

Germantown Police Department

Policies and Procedures

Number: 4-1
Effective Date: January 1, 2003
Subject: Evidence – Collection and Preservation
Previous Revisions:

I. PURPOSE

The purpose of this policy is to establish procedures and guidelines for the collection and preservation of evidence, which is obtained at crime scenes and other locations.

II. POLICY

It is the policy of the Germantown Police Department that evidence collected at crime scenes be gathered in a systematic and through manner, as to protect against destruction and to preserve for courtroom presentation.

III. DEFINITIONS

Crime Scene Processing: The specific actions taken at an accident, crime, or incident scenes, consisting of the taking of photographs, preparing sketches, and the collection and preservation of physical evidence.

Crime Scene: The location where a crime, incident, or accident has occurred or where the indication of a crime, incident, or accident exists.

IV. PROCEDURE

- A. While it is the duty of all officers of this Department to collect and preserve evidence and property, for efficient operations, it is necessary that the various tasks of crime scene evidence collection and preservation be divided among the various divisions/units of the Department.
 1. Generally, the investigators of the Investigative Division shall have the overall responsibility to act as crime scene processors or crime scene specialists. Additionally, officers with special talents, skill, and training, not assigned to the Investigative Division, may also act as crime scene processors/ specialists. Depending upon the type and severity of a crime or incident, special crime scene processing may or may not be required.

- a. Patrol officers shall be responsible for crime scene processing at the scene of minor crimes, such as misdemeanors, minor felonies, and accidents wherein there are small amounts of evidence to be collected or preserved, or when collection is simple in nature. (Example: traffic accidents, simple assault, auto burglary, vandalism).
 - b. Investigators shall be responsible for crime scene processing at the scene of major crimes, or where there are large amounts of evidence, or collection is complex in nature. (Example: homicide, felony assault, major burglaries, rape, robbery).
 - c. At crime scenes where it is not apparent which processor (patrol or investigator) should carry out processing, consultation between patrol officers, their supervisor, and/or investigators should be made to determine direction. Final determination rests with the Lieutenant or Captain.
 - d. When it is recognized that crime scenes require investigators or other specialists, they shall be summoned by contacting Communications. Wherein there are no on duty investigators or specialists, the patrol supervisor must authorize their call out.
 - e. Investigators may utilize other officers and specialists to assist in crime scene processing. Officers providing such assistance shall follow all instructions and directions given by investigators.
2. The patrol supervisor shall remain in charge of the crime scene until relieved of that responsibility by Investigative Division officers or supervisors.

B. Crime Scene Responsibility:

1. The first officer to arrive at the scene of a crime shall be responsible for securing and protecting the scene until relieved of those duties by a supervisor or the crime scene processor. His/her duties shall include:
 - a. Limiting access to the scene.
 - b. Recording names of those that enter scene.
 - c. Preventing disturbance or destruction of evidence.
 - d. Collection and preservation of any evidence in immediate danger of being destroyed, lost, or stolen.

2. Whether crime scene processing is to be accomplished by patrol officers, investigators, or other specialists, the duties and responsibilities of all crime scene processors, when applicable, shall be:
 - a. Securing and protecting the scene.
 - b. Documenting all entries of persons into the scene.
 - c. Photographing, diagramming, and sketching the scene.
 - d. Protecting, collecting, and preserving the evidence.
 - e. Delivering evidence to storage.

C. Availability - Crime Scene Processors:

1. Proper investigation and prosecution of criminal cases requires that evidence be collected promptly and preserved properly.

It shall be the policy of this Department to have qualified crime scene processors available on a 24-hour-a-day basis. Crime scene processing that cannot be accomplished by on duty patrol officers shall be referred to the on duty investigators or those "on call." Note: Notification shall be within one hour.

2. Members of this Department who act as crime scene processors shall respond to crime scenes as soon as possible. Generally response time should be within one hour of notification. In such cases where the crime scene processor is unable to respond within one hour, he/she shall give directions regarding action to be taken to on scene personnel through the use of phones, radio, or messages.
3. In special cases, wherein the crime scene may require unusual or complex evidence collection or examination procedures, crime scene processors should consult or summon specialists from other agencies such as medical examiners, state and federal crime lab technicians, or other specially trained persons that have the knowledge and skill required for special situations.

D. Processing Crime Scenes:

1. When processing (collecting) physical evidence in the field, methods shall be used that will preserve its condition, prevent introduction of foreign material, and ensure as complete a sample as possible and practical. Some types of physical evidence require special handling to ensure admissibility in

court or proper exam in a laboratory. All Investigative Division personnel will have available a manual to aid them in the proper methods of collecting and preserving evidence. Those guidelines shall include methods for handling:

- a. Wet or bloody clothing/fabric items.
 - b. Blood or other body fluids.
 - c. Fingerprints or tool marks.
 - d. Other special care and handling items.
2. Investigative Division investigators shall be equipped with equipment and supplies needed for the processing of crime scenes. The Investigative Division commander shall maintain a list of items required for each investigator. The list shall include, at a minimum, the following equipment and supplies:
- a. Fingerprint kits.
 - b. Sketch and note pads/materials.
 - c. Tape measure.
 - d. Small set of tools.
 - e. Paper and plastic evidence containers.
 - f. Labels/tape.
 - g. Flashlight.
 - h. Evidence collection and preservation guidelines.

