

	<b>PALACIOS POLICE DEPARTMENT</b>	
	<b>Policy 7.41 Crime Scene Processing</b>	
	<b>Effective Date: 1/04/2021</b>	<b>Replaces: 02/07/2006</b>
	<b>Approved:</b> <i>Milton Rivera</i> <b>Milton Rivera, Chief of Police</b>	
	<b>Reference: TBP: 12.02</b>	

## I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories often provide the key to a successful investigation and prosecution. Through evidence located at the scene, a list of suspects might be developed or suspects may be eliminated. Investigative leads can be established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene, being sure not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes, and forms, thereby necessitating various recovery, preservation, and submission techniques. The investigating officer shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

## II. PURPOSE

The purpose of this policy is to establish responsibilities for officers who are investigating crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

## III. DEFINITIONS

- A. Chain of custody: The chain of custody is the series of documented links between the time the evidence was obtained and the time it is presented in court. The links are documented by officers who handle the evidence, showing where and when they did so.
- B. Exclusionary rule: A rule of law that states that evidence seized or discovered in violation of the suspect's fourth, fifth, and sixth amendment rights cannot be admitted in court.

- C. Evidence: Any substance or material found or recovered in connection with a criminal investigation.
- D. Evidence custodian: The employee designated by the Chief of Police to have administrative oversight of all found or confiscated property that comes into departmental possession.

#### **IV. PROCEDURES. General crime scene processing**

- A. Depending on the nature of the crime and the type of evidence present, patrol officers will normally collect and submit physical evidence to the extent they have been trained and have the equipment to do so. Normally patrol officers will collect and submit evidence on misdemeanor offenses and some felony offenses where document or video evidence is the only physical evidence present.
- B. Patrol officers will contact CID when the offense is a felony, any sex crime, child abuse, or where photographs are needed, or where the evidence present is beyond the capabilities of the officer's training or equipment.
- C. The officer/investigator who is called to a crime scene shall make a determination of the equipment needed for processing. The department maintains a complete evidence-collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints or tire tracks, for example).
- D. The property and evidence form shall be used to document all property and evidence coming into custody of the department.
- E. Officers and investigators shall use the following general order of processing a crime scene unless reason dictates otherwise.
  - 1. Before moving objects or collecting evidence at major crime scenes (except when it is necessary to help a victim, apply first aid, or handle a suspect), officers will photograph the scene. Photographs should start at the edge of the property and progress into the scene as needed to show the scene and its relationship to the evidence present. Close-up photographs of each piece of evidence will be taken with and without a measuring device in the picture.
  - 2. At major crime scenes, officers will also prepare a sketch of the scene. Sketches of any crime scene will be done if it will show relationships or locations of where evidence is collected.
  - 3. Before collecting any item of evidence, measurements using triangulation or the coordinate method should be taken and recorded.
  - 4. Perishable evidence should be collected first. Perishable evidence -- such as fresh blood, blood-stained objects, physiological stains and tissue or

- biological material -- shall be collected with the advice of CID who shall arrange to submit the material to a lab.
5. If the immediate destruction of evidence is not a concern, the investigating officer should work through the scene systematically, collecting in a logical sequence and trying to avoid disrupting other items of evidence.
  6. The officer should collect comparison samples, since the forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items as hairs, fibers, paint, glass, soil, and tool marks.
  7. Once perishable and other evidence has been collected, fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on an object, the evidence shall be processed for prints at the scene.
  8. Taking overall measurements -- that is wall, room, and building measurements -- is one of the last operations to be performed in processing the crime scene. The overall measurements are vital for the production of the final crime-scene sketch but must be obtained last so as not to damage or destroy items of evidence.
  9. One or more officers should conduct a final organized search in case evidence has been overlooked. If possible the final search should be conducted by officers who have not participated in processing the scene.
  10. The officer processing the crime scene shall enter each item collected on the evidence recovery log. The following information that should be recorded for each item:
    - a. A complete description of the item (including make, model, and serial numbers, if any);
    - b. The source (from whom and/or the location from which the item was obtained);
    - c. The name of the person collecting the item.
  11. The officer/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in a supplement to the offense/incident report.
  12. All evidence shall be properly and prominently tagged or otherwise identified.
  13. The recovering officer shall complete a chain-of-custody form for the property custodian.
  14. Officers shall observe legal principles regarding the use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in observing these safeguards, the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

## **V. PROCEDURES. Evidence and property control**

#### A. Collection of evidence

1. When collecting evidence, the officer shall use tongs or tweezers where possible. The officer shall avoid touching the evidence with his hands or anything that might contaminate the item.
2. Officers shall wear latex gloves while processing any crime scene. When collecting tissue or bodily fluid evidence, officers shall put on a new set of gloves after collecting each separate evidentiary item, and discard the used gloves.
3. In collecting evidence, officers shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Further, some evidence may consist of hazardous chemicals, waste products, explosives, or highly combustible materials. The evidence custodian in consultation with an evidence technician shall decide the best disposition of such items.
4. The investigating officer should not unload a firearm at the crime scene. The evidence technician shall unload the weapon after he/she has examined the weapon in the exact condition it was found in.

#### B. Tagging evidence

1. Officers will tag evidence in a manner consistent with their training and by following the guidance and recommendations of local prosecutorial staff.
2. Officers will document the items recovered at a crime scene both in the property section and the narrative section of the offense report.
3. Officers tagging evidence will use the current system established by the police department for the chain of custody and the actual evidence description.
4. Officers and other police personnel collecting and tagging evidence are expected to be able to readily testify in court regarding their exact involvement in the collection, tagging, and submission of all evidence seized.

#### C. Packaging items of evidence

1. The officer who collects the evidence shall choose a container suitable for the type of evidence being packaged, and each piece of evidence should have its own container.
2. The exterior of the package should be labeled before the evidence is placed inside.
3. The officer should select a container that is appropriate for the size and weight of the item. He/she should give special consideration to moist or wet items, which could rot, rust, or otherwise deteriorate if packaged in plastic or an airtight container for an extended time.
4. The item should be packed in such a way as to minimize movement inside the container.

D. Special circumstances

1. Weapons

- a. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
- b. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage. See V, A, IV above.)
- c. The recovering officer or investigator shall check all confiscated or found weapons against NCIC/TCIC files.

2. Drugs and narcotics. See Policy 12.1.

3. Alcohol. NOTE: The only alcoholic beverages that are considered contraband are those seized from underage persons whose possession is, in itself, illegal.

- a. All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
- b. If not destroyed at the scene on video, the contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings.
- c. Alcoholic beverages seized or recovered that are not contraband or evidence shall be returned to the owner.

E. Preservation and submission of evidence to the forensic laboratory

1. Under normal circumstances, the officer or investigator who processed the crime scene is responsible for submitting evidence to the forensic laboratory.
2. Where more than one officer processed the scene, the on-duty supervisor shall choose an officer to take custody of all collected evidence and submit it to the laboratory for analysis.

F. Preservation of perishable or deteriorating items

1. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood-soaked shirt), it shall be transported to the forensic laboratory the same day, if at all possible.
2. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so someone with authority to receive it will be available.
3. In cases where immediate transport to the forensic lab is not possible, it should be air dried for no more than one week and transported to the lab as soon as possible.
4. Where appropriate, submit known specimens of evidence so that comparisons can be made. The investigating officer shall be responsible for obtaining any required known specimens and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.