence will be obtained at the scene by the investigator assigned to the scene, or the Crime Scene Specialist. If this is not possible, as much of the evidence as possible shall be brought to the station for processing.

c. Processing and Collecting Fingerprints [83.2.3]

(1). Fingerprints may be recovered from surfaces at the crime scene, or portable items may be collected and processed at a police, state, or federal lab.

(2). Fingerprints should be photographed with a size scale, as they appear, prior to any attempt to lift the print.

(3). Ideally, the search for latent fingerprints should be undertaken as follows, whenever practical:

- i. Begin with a visual search of surfaces for fingerprints that can be seen without any other aid
- ii. A light source, if available, may be employed to expose fingerprints, which were not visible without the light source.
- iii. Chemicals
 - a) Porous specimens should be processed with the appropriate chemical for the type of material.

- b) Non-porous specimens should be processed by superglue fuming, if practical.
- d. If multiple prints are to be photographed and/or lifted from a surface, the officer should create a diagram of the surface, indicating the location from which each print is photographed and/or lifted.
- e. Lifted prints should be marked with the incident number and, if necessary, a notation which corresponds to a fingerprint lift diagram. Included is a tape ruler attached to the print.
- f. The fingerprint lifts should be placed in an envelope, bag, or other container marked with the incident number for further processing or storage:
- (1). Collecting Fingerprint Evidence to be processed at a Lab
- i. The item must be collected without damaging existing fingerprints.
 - ii. Gloves should be used and handling kept to a minimum.
 - iii. The item should be placed in a container.

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. Any analysis of other devices capable of storing digital data shall be performed **only** by the Digital Forensic Specialist.
- c. Powered-on computer equipment shall be correctly shut down by an officer only after consultation with the department's Digital Forensic Specialist.
- d. Equipment should be examined **only** by the Digital Forensic Specialist. Improper examination may damage or alter data affecting its admissibility as evidence.
- e. Cell phones and other portable electronic equipment such as tablets shall be placed in a faraday bag as soon as possible.

9. DNA Evidence: [83.2.7]

- a. First Responder Responsibilities [83.2.7(a)]
 - (1). First responders must secure the crime scene.
 - (2). Protect the area from which the DNA sample is to be taken from contamination.
 - (3). Avoid contact of samples.
 - (4). Be careful not to introduce suspect or victim DNA into the collection area to avoid cross contamination.
- b. Training Requirements: The collector shall have completed a MSP DNA Standard Collection Course prior to collecting DNA evidence. [83.2.7(c)]
- c. Collection, Storage, and Transportation of DNA Evidence [83.2.7(b)]
 - (1). Collector shall wear Biohazard Barrier Gloves when processing for DNA and replace gloves between identifying samples.
 - (2). Avoid contact of samples.
 - (3). Be careful not to introduce suspect or victim DNA into the collection area to avoid cross contamination.
 - (4). Lightly moisten cotton swabs with distilled water. Do not over saturate the swabs.
 - (5). Rub the collection area with the swab to transfer the sample matter to the swab. Use a minimal number of swabs (1-6 maximum).
 - (6). Use a separate swab to swab the area around the collection area. This will be a control swab.
 - (7). Allow the swabs to dry for at least thirty minutes. Be sure to maintain the chain of custody during the drying time.
 - (8). Label and package the sample swab separately from the control swab. The two swabs should never come into contact.
 - (9). Place both swabs into an envelope.
 - (10). Seal the envelope with tape, and initial and date the seal. NEVER MOISTEN THE ENVELOPE SEAL WITH SALIVA OR WATER.
 - (11). Transport in the same manner as any non-perishable evidence.

10. Collecting from a 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. [83.3.1]

11. Photographs and/or Sketches:

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.

- 12.** Officers or detectives should summon the services of the department's Crime Scene Specialist, or the State Police crime scene services specialists 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 (digital or conventional) or a video of the scene shall be taken by the Crime Scene Specialist, or if that person is not available, by appropriately trained department personnel. Officers and street supervisors may take photographs of evidence when investigating low level offenses.
- 2.** A Crime Scene Specialist or appropriately trained detective will be assigned to photograph/video the crime scene. The entire scene should be photographed or videotaped before the collection of any physical evidence. [83.2.1]
- 3.** A photographic/video record will be maintained of each scene when video or photographs are taken, noting:
 - a.** The date, time, and location
 - b.** The case/incident number
- 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/videotapes of crime/incident scenes and/or evidence shall be maintained in the appropriate case file.
6. Any digital evidence requiring digital storage shall be uploaded to the department's computer server by the Digital Forensic Specialist.

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
 - 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 before the release of the vehicle to the owner.

F. Laboratory Submission

1. **General Requirements:**

- a. The Evidence Officer, upon receipt of evidence and with the request of the investigating officer, shall submit the evidence for analysis as soon as is practicable. When a doubt exists as to the proper disposition of evidence, the Evidence Officer shall consult with an Crime Scene Specialist 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 evidence shall be 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 stored as per the department policy on Evidence and Property Control.

3. 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 may need to be refrigerated in a secure refrigerator while awaiting transport to the lab. Blood evidence should always be placed and transported in a dry, paper bag. The evidence item should be transported to the laboratory as soon as practicable.
- 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 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. DNA Evidence: [83.2.7(d)]

- a. DNA swabs kits may be stored at room temperature or refrigerated prior to submission.
- b. Follow the department evidence labeling and evidence submission procedures.
- c. DNA samples shall be submitted to the State Police Crime Lab with a copy of the police report.
- d. Activating a DNA Case [83.2.7(d)]

(1). After submission of DNA, the case must be activated in order for lab personnel to process the evidence.

(2). Contact the District Attorney's Office to activate the MSP Crime Lab case.

5. Hazardous/Flammable Evidence:

- a. The Evidence Officer shall consult with Fire Department officials and the Commanding Officer of CID to make certain that the evidence is stored and processed in a manner that will ensure both safety and the admissibility of the evidence.

6. Evidence to be Fingerprinted:

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

7. Documentation:

- a. Officers submitting evidence for analysis shall specify in their report what is to be analyzed and what analysis is requested.
- b. Documents including the incident report, chain of custody and laboratory examination request 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 and signed by the analyst. [83.3.2(e)]

G. Reporting [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 practicable. 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 incident number/case number
 - f. The actions taken at the scene, including photographs, measurements, and a listing and disposition of physical evidence recovered
 - g. The name of the laboratory to which evidence was sent for analysis
 - h. The detective or investigating officer shall document the laboratory analysis results by filing a supplemental report and adding the results as an attachment to the case.
2. In the event photographs are not taken, or physical evidence is not obtained at a serious crime scene, the reasons for this will be noted in the crime/incident scene investigation report.

H. Evidence Inventory and Chain of Custody [83.2.1]

1. After properly packaging and marking all evidence recovered, the person recovering the evidence 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)
 - b. The source (from whom or from which location items were obtained)
 - c. The name of the person collecting the item(s)
 - 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 reason, 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
 - d. The name and location of the laboratory, synopsis of the event, and examination desired.