Due to sensitivity to changing weather conditions and available supply, photography equipment and other special evidence collection kits and supplies will be maintained in the Investigative Division storage areas. Crime scene processors may check them out daily or as needed for crime scene processing.

3. Depending on the type and severity of a crime, crime scenes, especially those involving serious felonies, should be sketched prior to actual collecting and packaging of evidence. When sketches are necessary, they shall include the following:

- a. Dimensions.
- b. Relation of crime scene to other buildings, rooms, geographical features, or roads.
- c. Address, floor, or room number.
- d. Location of significant features of the scene, including victim.
- e. Date and time of preparation.
- f. Name of person preparing sketch.
- g. Direction of north.
- h. Location of items of physical evidence recovered.

Sketches should contain enough information to allow for conversion to scale drawings at a later date. Original sketches and drawings shall be maintained as a part of the case file.

4. Depending on the type and severity of a crime, crime scenes, especially those involving serious felonies, should be photographed prior to actual collection and packaging of evidence. When photographs are taken, the following procedures should be followed:
 - a. The overall scene, including the exterior of buildings, should be photographed.
 - b. Photographs should be taken without/with scale at discretion of investigating officer. Serious crimes will be photographed to scale, such as homicide, rape, robbery, etc.
 - c. Items to be collected should be photographed in both close and long range to show relationship to other objects.
 - d. Items that could be altered or destroyed during collection should be photographed.
 - e. When dimensions of an object must be included in the photograph, the item should be photographed with and without a scale in view.
 - f. Serious crimes shall be video taped using a camcorder by Investigative Division personnel.

5. In order for evidence to be accepted by courts, as well as facilitating the management, control, and identification of physical evidence, the marking, tagging, or otherwise labeling of all evidence is required. All physical evidence collected, seized, or received shall be marked, tagged, or labeled for identification at the time of collection. Items that cannot be labeled or marked due to size, texture, etc., should be packaged or placed in containers that can be labeled or marked. Items that should be protected from damage or contamination should likewise be placed in packages or containers. Tags, markings, or labels should include the following information:
 - a. Date and time of collection.
 - b. Collecting officer's name, signature, or initials.
 - c. Subject/location from where collected.
 - d. Charges placed.
 - e. Case or incident number.
 - f. Item description.
6. Crime scene processors shall prepare a list for the case file of evidence collected. The list shall include:
 - a. Description of evidence (size, make, model, color, serial number, etc.).
 - b. Source from which item was obtained.
 - c. Name of collecting officer.
7. The crime scene processor shall prepare a report relating his/her activities and findings in regard to evidence collected. The report, which will be made a part of the case file, will include:
 - a. Date and time of arrival at the scene.
 - b. Location of the crime.
 - c. Name of victims, if known.
 - d. Name of suspect, if known.
 - e. Action taken at the scene (photographs, measurements, list of evidence, etc.)

- f. Case file or incident number.
 - g. Disposition of evidence.
 - h. Investigating officer.
8. When, at the scene of a serious crime or incident, photographs are not taken or physical evidence is not collected, the investigator shall prepare a report stating the reason why. Such report shall be kept in the case file and may be included as part of the offense report.
9. When photographs or videotapes are taken of evidence, crime scenes, or other incidents, the following information shall be recorded on the file envelope, cassettes, or on a supplement report:
- a. Date and time.
 - b. Incident/case number.
 - c. Location.
 - d. Requesting officer's name.
 - e. Photographer's name.
 - f. Subject of photographs.
10. Officers transferring the custody of evidence in his/her control shall make a record of such transfers. The record shall include:
- a. Date and time of transfer.
 - b. Receiving person's name and title.
 - c. Reason for transfer.
 - d. Destination.

Preliminary transfer records may be accomplished by notation on labels and containers. However, upon being submitted to the Property Room Custodian, such record will be made on the Property Receipt Form.

11. When perishable evidence such as fresh blood, blood stained objects, physiological stains and tissue, and biological materials are collected as evidence, the investigating officer will contact the Property Room Custodian

for storage as soon as possible. In the event the Property Room Custodian is unavailable, the on call evidence custodian will be contacted by Communications.

E. Processing Stolen Vehicles:

1. Generally stolen vehicles reported to the Germantown Police Department and either recovered by this Department or by other agencies in the local area should be processed for fingerprints or other items of evidentiary value. Agencies outside the local area that recover stolen vehicles should be requested to likewise examine the vehicle. In cases where the stolen vehicle was used in a major crime, and the vehicle is recovered outside the local area, Germantown Police crime scene processors may be required to travel to that location to process the vehicle.
2. Stolen vehicles reported to other agencies but recovered by officers of the Germantown Police Department may be processed for fingerprints or other items of evidentiary value upon request by the other agency.
3. Processing recovered stolen vehicles for evidence is generally the responsibility of investigators. Patrol officers may process recovered vehicles where if it is apparent that only minimal evidence can be collected or the patrol officer has the necessary skill and knowledge to take fingerprints, photographs, etc., as well as available time.
4. Regardless of whether the recovered stolen vehicle was reported to the Germantown Police Department or to another agency, proper reports shall be made by the initial investigating officer.

An Offense Report shall be completed for those vehicles reported stolen to the Germantown Police Department.

5. Officers that conduct initial investigations of a recovered stolen vehicle shall make the following notifications:
 - a. Department Investigators.
 - b. The agency originating the stolen report.

NCIC type notification may serve this purpose.
 - c. The vehicle owner.

Notification of the owner of vehicles reported to agencies other than the Germantown Police Department shall be the responsibility of that agency.

- d. Other appropriate agents or individuals.

All notifications made will be noted in the Offense Report and/or Offense Supplement Report. The Investigative Division commander or his/her designee shall review such reports to confirm proper notifications were made.

- 6. Vehicles should be processed for evidence at the recovery location; however, weather, light conditions, and availability of crime scene processors may dictate the need for impoundment. Impoundment locations may include the Department parking lot, the Police Department garage, or at a private towing/storage area.
- 7. Recovered stolen vehicles shall be safeguarded until such time as the vehicle can be processed for evidence and/or released to its owner. Safeguarding may be accomplished by guarding the vehicle until the owner arrives or by impounding the vehicle and having it towed by a contract towing service to their lot, where it will be held until released by the investigating officer.
- 8. Safeguarded or impounded vehicles may be released after the following conditions are met:
 - a. All evidence processing is complete and the vehicle is not held for seizure or other evidentiary purposes.
 - b. The owner has paid all private towing and storage costs.

F. Handling Cases Involving Fraudulent Prescriptions:

- 1. Suspect Not on Scene:

On calls regarding fraudulent prescriptions where the suspect is not on the scene, officers should obtain as much information as possible (suspect description, vehicle, pharmacist, doctor, witness) and submit a complete offense report. The prescription should be handled as little as possible, preferably by placing it in an envelope before leaving the pharmacy. If the fraudulent prescription has been filled, and the pharmacist is reluctant to release the prescription due to record keeping procedures, leave the prescription with the pharmacist and include this information in the report. Complete a property supplement and a cover sheet with the appropriate blocks completed with the offense report.

2. Suspect is Arrested:

If the suspect is arrested for passing or attempting to pass a fraudulent prescription, they are to be straight charged with an Affidavit of Complaint and Bond Recommendation. (Use Tenn. Code Ann. 53-11-402, Obtain or Attempt to Obtain Controlled Substance by FRD/DEC/FORG Prescription, or Tenn. Code Ann. 53-10-104, Obt/Attempt to Obtain Legend Drug by Fraud).

G. Evidence Involving Assaults On Police Officers:

1. When an officer is the victim of an attack, which results in personal injury or damage to police equipment, a supervisory officer should ensure that photographs of the injured officer and/or the equipment are taken. This will assist the prosecutor in later defending the officer if civil action arises. This includes the officer's damaged or torn clothing, leather goods, eyeglasses, etc.
2. Officers are to immediately notify a supervisor any time a resisting arrest situation occurs.

H. Submitting Evidence to Lab:

1. All evidence will be forwarded to the respective lab as soon as possible to prevent any loss of evidentiary value.
 - a. The decision to submit items of evidence to a full service lab is based primarily on the nature of the incident. It must be criminal in nature with prosecution pending.
 - b. The investigating officer and the Investigative Division will make final decisions regarding the submitting.
2. Evidence that cannot be submitted because of a lack of comparison standards will be properly packaged and stored in the Property Room until comparison samples are obtained.
3. Any delay in submitting evidence shall be documented by the investigating officer in memo form. A copy of this memo will be placed in the case file and a copy sent to the Property Room Custodian.

I. Training:

1. Basic police recruit training, either as a part of police academy training or Department training, shall include training in crime and accident scene processing. Such training shall include:

- a. Potential results and limitations of the examination of physical evidence.
 - b. The role and function of the investigator, the patrol officer and crime scene processor/specialist.
 - c. Collection methods and procedures regarding fingerprints, footprints, blood, fibers and fabrics, weapons, hairs, paint, glass, tool marks, and the requirements for collection of materials from a known source for comparison purposes.
 - d. Preservation methods for various forms of evidence.
 - e. Maintenance of the chain of evidence, marking, custody, and records.
 - f. Crime and accident scene sketches.
 - g. Crime and accident scene photographs.
 - h. Crime and accident scene records.
2. Investigators and other officers that act as crime scene processors shall receive sufficient training to ensure development of skills in the following areas:
- a. Recovery of latent fingerprints and palm prints.
 - b. Recovery of foot, tool, and tire impressions.
 - c. Photographing crime and accident scenes.
 - d. Preparing crime and accident scene sketches.
 - e. Collecting, preserving, and transmitting physical evidence, including biological materials.
3. Investigators and other officers that act as crime scene processors shall receive refresher training annually. Such training shall include and should be designed to update the knowledge of crime scene processors concerning laboratory capabilities, new equipment, and examination techniques, as well as collection methods.

V. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.